

PEACE IN PROGRESS

No 38 - MAY 2020

Where are the
missing? Truth
and justice as a
requisite for
peace

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INTRODUCTION

Where are the missing? Truth and justice for the consolidation of peace

ICIP

International Catalan Institute for Peace

As a peacebuilding institution, ICIP has repeatedly dealt with realities associated with the phenomenon of enforced and involuntary disappearances, particularly in countries such as Mexico or Colombia. Considered one of the most serious human rights violations, enforced disappearance poses a huge challenge to peacebuilding processes, both in contexts of post-conflict transitions and in areas with high levels of state and criminal violence. In these contexts the need for truth, justice and reparation are essential conditions for coexistence and reconciliation. This process also provides guarantees that the population can live with the certainty that such events will not take place again in the future.

The number of enforced disappearances around the world is appalling. It is estimated that more than 60,000 people have disappeared in Mexico between 2006 and 2019¹; over 80,000 in Syria since 2011; between 60,000 and 100,000 in Sri Lanka from the late 1980s to 2009; about 30,000 during the Videla dictatorship in Argentina²; and, in Spain, it is estimated that about 114,000 people disappeared during the Civil War and the Franco regime³.

Behind all these figures and other realities beyond this dismal tally, there are people with a name and a story, families with the painful anguish of not knowing if their loved ones are dead or alive, if they are cold or hungry, if some day they will return, or where they have been buried. Beyond individual suffering, the practice of enforced disappearance imposes fear and mistrust among communities and, in many cases, it even distorts or erodes the social fabric. It goes without saying that a social pact based

on states as guarantors and promoters of human rights is drastically altered when a government resorts to enforced disappearance or fails to take appropriate measures to search for the missing.

“ Considered one of the most serious human rights violations, enforced disappearance poses a huge challenge to peacebuilding processes ”

There are, nonetheless, numerous cases of resistance to this practice; initiatives by families and groups calling for truth, justice, reparation and guarantees of non-recurrence. This often involves starting off on a path with little or no state support; a path where one encounters silence, pain and loneliness, but also the company of other family members in the same situation.

Families, and women in particular, who, faced with the psychosocial impact and breakdown of the social fabric resulting from disappearances, decide to join forces to find their relatives and also to discover the truth about what happened and to prevent any repetition in the future. By so doing they become fundamental agents for coexistence, memory and reconciliation. In many occasions, such processes result in personal and collective empowerment.

ICIP wanted to acknowledge the relevance of one of these experiences by granting the Peace in Progress Award 2019 to the Coalition of Families of the Disappeared in Algeria (Collectif des Familles de Disparu(e)s en Algérie, CFDA). This award aims at recognizing their work to clarify the enforced disappearances committed during the 1990s Civil War in this North African country, as well as their struggle to achieve a peaceful and democratic transition with the establishment of a process for truth, justice and reparation and the full observance of fundamental human rights and freedoms.

ICIP has published this monograph with the purpose of offering elements of reflection and awareness about enforced and involuntary disappearances in different contexts, as well as giving visibility to the struggle for truth, justice and reparation of many groups

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of relatives of the disappeared. An effort has been made to understand enforced disappearances from a people-centered perspective aimed at contributing to the building of peaceful societies. The intention is to look beyond mere legal aspects of disappearances and instead emphasize the impact on people's lives and subsequent accountability.

“ The number of enforced disappearances around the world is appalling. More than 60,000 people have disappeared in Mexico between 2006 and 2019, and over 80,000 in Syria since 2011 ”

Historically, the profile of a forcefully disappeared person has been closely linked to that of a political dissident kidnapped and killed by an oppressive regime. However, reality shows that people also disappear in much more diverse circumstances: from the *false positives* in Colombia to the women and children who disappear in sexual exploitation networks; or from the disappearances associated with the war on drugs and the violence of organized crime, to the disappearance of people on migratory routes. In consonance with a recent report by the United Nations Working Group on Enforced and Involuntary Disappearances⁴, ICIP has considered it appropriate to focus on the latter. It is indeed a reality that is occurring just a few kilometers away from our country and is not unrelated to European immigration policies; policies that undermine the very values on which liberal democracies were built and the European Union itself.

There are bodies at the bottom of the Mediterranean or in graves along desert routes. The chances of finding them, or of migrants regaining their freedom after they have been abducted or deprived of liberty for political or human-trafficking reasons, fade away due to a lack of cooperation and action by the authorities in establishing judicial and forensic mechanisms for the investigation, support and reparation of the victims.

**“ In this monograph, the ICIP has made an effort
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”**

In the meantime, families keep waiting in their countries of origin without any news, trying to shed light on the facts from afar and demanding truth and justice.

In light of this broad scope, the monograph begins with an article by researcher Elisenda Calvet. Calvet offers a general outlook on enforced disappearances and how they are connected to processes of transition to peace and transitional justice. The way cases of enforced disappearances are managed is crucial for the success of such contexts.

In the next article, the renowned human rights advocate Theo van Boven highlights the importance of breaking with states' denial of enforced disappearance, as was the case during the Argentine dictatorship. Van Boven argues that countering states' denial is key to the trilogy of justice, where victims are at the center: the right to know, to redress and to reparation.

In the third article, Marije Hristova deals with the particular case of Spain, as an example where the struggle for historical memory has resurfaced among the generations that came of age after the violence. Relatives of the disappeared have played, and continue to play, a crucial role in the search for mass graves and the identification of bodies decades after their enforced disappearances were committed.

“ Beyond individual suffering, the enforced disappearance imposes fear and mistrust among communities and it distorts or erodes the social fabric ”

In her article, Karla Salazar elaborates on the concept of human resilience. She insists that accompanying relatives of the missing is extremely important to strengthen their capacity of resilience in the face of a loss that is as ambiguous as distressing.

These impacts also need to be analyzed from a gender perspective. In the case of Syria, where most of the disappeared are men, Anna Fleischer tells us about experiences where women carry out tireless research, often joining forces with families of other victims of disappearance, which at the same time contributes to the strengthening of the social fabric and their own empowerment.

In light of these processes of healing and rebuilding the social fabric, Alejandro Valderrama recounts in his article experiences from Colombia in which art and culture have played a facilitating role. These events have also built collective memory through life experiences and individual pains, and brought personal ordeals to the public arena.

“ This monograph was inspired by all the people who have come together, despite the dangers they face, to look for those that others have wanted to cast into oblivion ”

Finally, the last two articles exemplify causes and impacts of enforced disappearances within the framework of migratory processes. Corina Turlbure and Wael Garnaoui highlights the relationship between European migration policies and cases of enforced

disappearance in the Mediterranean. Karlos Zurutuza illustrates the case of Libya, where the combination of a migratory route, the lack of a state structure and the presence of hundreds of armed groups is fertile ground for a great number of human rights violations, including enforced disappearance. Under these circumstances, investigating cases of disappearance, providing reparation to victims and guaranteeing non-recurrence of the crimes presents extraordinary challenges.

Complementing these articles, this issue includes an interview with four women who are relatives of missing persons. These women, from different backgrounds and life experiences, promote the search for their loved ones and the truth about what happened through social and political action. They are Nassera Dutour, from Algeria; Gladys Ávila, a Colombian residing in Sweden; Yolanda Morán, from Mexico, and Edita Maldonado, from Honduras.

Lastly, this issue includes a series of recommendations of books, articles and videos for those interested in enhancing their knowledge about enforced and involuntary disappearance.

1. According to a report by the Mexican government, as of 31 December 2019, there were 61,637 people “disappeared or not found” in the country.

2. Amnesty International: “Enforced Disappearances” (last visit 21/04/2020).

3. Working Group on Enforced or Involuntary Disappearances of the United Nations: Report of visit to Spain in 2013.

4. Working Group on Enforced or Involuntary Disappearances of the United Nations: Report 2017.

Photography Memorial ceremony of the fifth anniversary of the forced disappearance of 43 students from Ayotzinapa, in Mexico, during the I International Forum on Peacebuilding in Mexico, organized by the ICIP, Serapaz and Taula per Mèxic in September 2019, Barcelona.

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The phenomenon of enforced disappearances in transitions to peace

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In processes of transition to peace, states must face up to the atrocities of the past through truth, justice, reparation and guarantees of non-repetition. When hostilities end, the issue of disappeared persons is sometimes included in peace agreements, and if the number of disappeared is high, the authorities of the conflicting parties may create an organ to exchange information on the fate and whereabouts of these persons, and search for their remains in the event of death. One example is the 1996 Dayton Agreement, through which the International Commission on Missing Persons was established to find the nearly 40,000 people who disappeared in the context of the Balkan armed conflict between 1991 and 1995. In Nepal, where there were about 1,300 disappearances, the Commission of Investigation on Enforced Disappeared Persons was set up a decade after the 2006 Peace Agreements between the government and the Maoist forces. More recently, the 2016 Havana Agreements between the Colombian government and the FARC led to the creation of the Search Unit for Missing Persons, in order to coordinate and contribute to humanitarian actions in the search for and the localisation of disappeared persons, in a broad sense, within the context of and due to the armed conflict.

Enforced disappearances may be part of ethnic cleansing policy, genocide, war crimes or crimes against humanity, but today, this phenomenon also occurs in the context of the migrations that are taking place around the world. In situations of armed conflict, when enforced disappearances have taken place in the context of massacres or deliberate attacks on civilians, state authorities may have no interest in responding to their families about their fate or whereabouts, either because they did not take appropriate measures to stop the attacks or to avoid recognising their own

responsibility for such crimes. Thus, in the post-conflict scenario, enforced disappearances must not only be treated as a humanitarian issue, which requires urgent solutions, but also the perpetrators of such crimes must be held accountable in order to avoid impunity.

“ Forced disappearances must not only be treated as a humanitarian issue, which requires urgent solutions, the perpetrators of such crimes must be held to account ”

The enforced disappearance of persons is a multiple and ongoing human rights violation, which can occur both in contexts of humanitarian crises and of armed conflicts, dictatorial regimes or situations of extreme violence. It begins with a deprivation of liberty, carried out by agents of the state or by other persons with their authorisation or acquiescence, followed by denial or concealment about the fate or whereabouts of the disappeared person. While enforced disappearances may be carried out by non-state actors, such as organised crime or armed or paramilitary groups, the definition included in the International Convention for the Protection of All Persons from Enforced Disappearance (International Convention), adopted by the United Nations General Assembly on 20 December 2006, only recognises as enforced disappearances those that directly or indirectly involve the state.

The phenomenon of enforced disappearances is a practice that has been carried out in all regions of the world and is currently occurring in countries such as Syria, Mexico or North Korea. In Europe, during the Second World War, Hitler adopted the *Nacht und Nebel* (Night and Fog) decree, under which those persons detained could not have any contact with the outside nor be visited by their families; they were thus “disappeared” into different concentration camps, with the subsequent anguish and suffering on the part of their relatives. Apart from the Balkans, mentioned above, in Europe there have also been enforced disappearances in Cyprus, the Russian Federation, Turkey, Ukraine and in Spain during the Civil War and the Franco dictatorship. The secret detentions and

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“extraordinary renditions” carried out by the USA within the “war on terror”, with the complicity of European countries, also constitute enforced disappearances. In Asia, there have been disappearances in Nepal, Sri Lanka, Japan or Thailand, to name but a few. In Africa, this phenomenon has occurred in Morocco, Algeria, Libya, Sudan, Uganda, Egypt and Senegal, among others. Finally, the region best known for practicing enforced disappearances is Latin America, where few states have remained free of this problem. We could highlight Mexico, Argentina, Brazil, Chile, Colombia, Peru, Guatemala, Honduras, El Salvador and Uruguay. Since its inception in 1980, the UN Working Group on Enforced or Involuntary Disappearances has received more than 55,000 cases, of which more than 44,000 continue unresolved, affecting more than 107 countries.

“ While enforced disappearances may be carried out by non-state actors, the definition adopted by the United Nations only recognises those that directly or indirectly involve the state ”

Enforced disappearance is a multiple violation of fundamental human rights, such as the right to life, the right to personal integrity, the right to liberty and security of the person and the right to recognition as a person before the law, among others. Furthermore, the anguish and uncertainty suffered by the relatives of the disappeared person –as a result of not knowing where their loved one is and of the authorities’ refusal to disclose any information about their fate– have been considered by various international human rights bodies to be inhuman or degrading treatment. Against this backdrop, the right to truth, justice, reparation and guarantees of non-repetition become essential elements of the struggle against the impunity of the perpetrators of disappearances, of preventing future human rights violations and for promoting a stable and lasting peace.

In this phenomenon, the right to truth includes two elements: on the one hand, the victims’ families’ right to know the fate or whereabouts of the disappeared person, and on the other, in the event of death, their right to the restitution and identification of

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their remains. Regarding the right to know the fate or whereabouts of the disappeared person, the state has the obligation to quickly and effectively investigate cases of disappearances without a prior need for the families to file a complaint. This obligation refers to the action rather than the result; in other words, the state is not obliged to successfully find all missing persons –with time this task can become very difficult– but it does have an obligation to do everything possible to try to find the disappeared persons, in order to meet the fair expectation of family members to know where their loved ones are.

“ Truth commissions are an ideal mechanism for coming to know the truth of the facts and, to a certain extent, those responsible for these atrocities ”

In the event of death, the state has an obligation to search for, identify, respect and restore the remains of the disappeared person to their family so that they can bury them in accordance with their religious beliefs and traditions. We must bear in mind that the anguish of not knowing if the disappeared person is alive or dead leads their relatives to suffer “frozen mourning”. Among the various measures that the state can adopt, truth commissions are an ideal mechanism for knowing the truth of the facts and, to some extent, those responsible for these atrocities. In Argentina, the National Commission on the Disappearance of Persons noted in its final report, “Nunca Más” (“Never Again”), the enforced disappearance of 30,000 people considered by the military dictatorship to be part of the “internal” enemy. Subsequently, various trials have been carried out against members of the Argentine military junta responsible for crimes against humanity. Meanwhile, the use of forensic methods to identify remains can significantly contribute to the right to truth. In the Balkans, for example, the International Commission on Missing Persons has found 70 percent of those who were disappeared during the conflict and has identified nearly 23,000 bodies thanks to new technologies and DNA testing. In any case, it is important for the state to take the lead

in searching for disappeared persons, whether through a truth commission or a specific body and the application of forensic anthropology techniques. What is not acceptable is that the State leaves in the hands of relatives the search for victims, as is the case in Spain, which has more than 2,300 mass graves across its territory, and where it is estimated that the whereabouts of between 45,000 and 114,000 persons remain unknown.

**“ The offence of enforced disappearance
continues to be committed until the fate of the
disappeared person has been discovered or their
identity has been recovered ”**

In relation to the right to justice and safeguards against impunity, the state has an obligation to prosecute and, where appropriate, punish the people responsible for enforced disappearances. It is worth noting that when disappearances form part of a systematic or widespread practice against the civilian population, they constitute a crime against humanity, according to the Rome Statute, which established the International Criminal Court in 1998. Although amnesties are not prohibited under international law and are accepted as a measure of reconciliation, they are not admissible with respect to more serious crimes such as enforced disappearances. States, therefore, must always investigate and prosecute the perpetrators of enforced disappearances as a crime under international law. Thus Guatemala, in its National Reconciliation Law of 1996 adopted after the Peace Accords, explicitly excluded enforced disappearances from the crimes that could be subject to amnesty. This has allowed some of the senior officials responsible for grave human rights violations during the internal armed conflict to be brought to justice before domestic courts.

On the other hand, it is important for states to explicitly codify the crime of enforced disappearance, with a penalty commensurate with its seriousness, to prevent future violations and at the same time to punish the perpetrators for such crime. Likewise, the ongoing nature of enforced disappearances must also be taken into account, in the

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sense that the offence continues to be committed until the fate or whereabouts of the disappeared person has been found or their identity has been recovered. This aspect is relevant for the statute of limitations and for establishing the competence of international and national courts in cases where the original disappearance took place prior to their jurisdiction being recognised.

“ In the context of the transition to peace, it is important for the state to take measures to satisfy the right to truth, justice, reparation and guarantees of non-repetition for the victims of enforced disappearance ”

Finally, victims have the right to full reparation, and in such cases the state has an obligation to carry out the necessary institutional reforms to ensure the non-repetition of past grave human rights violations. With respect to reparation, victims' families have the right not only to compensation but also to the return of those disappeared who are still alive (for example, in Morocco and Algeria some people who had been disappeared for nearly 20 years were released) or their remains in the event of death so that they can bury and “close” the grieving process. Furthermore, victims' families also have the right to redress and reparation, such as having the state ask for forgiveness for past atrocities, placing a memorial in honour of the victims, setting an official day to commemorate the disappeared persons, naming a square or a school in honour of one of the victims, etc. The Inter-American Court of Human Rights has developed extensive jurisprudence in this regard, although truth commissions also play an important role, insofar as they can recommend the appropriate type of reparation for victims. Frequently, family members never lose hope of getting their loved ones back alive, and any information can help them to keep hoping that they are still live. That is why they often reject the economic compensation offered by the state, because they see this as a means for closing the case of disappearance prematurely to move on with the peace process.

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Thus, in the context of the transition to peace, it is important for the state to take measures to satisfy the right to truth, justice, reparation and guarantees of non-repetition for the victims of enforced disappearance. The suffering of family members persists after the war and is transmitted from generation to generation. For example, in the case of Spain, it is now the grandchildren who are looking for grandparents who disappeared during the Civil War and under the Franco regime, after more than 80 years of the events. It is not enough to create truth commissions or specific units for the search for missing persons if these measures are not accompanied by a real will of the state to repair and restore the dignity of the victims. In order to promote a long and lasting peace, it is essential to deal with the atrocities of the past, such as the issue of enforced disappearances, not only from a humanitarian standpoint but also from the judicial sphere, through a quick and effective investigation of the facts, together with comprehensive reparation for the victims. Enforced disappearances are crimes committed by state agents, and the refusal of the authorities to provide information and to conduct an investigation to find out the fate or whereabouts of disappeared persons causes suffering and distrust in the institutions of the state. Therefore it is important that the state, once the conflict is over, takes the initiative in searching for the disappeared persons and in prosecuting those responsible, in order to restore society's trust in the institutions and to build a true rule of law in which human rights are respected and it is possible to prevent the recurrence of the grave violations of the past.

ABOUT THE AUTHOR

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Among her recent publications, we highlight the book *Desapariciones forzadas y justicia transicional* ("Enforced Disappearances and Transitional Justice"), Ed. Tirant Lo Blanch, Spanish Red Cross, Valencia, 2018.

This is a translated version of the article originally published in Catalan.

Photography Putumayo, Colombia. Juan Joven composes coplas (*popular four-line verses) and poems in memory of his brother Jaime.

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Truth and denial

Theo van Boven

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The Preamble of the Rome Statute of the International Criminal Court recounts: “Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity” (para.2) and further: “Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes” (para.5).

Policy makers and important sectors of public opinion tend to be inclined to turn their back to the atrocities of the past and rather embrace the precept of a *punto final* and thus face the present and the future from the perspective of a new begin. The past is thus regarded as a complex and inconvenient truth that operates as obfuscating the way ahead. This approach serves however a concept of truth that falls short of the compelling prescriptions of the Right to Justice embodied in the inclusive trilogy (i) the Right to Know, (ii) the Right to Redress and (iii) the Right to Reparation.

The Trilogy of Justice

The trilogy of justice of core rights to know, to redress and to reparation, elaborated in the UN Set of Principles to Combat Impunity¹ and in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims², has become the basis of the mandate of the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence initially established by the UN Human Rights Council in 2011. It seeks to respond to the suffering of the victims of the barbarous acts, which in the language of the Universal Declaration of Human Rights have outraged the conscience of humankind and thus proclaimed the advent of a world in which human beings shall enjoy freedom from fear and want as the highest aspiration of the common people.

“ For some policy makers and sectors of public opinion past is regarded as a complex and inconvenient truth that operates as obfuscating the way ahead ”

It may appear that the trilogy of justice addresses primarily or even exclusively a global community whose concerns are related to present and future living conditions and thereby overlook the outcries and the suffering of the past. It is in this context that the tension between truth and denial reveals itself, not as dormant but rather as a dominant feature. In the same context I became impressed by the authority and profoundly humane analysis expounded by Stanley Cohen in his *States of Denial; Knowing about Atrocities and Suffering*³.

Truth and Denial, Accountability and Acknowledgement

Against the background of the upsurge and awareness of suffering, normative standards of justice included in national and international instruments came progressively to the forefront. The UN Set of Principles to Combat Impunity and the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims, already referred to above in connection with the trilogy of justice, affirm the prescriptions of accountability and acknowledgement, with ensuing rights and duties, reflected in the Inalienable Right to the Truth and the Duty to Preserve Memory⁴.

Insofar as these rights and duties are progressively promulgated and invoked, counter arguments of denial reach pernicious levels in substance and in vocabulary. In outlining elementary forms of denial, Stanley Cohen distinguished three types of denial: *Literal Denial* as an assertion that something did not happen or is not true; *Interpretative Denial* in terms of changing words and using euphemisms; and *Implicatory Denial* not contesting the facts but rather their psychological, political and moral implications. This typology of denial affecting peoples and nations as well as individual persons and groups of persons raises crucial issues of accountability and acknowledgement in the

perspective of the rights of victims to redress and reparation. While these rights to redress and reparation were regarded as referring to claims of individual persons, both the Impunity and Reparation Principles include collectivities as well. Thus, symbolic reparations such as public apology and setting up memorials are collective forms of satisfaction, but also the provision of material goods and services to restore decent living conditions and to secure health and educational facilities may arguably serve as a mode of collective reparation.

“ Denial raises crucial issues of accountability and acknowledgement in the perspective of the rights of victims to redress and reparation ”

This approach tends to avoid deplorably the implications of accountability and the dividing lines between truth and denial as an opportunistic means to equate political economy with denial. An illustration of such political economy and political opportunism is the relationship between reparation programmes and development programmes. Both “developing” and “developed” countries facing demands for reparations are inclined to argue that development is reparation. It is indeed enticing to make a shift from reparation to development. Thus, complex and agonizing issues of accountability and acknowledgement are being avoided and fail to recognize the essential notion of reparation as a victim-oriented process that keeps faith with the plight of victims and survivors.

To what extent has this moving away from the issues and implications of accountability and acknowledgement a significant effect on the dualistic tension between *truth* and *denial*? Here again the typology of denial advanced by Stanley Cohen provides relevant insights insofar as the notion of implicating denial, while not contesting the facts, does raise questions of psychological, political and moral implications.

The Vocabulary of Truth and Denial; the case of enforced disappearances in Argentina under the military dictatorship

It was after a lengthy and arduous political struggle in the political and human rights arena of the United Nations that the UN Commission on Human Rights established in 1981 a Working Group on Enforced and Involuntary Disappearances whose task was basically to collect, investigate and reveal information on disappeared persons. All the “facts” and “fears” referred to this vocabulary of truth and denial are spelled out in the first two documents of the UN Working Group⁵.

“ In the vocabulary of truth and denial emphasis has to be put on the need to call *names*, not only numbers, as an imperative and inclusive principle regarding the issue of enforced disappearances ”

Argentina is selected in the truth and denial context because the political and diplomatic branches of government during the military dictatorship in the late seventies and early eighties manifestly developed the most frantic and sophisticated strategy to counter “supposed facts” and “orchestrated accusations” as false, fraudulent and the result of action *allegedly carrying out by the terrorists and subversives themselves*. Similarly, Argentina argued that extremists were wounded in fighting and carried off by their accomplices to die later on; that deserted members of subversive organisations were hiding in cities, or the result of abduction by subversives themselves.

The Argentine government took also strong issue with what they described as a *destructive campaign of defamation* often “fomented” from abroad by false “witnesses” to be denounced as insidious and totally lacking truth. The UN Working Group included in its reports a series of names and information on *clandestine detention centres*, among these the infamous Escuela Superior de Mecanica de la Armada (ESMA). The Argentine

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authorities responded that in the Argentine republic there had never been any secret or any clandestine places for which the authorities carried responsibilities. However, they argued that in the struggle against terrorism the forces of law and order had discovered innumerable secret cells called “people’s prisons” by the terrorist gangs; in addition to housing businessmen, civil servants and soldiers, many of whom were killed there, were frequently used to punish and kill members of the gangs themselves under harsh rules for punishing treason and desertion by their members.

The presumed disappearances of minors was also frequently raised by the UN Working Group in its communications with the Argentine authorities. In this regard, are well-known the persistent and courageous efforts by the Grand-Mothers of the Plaza de Mayo to trace their children and grandchildren, notably also their daughters who were abducted while being pregnant and having expectedly given birth to minors while in captivity. Obviously, the Argentine authorities felt that in this context a divergent line of arguments had to be used than implicating terrorist and subversive gangs. Here, it was argued that numerous institutions exist of foster-bodies and families and welfare institutions taking care of abandoned minors whose identity is unknown. It was argued by Argentina that in all ages and in all countries many children are abandoned or found to be in need of care without any indication as to their identity.

“ The truth also brings a measure of healthy social catharsis and helps to prevent the past from reoccurring ”

As an imperative and inclusive principle regarding the issue of enforced disappearances in Argentina in the context of the vocabulary of truth and denial emphasis has to be put on the need to call *names*. Not only numbers but names are counting. In the search for disappeared persons, the identification of persons by their *names* is of crucial importance. International human rights standards explicitly affirm the right of every person to have a name registered by law. For instance, the UN Convention on the Rights of the Child obliges to respect the right of the child to

preserve his or her identity, including nationality, name and family relations (article 8).

Recollection

While finalizing in 1993 the study entrusted to me concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, I quoted in my conclusions and recommendations an excerpt from a thoughtful lecture delivered by José (Pepe) Zalaquett who served, in addition to many other commitments, as member of the Chilean National Commission on Truth and Conciliation. Today, some thirty years later, the words articulated by Pepe Zalaquett are highly valid and will remain a leading premise in the context of the Truth and Denial dialogue. It reads:

“Truth is considered an absolute, unrenounceable value for many reasons. To provide for measures of reparation and prevention, it must be clearly known what should be repaired and prevented. Further, society cannot block out a chapter of its history; it cannot deny the facts of its past, however differently these may be interpreted. Inevitably, the void would be filled with lies or with conflicting, confusing versions of the past. A nation’s unity depends on a shared identity, which in turn depends on a shared memory. The truth also brings a measure of healthy social catharsis and helps to prevent the past from reoccurring.”

These words will continue to resonate powerfully since Pepe Zalaquett passed away on 17 February 2020 after a period of grave health problems. We owe him deep gratitude.

1. UN Doc. E/CN.4/2005/102 Add.1.
2. UN General Assembly Resolution 60/147, 16 December 2005.
3. 2001, Cambridge, Polity Press.
4. Principle 2 of the UN Set of Principles to Combat Impunity.
5. The first two documents of the UN Working Group: United Nations Commission on Human Rights, doc. E/CN 4/1435/Add.1, 16 February 1981 and doc. E/CN 4/1492, 31 December 1981.

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Photography Pictures of disappeared people under the military regime (1976-1983), during the week in commemoration of the coup d'état. Santa Catalina passage in Córdoba, Argentina.

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IN DEPTH

The struggle for historical memory in Spain: beyond genealogy and generations

Marije Hristova

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In Spain, when we speak of “historical memory”, we are referring to the traumatic period of the Civil War and Francoism. More precisely, we are talking about the previously silenced memories of the victims of the Civil War. These memories have resurfaced through the questions and concerns of the generations that grew up after those years of violence. After a long period of silence imposed during the Franco regime and an “agreed-upon” silence during the transition to democracy, new questions have arisen about the history of the Civil War and demands for the recognition of its victims have been made since 2000. This new concern for the violence of the past is influenced by the current global interest in memory and human rights. So it is important to highlight that “historical memory” is constructed in the present: it is the fight to give meaning to the difficult period of the Spanish Civil War according to current needs and concerns. Consequently, the construction of memory of the Civil War is a task that is carried out by a transgenerational group of activists.

In this essay, I would like to emphasize the importance of understanding the struggle for historical memory as a movement that precisely transcends generational and genealogical frameworks. In other words, the objectives and purposes of this movement are not only limited to a specific generational cohort, nor to the families of the victims, but also appeal to society at large.

The current struggle to recover the dignity and memory of the victims of the Civil War begins with the exhumation of the “Priaranza Thirteen” in October 2000. This first exhumation of the current series of mass grave exhumations of Civil War victims was

promoted by the grandson of one of the victims, the journalist Emilio Silva. His article, entitled “My grandfather was also a disappeared person”, published on 8 October of that year in the local newspaper *La Crónica de León*, is still an important reference to understand the key elements of the movement for historical memory that arose after that first exhumation. By using the word “disappeared”, the article puts the victims buried haphazardly in ditches in a transnational discussion on human rights and transitional justice and the experiences of the Southern Cone. These transnational links still exist today when we think, for example, of the Argentine Lawsuit –the lawsuit filed in a criminal court in Argentina to demand an investigation of crimes committed under Franco between 1936 and 1977.

“ The struggle for historical memory has to be understood as a movement that transcends generational and genealogical frameworks ”

In this initial text, Silva clearly defines his objective: “To recover memory and give all those who fought for freedom and democracy the place they deserve in History”¹. As the grandson of one of the victims, Silva underscores his family connection with them. He describes the trauma that the disappearance of his grandfather left in the memory of his relatives. Indeed, the disappearance of a loved one also has a psychological impact on the victims’ families, who face the difficulty or impossibility of mourning. Therefore, the word *disappeared* not only refers to the violence perpetrated, but also to the experience of subsequent generations: silence, uncertainty, impunity².

After the publication of that article, many people in a situation similar to Silva’s contacted him to ask him for help in the search and exhumation of their loved ones from the thousands of mass graves that still exist throughout Spain. Thus an activist movement was born focusing on the exhumation of mass graves, but extending its activism to denouncing the Francoist legacy in present-day Spanish society, such as the vestiges of Francoism in public spaces. It is a movement that covers many issues related to the oppressive and violent nature of the Franco regime and that challenges

today's society to address traces, taboos and silences that have not been dealt with.

**“ National and international political pressure
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Since its inception in 2000, the movement for historical memory has had a huge social and political impact. Today there are many memory associations throughout Spain and hundreds of mass graves have been exhumed. National and international political pressure from the associations has resulted in official acknowledgements of the victims and the adoption of regional and national laws. Legal efforts to prosecute Franco's crimes and repeal the amnesty law sought the support of international justice through the Argentine courts, especially after Judge Baltazar Garzón was penalized for trying to move forward in this regard. Although these international channels have not yet been “successful”, they have contributed to giving the movement more visibility. However, there is still a lot of work to do. The so-called Historical Memory Act of 2007, albeit an important step, delegated the responsibility and initiative of the exhumations to the activist associations. This model, which the anthropologist Francisco Ferrándiz has called a “subcontracting system”, has resulted in many ethical and logistical difficulties due to the lack of national protocols and coherent coordination. For now, the government only assumes a “facilitating” role, relying on the self-management of the associations³. This situation of “outsourcing” historical memory to the associations usually results in historical memory being understood as a matter pertaining to the victims' relatives. There is less awareness of the importance of this movement for the strengthening of democracy as a whole.

Since the origin of the historical memory movement lies in the biological (filiative) ties with the victims, activists are often referred to as the “generation of the grandchildren”. It is the generation that grew up under a more or less stable democracy and further removed from the initial trauma of the Civil War and the experiences their grandparents

went through. Following the example of the memorial movements in the Southern Cone, the Spanish associations emphasized these family ties. The iconography of the movement promoted portraits of living relatives showing photos of the disappeared. In the judicial developments to prosecute the crimes of the Franco regime, the testimony of direct relatives, often very old, has also been highlighted. This emotional bond with the past, based on biological relationships with the victims, has also been the strategy of the Association for the Recovery of Historical Memory (ARMH), founded by Emilio Silva, linking it with human rights as its main political perspective. This strategy has been criticized by the *Foro por la Memoria* (The Memory Forum), closely linked in its political vision to the Spanish Communist Party, which, in turn, centralizes ideological ties with the past⁴. For the Forum, victims of the Civil War were shot and punished because of their political orientation. Therefore, according to them, recuperating and dignifying the victims should centralize their political struggle, projecting it to the present and the future. Despite this criticism, family claims for the recovery of the remains of their relatives are also at the core of their activism. Thus we can say that historical memory in Spain seems to be a matter for the victims' relatives: the memory ties are filiative.

“ The movement for historical memory only makes sense if it is the basis for building a democratic memory that appeals to all citizens ”

It is true that intergenerational communication is an important mechanism in the construction of collective memory. Marked by family stories and also by silences, objects and other forms of non-verbal communication, it is one of the basic mechanisms in the formulation of memory about the recent past. It therefore includes all the opportunities and acts of shared memory (and silence) that occur in families and that are characterized by affection and loyalty. There is also a more abstract transmission, which goes from generation to generation. In this case, the generations, defined as cohorts determined by their age and characterized by their socio-temporal

context, represent memory communities. These generational groups share a reality in the present and this same present indicates how they relate to the past. They study the same history curriculum at school; they know the same television programs and the same political debates. So the generation of grandchildren in Spain is understood on the one hand through an intergenerational (family) transmission, and on the other hand as a group further removed from the experience of war.

Cultural critic Marianne Hirsch has proposed the concept of “postmemory” to talk about the relationship between later generations and the trauma of those who came before them⁵. According to her, although these stories are “remembered” only through images, anecdotes and emotional behaviour, they have had such a profound effect on subsequent generations that they form the basis for the construction of memories in their own right. It is a memory based on imaginative and creative investment instead of personal recollection. For her, postmemory is not only limited to biological ties and structures, but also includes those who identify with the legacy, for example, by political affiliation. Based on the experience in Spain, the Hispanist Sebastiaan Faber develops and defines “affiliative postmemory” to indicate conscious association, based on political solidarity, compassion and identification to generate a commitment undertaken voluntarily⁶.

**“ It is essential to recognize this “affiliative”
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crimes ”**

I believe it is important to be aware of the acts of “affiliative postmemory” in order to give visibility to the groups of activists who strive for the recognition of victims of the Franco regime without having biological ties or belonging to the so-called “generation of the grandchildren”. The recent book *Construyendo memorias entre generaciones* (Building

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Memories between Generations) (Postmetropolis 2019) gives voice to a group of young activists in the movement for historical memory. For all of the book's participants, memory is something that is built in the present and has an important projection on the future. Thus, in "*¿Qué hace una millennial como yo en un movimiento como este?*" ("What is a millennial like me doing in a movement like this?"), Marina Montoto Ugarte explains that she understands her memory activism as an act of "joining temporalities". For her, "the exercise of our democracy depends on that vibration that connects us with others, past and present"⁷

. The book states that it is essential to bridge the generation gap and that "grandpa's old war stories" concern us all. The movement for historical memory only makes sense if it is the basis for building a democratic memory that appeals to all citizens. Thus, it could be said that they advocate a postmemory that, as memory studies specialist Astrid Erll has described, dissociates itself from the genealogy and generation frameworks and becomes an active self-identification option for any subsequent generation⁸.

Although inter- and intra-generational transmission is extremely important to understand the rise of "historical memory", it is essential to recognize this "affiliative" dimension unrelated to genealogy and generation in the current struggle for truth, justice and reparation with respect to Franco's crimes. This struggle –indeed transgenerational, but also transgenealogical– is best defined by a political position in the present, in line with the values of human rights and transitional justice. Recognizing self-identification with the fight against Franco's crimes is crucial when transitional postjustice⁹ is understood as a cornerstone in the building of a democratic society for the future. At the same time, it leads to a less rigid and more inclusive model than the ideological ties proposed by the Forum for Memory, since it identifies historical memory as a cornerstone of democracy beyond ideological leanings. The legacy of the memory of the victims of the Civil War and its values is not only accessible to those who have biological links with the victims, nor is its significance restricted to the generation of the grandchildren. In the recognition of its transgenerational and transgenealogical value, its importance is understood for current and future Spanish society as a whole.

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This is a translated version of the article originally published in Spanish.

Photography: Exhumation in Larrasoaña

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A resilient hug. Relevance of accompaniment in cases of enforced disappearance

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When a human being experiences difficult or extreme situations, accompaniment is recognized as a fundamental support in the face of new realities he or she confronts. An example, which most individuals can relate to in their daily lives, is when news about a health problem is received. It is not difficult to visualize the following image: a doctor notifying a patient about a terminal illness or a chronic condition. Both the manner and sensitivity with which he or she transmits the news, along with the fact of whether or not the patient is accompanied, will greatly influence the impact. In these moments, there is a possibility that the patient will experience the stages of grief over the latent loss of his or her health. Having emotional support through accompaniment can have such emotional strength that the adverse event can be assimilated more calmly allowing for the reflection of strategies that affect the patient's quality of life.

In Buddhist thought there are several phrases and fables that help people to focus less on what they face in life and more about how they face it. Is this possible in cases of enforced disappearance? Let's analyze this in detail: among the various expressions of violence, the enforced disappearance of people is considered to be one of the most serious due to the fact that the uncertainty it generates has the capacity to mentally destabilize the family and loved ones of the person who has been disappeared.

Repercussions in the families of the disappeared include feelings of pain, terror, emotional distress, guilt and anger, among others. The disappearance of a loved one marks a milestone in the lives of family members where, despite the time elapsed, the suffering remains present due to the feelings of hopelessness and frustration with

government agencies and the financial difficulties generated as a result of the disappearance. The experience of having a disappeared relative generates, over the years, various changes in perceptions, feelings and beliefs: in the first stage, anguish and anxiety predominate, while in a second stage, the most prominent feelings are tiredness, sadness and hopelessness¹.

“ Having emotional support through accompaniment can have such emotional strength that the adverse event can be assimilated more calmly ”

The feeling of uncertainty is a constant that generates suffering due to the existence of an ambiguous loss that will persist until the whereabouts of the disappeared loved one is determined. This is related to what has been referred to as an ambiguous mourning: the disappeared person is perceived as physically absent, but psychologically present, since there is no certainty about whether this person is dead or alive. The experience of going through an ambiguous mourning as a consequence of an enforced disappearance entails deep pain. The unavoidable enigma about the disappearance of a loved one is tormenting. Mental blocks are observed in the management of the loss, which generates continuous trauma².

It is important to recognize the suffering of the affected families and the effects that befall them; that this practice represents a flagrant violation of the rights of the victim's relatives and that it causes prolonged mental anguish among its members. When seeking reparation for harm suffered, the return to the families of the disappeared person, dead or alive, is essential, since this influences the satisfaction of the relatives and the pain is mitigated. In addition, government efforts to investigate and find those responsible for the enforced disappearance are also necessary³. Faced with these exhausting processes, the following questions arise: How does one cope with the uncertainty and adversity that this situation generates? Does accompaniment have any impact in these cases of profound complexity?

Fortunately, it is possible to develop resilience factors that can help to cope with adverse scenarios, which are generated by search operations, emotional commitments with the disappeared person, family unity, faith and religion, as well as social support from friends, groups and peers which occur in different moments of accompaniment. But what are we talking about when we talk about resilience? Let's look at the concept more closely, its relevance within the phenomenon of disappearance and its development through accompaniment.

“ Resilience allows to build or rebuild both personal as well as relational and spatial alternatives based on the social dynamics of coexistence ”

What do we mean by resilience?

The word *resilience* comes from the Latin term *resilium*, which can mean “go back; jump back; return to initial state”. The genesis of the concept of resilience comes from physics and it was used to refer to the elasticity and ability of a body to regain its original size and shape after being manipulated⁴.

The conceptual origin of resilience regarding the study of human beings has been related to the processes of positive adaptation of children living in conditions of adversity. From a psychological and psychiatric point of view, this is related to the fact that during the 1970s, groups of psychologists and psychiatrists focused their efforts on the study of resilience in children who were raised in contexts of risk⁵. However, the idea of resilience has evolved: from being conceived as something that was absolute, it has become something that is relative, that depends on the dynamic balance of personal, family and social factors. Moreover, lifecycle moments also have an impact on the process of resilience. Resilience also involves an evolutionary progression that responds to new vulnerabilities. Therefore, the term resilience leads to a broad conceptual umbrella that encompasses various concepts related to positive responses

in contexts of adversity. This means that different significances of resilience correspond to concepts related to: adaptation, capacity and process⁶.

There are three fundamental qualities in resilience: 1) an understanding and acceptance of reality; 2) a belief that life has meaning; and 3) an ability to generate strategies or alternative solutions. There are also distinctive characteristics in an individual that facilitate resilience, such as: intelligence, a sense of humor and optimism, self-control, high self-esteem, social capital management, autonomy for decision making, initiative, and forming a life project⁷. These are all personal factors, although it is important to point out that there are also factors that depend on interactions with others.

“ Resilience is forged through adversity. This implies integrating the experience into the individual, family, group and community identity in a relational and narrative manner ”

In the studies on resilience and disappearance that I have developed as a researcher on the subject, I assume a conceptualization on resilience that allows it to be recognized as a process involving internal and external factors to face adversity, in which, from adverse situations, there are possibilities to build or rebuild both personal as well as relational and spatial alternatives based on the social dynamics of coexistence⁸.

The study of resilience within the phenomenon of enforced disappearance is understood to have led to a paradigm in which relational ties that unite people and systems allow embarking on a shared journey. It is important to state that no factor promotes resilience individually; various factors acting together must be involved in order to promote development. These factors respond to different contexts and circumstances, so it is necessary to discern and understand strategies according to the logic and situation of people when they have to deal with difficult situations.

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Within the phenomenon of enforced disappearance, it is important to point out that resilience is forged through adversity, not in spite of it, so it is necessary to recognize it, and this implies integrating the experience into the individual, family, group and community identity. In other words, when interweaving in a relational and narrative manner, possibilities of self-restoration and growth in adversity are discovered through narrative reasoning. This happens because “it promotes a series of communicational capacities that allow sharing beliefs and narratives; fostering feelings of coherence, collaboration, effectiveness, trust and confronting difficulties”⁹.

For example, for women looking for their disappeared relatives in Mexico, resilience processes occur more often when they belong to groups of families and people looking for their own disappeared relatives. Feelings of identity arise in these groups, where they identify as “sisters and brothers of the same pain”. According to their narratives, they can understand each other more deeply by sharing experiences, feelings and even by evoking the memory of their loved ones.

“ The supportive accompaniment of people who do not have disappeared family members has generated an increase in the hope and confidence of those who do ”

The resilience process usually happens in a differentiated way: each individual may have very different reactions to the same event or may need more or less time to process the experience. This all depends on variables such as age or the significance attached to this experience. In short, the contexts where resilience can be reproduced are under constant transformation, and individuals involved in violent events have different ways of reacting to them, which may not always result in resilience processes. The existence of community resources and the fact that people and families are willing to use them can have a favorable impact on resilience processes because, through these resources, social capital and the feelings of empathy that contribute to giving meaning to life can be reinforced¹⁰.

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With regard to the latter, it is worth noting how families that have organized to search for their disappeared relatives in Mexico have found an echo and received empathy from some sectors of the population where they have conducted their searches. For instance, by organizing search brigades in areas where the existence of clandestine graves is suspected, they have been able to establish community support networks through several churches, where empathy is developed and solidarity with the brigades is encouraged. The supportive accompaniment of people who do not have disappeared family members has generated an increase in the hope and confidence of those who do.

It is, therefore, important to know and recognize the main challenges and obstacles faced by people and families who are looking for the missing, especially when they decide to carry out search operations during which they can experience processes that sometimes suggest grim episodes. For example, finding corpses and remains can result in an oxymoron: the joy of finding potential victims of disappearance together with the feelings of sadness regarding the situation. Similarly, it is also important to consider that these people face the institutional inability to carry out a timely and relevant forensic investigation. Given the importance of the relational approach that the resilience process entails, it is important to look at accompaniment in cases of disappearance as an important factor in coping with adversity since isolation can have a serious effect on resilience processes in an individual who has suffered a traumatic episode.

**“ The roads that are built during the search
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Psychosocial accompaniment is the best way for families and people looking for their loved ones to develop resilience. Psychosocial accompaniment is seen as an

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accompaniment that includes the processes of well-being from an integration of the emotional and the relational in certain contexts. Accompaniment with a psychosocial perspective requires an understanding of the multiple social, cultural and political contexts in which identity and the emotional and relational world are constructed and deconstructed. Its purpose is to build a reflective process between the victims, their social network and their companions, which helps overcome the social and emotional effects of violence through the redefinition of identity and the recognition of social and personal resources. Metaphorically, this accompaniment works like an engine with a compass inside to guide the process¹¹.

On many occasions those who show solidarity with the victims of the enforced disappearance of relatives or loved ones do not fully understand the meaning of psychosocial accompaniment; nevertheless, the accompaniment itself provides elements to promote resilience. After an enforced disappearance, the roads that are built during the search require spaces for emotional expression, for empathy, for rebuilding under new identities that allow family members to cope with the anguish, uncertainty, frustration and hopelessness. Therefore, the main aspect to consider for this anguish is that the supportive actions should be aimed at the needs that the people themselves perceive within their environment. Under these considerations, it is necessary to conduct an accompaniment that favours both resilience processes aimed at the emotional and identity dimension, as well as political resilience processes through search operations, demands for justice and acts in favour of memory. Political resilience has been visible in Mexico, where families affected by disappearances, with their different political struggles, achieved the enactment of the General Law of Enforced Disappearance Committed by Individuals, among other legal measures. Similarly, they have turned this phenomenon into one of the main public issues to deal with, which affects their perceptions of “doing something” in favour of their disappeared family members.

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This is a translated version of the article originally published in Spanish.

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Gender impact of enforced disappearances in Syria

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The practice of enforced disappearances in Syria is not recent. Many cases were already reported previous to the 2011 protests. Long before Bashar Al Assad even came to power, his father was detaining political enemies and anyone who challenged his rule. However, the scale on which they were ripped from their families exploded due to the mass demonstrations and the subsequent war.

When the peaceful revolution began in 2011, the core demand of the very first protests were indeed the release of political prisoners. The mass protests erupted after some children were arbitrarily detained and tortured for drawing a graffiti. Syrians took to the streets to demand their release and soon many more demands emerged that had been boiling under the surface for many years: justice and freedom. As a response, Bashar Al Assad used the tactics which the regime was already well acquainted with: arrests and violence as well as torture in detention. This tactic is meant both as a punishment and as deterrence for others. It has always been clear to Syrians speaking up against the regime that detention is a likely consequence of any opposition. Entire families have shared stories of detention, if they were politically active even before 2011. In conversations with lifelong opponents of the Assad regime, stories of celebrations, family holidays and birthdays are interlaced with memories from visits to prisons.

“ Due to the lack of information provided by the security apparatus, arrests in Syria almost equal

enforced disappearance ”

With the overwhelming number of protests during the revolution, the security apparatus geared up its arrests, as many thousands were detained. Often, they were released after a certain time period, but there are many that remain missing until today. It is noteworthy that arrests in Syria almost equal enforced disappearance. This is due to the lack of information provided by the security apparatus about arrests, places of detention, etc. So essentially, many Syrians know that someone was arrested but after this point, they do not have any information on this person's whereabouts. Therefore, detention in Syria essentially is enforced disappearance, since “enforced disappearances occur when, with the involvement of State authorities, a person is forcibly removed from public view and his or her whereabouts is intentionally undisclosed. As a consequence, victims are placed outside the protection of the law. In most cases, the only verifiable information provided will relate to the circumstances in which the victim was last seen alive and free”¹.

This starkly illustrates why the issue of detention does not only constitute a violation of human rights of the person that was taken. Accordingly, the International Convention for the Protection of All Persons from Enforced Disappearance defines victims as “the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.” art. 24(1). One person that is disappeared therefore creates many more victims². We therefore need to also consider violations of the rights of those left behind. Those are mainly women and children, since a majority of detainees are male. Globally, 70-94% of disappeared individuals are male³. Even though we do not have numbers for Syria, the number is estimated to be very high⁴.

The gender impact of enforced disappearance in the Syrian case

However, the impact of enforced disappearances on relatives of the missing person, in particular women and children, has until now not been given appropriate attention. Many Syrian families suffer in silence. The women who are left behind experience a compounded vulnerability. Because of the traditional gender roles in Syrian society, they are more likely to fall into poverty, depression and isolation. “Although amplified

and intensified during the conflict, women's experiences of enforced disappearance have their roots in the pre-conflict context of Syria's patriarchal society. Consequently, gender inequalities and social injustices are a pre-existing part of the social, cultural, economic, and political structures within the country. This is reflected in Syria's discriminatory and exclusionary laws, especially in relation to marriage, property rights, and sexual offenses which aggravate and deepen institutionalized inequality"⁵.

“ Because of the traditional gender roles in Syrian society, women are more likely to fall into poverty, depression and isolation ”

The gendered effects of disappearance in Syria are threefold: first, if the main breadwinner of the family is disappeared, women find themselves without income for their families and therefore are more vulnerable. Second, the psychological toll it takes on the women to continue being the caregiver to the children while living through fear, anxiety, and depression. Third, the legal impact it has on women means that they cannot remarry, inherit or even travel with their children from a place to another, as all of this requires either the consent of the husband or proof of his death. However, many Syrian women do not have any proof neither of the arrest, nor of a death and therefore remain in limbo. “In societies where gender-based discrimination in laws and policies hinders the full realization of the human rights of women and limits their autonomy and participation in aspects of public and political life, the social and economic impact of disappearances is felt more strongly and, in turn, renders women and their children more vulnerable to exploitation and social marginalization”, according to the former United Nations Deputy High Commissioner for Human Rights, Kyung-wha Kang⁶.

Women as activists and torchbearers of the issue of the disappeared

According to recent research, gender roles are changing for Syrians. This has multiple reasons. One of them is that the sheer absence of men has forced all gender relations to morph. In many cases, the man is either missing (deceased, detained, or disappeared)

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or unable to move due to the strict laws relating to residency and work for refugees, for example in Lebanon⁷. Female relatives of the disappeared and the detained had to take on new responsibilities and roles in their families as breadwinners, and more importantly as decision makers for their dependents.

However, they only have access to low-paying, insecure jobs, often far away from their families, which in turn increases their risk of exploitation and jeopardizes their children's well-being and education. In addition, the uncertain legal status of the disappeared (who are not considered officially alive or dead) compounds the family's financial insecurity. Indeed, wives of those missing often cannot access family assets and bank accounts held in their husbands' names or are denied social benefits reserved for married women⁸. This is also true for aid to refugees, since married women get less access than widows. Since they are married on paper, relatives of the disappeared cannot access the same aid as single or widowed women.

**“ Female relatives of the disappeared and the
detained had to take on new roles in their
families as breadwinners and decision makers
for their dependents ”**

The only option for many wives would be to declare their husbands death, and even then, death certificates may not be available until some time after the disappearance. However, many women are reluctant to do this because of a sense of guilt of abandoning hope⁹. This illustrates the psychological burden they carry on a daily basis. They are essentially caught in a limbo between mourning their loss and hoping for a return of the loved one. This in fact shows another layer of their situation of multidimensional vulnerability. Often, they serve as a support system to others through their community, while suffering gravely themselves. Families of the disappeared often know each other well and identify with each other over their common suffering.

Women had to start actively searching for their relatives, often through unofficial channels, such as the need to pay bribes. They are often themselves exposed to detention and mistreatment by the security apparatus. Despite the hardships faced by Syrian women due to a multitude of circumstances compounded by the disappearance of their relatives, women have found a way to go on and support their families, both financially and morally, despite the intense toll it takes on them¹⁰.

Families for Freedom

As a result of an increased involvement of women in the issue of enforced disappearance, there was a will to come together and organize. One of the groups that formed as result is the Families For Freedom, which was founded in Geneva (Switzerland). This is a women-lead movement demanding the truth on the whereabouts of their missing ones. Despite an overwhelming fear of reprisals for their missing ones, their families and themselves, they continue to expand their movement to include every family with a detained or missing person, across religions, political beliefs or ethnicities. The movement began with a core group of fairly well experienced activists and community mobilizers. They began to work on developing demands and a shared agenda. In a second step, local chapters were founded in order to expand the movement to the grassroots.

“ As a result of an increased involvement of women in the issue of enforced disappearance, there was a will to come together and organize ”

This core group of well-known activists managed to expand in number. There are now local groups in Lebanon, Turkey, Germany, the UK and inside Syria. This local work is essential since a movement can only be sustained through a solid bottom up mobilization, in which many people identify with the demands, develop them further and contribute not just with their stories but also with their ideas. This has been clearly demonstrated by other well-known movements like the mothers of Plaza de Mayo in

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Argentina: “It all started with a group of 14 women who wanted to know where their sons and daughters were; whether they were alive or dead. They wanted to know the truth: when, why and who made them disappear”¹¹.

The demands of the families

When Families for Freedom was formed, the core group of activists began working on their joint demands¹². They wrote and presented the following demands to the United Nations in Geneva¹³:

- To immediately release a list of names of all detainees, along with their current locations and statuses, and to immediately stop torture and mistreatment. In the case of death of a detainee, a death certificate along with a report on causes of death and burial location must be presented to the families.
- Pressure the Syrian government to allow international humanitarian organizations to immediately deliver food and medical aid, and to grant international rights groups access to detention facilities to closely monitor living conditions in order to guarantee civil detention facilities to meet healthy living standards.
- Abolish exceptional courts, especially field, war and counter-terrorism courts and guarantee fair trials under a supervision from the United Nations.
- Hold to account all those responsible from all sides, and particularly the Syrian government, for the violations they have committed and are continue to commit against the arbitrarily detained and their families as an essential step toward justice.

Based on the research done by Women Now for Development and Dawlaty about the female relatives of the missing, we can conclude that there are some commonly shared demands¹⁴ among the families who were not mobilized yet around the issue as well, including the right to know the fate and whereabouts of the disappeared/detained family members and the need of special support schemes for the disappeared persons' families, including pensions, education, medical treatment, and jobs for family members.

“ Especially on the local level, where female relatives are vulnerable, the idea of justice becomes more holistic than criminal accountability and includes social and economic justice ”

According to the Families for Freedom local chapter coordinator in Lebanon, Yasmine, families are discussing justice and how to hold accountable the parties detaining or disappearing their loved ones. Most of the female relatives in the local chapter in Lebanon are victims of the Assad regime, however there are also those who are the victims of armed groups¹⁵.

Especially on the local level, where female relatives are vulnerable and lack access to basic services, the idea of justice becomes more holistic than criminal accountability. It includes social and economic justice, which requires a gender sensitive perspective on their lived experience as a whole¹⁶. They are refugees, female, deprived of their rights and a relative of a missing person, which compounds their vulnerabilities significantly.

Therefore, educational opportunities are a crucial element to navigate the responsibilities and a chance to alleviate the impact of the burdens. On a more basic level, literacy opportunities are critical for women with minimal to no formal education to be able to negotiate administrative procedures at security branches, administrative facilities, and prisons. Vocational training on the other hand can expand the number of jobs women can pursue and occupy. Increased educational opportunities can allow the female relatives to negotiate better compensations and salaries, as well as increase their self-reliance and confidence. Furthermore, access to higher education can for those with sufficient previous formal education be a key to become more resilient.

“ Through the shared sorrow and mutual support, the female relatives were able to encourage each other to become more active and outspoken ”

Both in the core group and the local chapters, through activities and advocacy work, there is a change in the women's way of thinking and acting. According to Asmaa Al Farraj, who is both a member of the core group and a local chapter coordinator in Manchester, UK, the initial communication was hard between families as they felt a sense of hopelessness and helplessness. The way detention and enforced disappearance is used as weapon of war and oppression in Syria leaves relatives feeling completely powerless, especially if they have left Syria and therefore can no longer physically search for their loved ones. This often puts them in total isolation, emotionally and psychologically, longing for their loved one, but at the same time feeling guilty for having left and abandoned the search. But through the shared sorrow and mutual support, the female relatives were able to encourage each other to become more active and outspoken¹⁷. This is also echoed in the local chapter in Lebanon, where women are no longer willing to accept their position as victims and want to become more visible and ask for their demands loudly. As a consequence of their community mobilization, they develop ideas for activities and even advocacy work that has been carried out locally as well as internationally¹⁸.

It has become clear through the mobilization of female relatives that the psychological suffering initially is the biggest hurdle for them to participate in these activities, because it asks the relatives to actively engage with the disappeared person. But after this initial challenge, we have witnessed psychological benefits (“I know I am not alone and there are other just like me”) and a sense of comfort (“These families are now my own family”).

1. Protecting women from the impact of enforced disappearances”, OHCHR, 2012.

2. The Disappeared and Invisible”, ICTJ, 2015.

3. Kapur, Amrita: “Overlooked and invisible: the women of enforced disappearances”, 14 April 2015.

4. There are also smaller numbers of female detainees, however in this paper we will focus mostly on the relatives of detainees, rather than female detainees. The examination of the vulnerabilities of female detainees is important but goes beyond the scope of this paper.

5. *Shadows of the Syrian Disappeared: Testimonies of Female Relatives Left with Loss and Ambiguity*, Dawlaty and Women Now for Development, 2018.

6. “Protecting women from the impact of enforced disappearances”, OHCHR, 2012.

7. *Gender Justice and Feminist Knowledge Production in Syria*, Women Now for Development, 2019.

8. Kapur, Amrita: “Overlooked and invisible: the women of enforced disappearances”, 14 April 2015.

9. Ibid.

10. *Shadows of the Syrian Disappeared: Testimonies of Female Relatives Left with Loss and Ambiguity*, Dawlaty and Women Now for Development, 2018.

11. “Protecting women from the impact of enforced disappearances”, OHCHR, 2012.

12. See Families for Freedom

13. “Detainees’ Families Ask Geneva to Raise Issue of Detainees Above Negotiations”, Enab Baladi, 2017.

14. *Shadows of the Syrian Disappeared: Testimonies of Female Relatives Left with Loss and Ambiguity*, Dawlaty and Women Now for Development, 2018.

15. Interview with Yasmine, 05/02/2020.

16. *Gender Justice and Feminist Knowledge Production in Syria*, Women Now for Development, 2019.

17. Interview with Asmaa, 08/02/2020.

18. Interview with Yasmine, 05/02/2020.

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Photography Visit in Lebanon.

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Art and culture as processes of healing and memory in Colombia

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In Colombia, reparation for the victims of the conflict has not been entirely effective and this process presents great challenges for the comprehensive recognition of their rights. In this context, whereas some academics and activists view the role of symbolic reparations as a way to compensate for harm suffered and to assimilate the traumatic effects of the conflict, many others see it as a way to avoid taking substantial responsibility with regards to comprehensive reparation. Symbolic reparation certainly plays a fundamental role in guaranteeing truth, justice and non-repetition, but, unfortunately, it is a dimension that has not been given the attention and importance it deserves.

As a result, providing conditions to guarantee the effectiveness of comprehensive reparation has become one of the greatest challenges of transitional justice in Colombia. Symbolic actions of various kinds carried out by groups and individuals, including for the specific case of disappearance, are a reparation strategy that goes beyond institutionalism and traditional views. This is because they focus on the feelings of victims and their ways of seeing and perceiving the world, becoming practices that constitute autonomous reparation mechanisms.

Consequently, various creative and artistic strategies and actions play a fundamental role in peacebuilding in two specific ways. On the one hand, art emerges as a form of communication, denunciation-protest and also as criticism-resistance and social and political demonstration, enabling spaces for social transformation. On the other hand, art emerges as a scenario that asks questions, as a tool for self-discovery, to process,

rework and give a different meaning to traumas; to heal both intimately and publicly, to narrate and build memory in another way.

**“ Symbolic reparation certainly plays a
fundamental role in guaranteeing truth, justice
and non-repetition ”**

It is a fact that the reconstruction of memory depends primarily on its protagonists: women, communities, activists and ordinary citizens –and not only on professionals, experts and the media– in a process that weaves together memory, history, truth and justice in complex contexts.

Enforced disappearance and extrajudicial executions have once again been publicly exposed as an atrocious crime in the Colombian conflict with the recent discovery of a large mass grave by the Special Peace Jurisdiction (JEP) in Dabeiba, Antioquia, in December 2019. There are more than 100,000 disappeared persons and, according to the Institute of Legal Medicine, still roughly 200,000 unidentified bodies.

Those of us who, due to various circumstances, have experienced the drama of disappearance first-hand and have worked closely with different communities and victims over the years know that expressing in words the countless sensations and emotions experienced when dealing with this reality takes a long time. In my personal experience working with urban and rural communities since the late 1990s, I have seen, in Soacha and other areas of Bogotá, young rappers who evoked in their lyrics the memory of their missing peers, as well as peasants, women, communities, Afro-Colombians and indigenous people in various parts of the country who, through their traditional dances, stories and songs have narrated their pain, dreams and hopes.

“ Symbolic actions focus on the feelings of victims and their ways of seeing and perceiving the world ”

These different artistic expressions are a symbolic sample that reveals to society and its citizens the dimension of the tragedy and the need not to repeat it. There are alternative ways of addressing and narrating violence beyond a legal and academic perspective, with the aim of understanding and drawing attention to realities that are rarely addressed in the public sphere, such as enforced disappearance.

In recent years, awareness of enforced disappearance has increased in the public sphere through individual and collective creations. Countless symbolic, artistic and mobilization activities carried out by organizations, communities and family members, not only as an act of denunciation, awareness and education, but also as part of the elaboration of their mourning, both intimate and collective. Memory practices that are constructed through cultural and artistic practices such as songs, dances, rituals, the performing arts, murals, drawings, short films, photo exhibitions, memory galleries, etc. that show society the different faces of disappearance, generating new meanings. This involves artists and groups raising awareness about this reality that few people know about as a promise of hope for an intercultural dialogue.

A tour of some of the creations

Artwork speaks for itself and it is the public who has the last word. There are many actions that have been developed by artists, organizations, communities and individuals that give an account of the importance of the various voices on disappearance in Colombia. The main thing is that this artwork can be seen and recognized by many more people in the country and around the world as a work of awareness-raising and education about this reality that is seldom talked about.

“ The different artistic expressions are a symbolic sample that reveals to society and its citizens the dimension of the tragedy and the need not to repeat it ”

It would not be fair to focus on just one case and it is also impossible to make a list and name them all. However, we can highlight some of these proposals so that readers can explore them and generate their own reflections. The purpose here is to show both dimensions: that of the artist/narrator who personally, in collaboration with victims and communities, pays homage to them, evoking their pain and their hopes, as well as that of groups and/or organizations that jointly present their work to the public in collective creations, visions derived from the artistic processes of building memory.

We can begin in the nineties with *Atrabiliarios*, the work of renowned artist Doris Salcedo, who spent several years listening to the relatives of victims of enforced disappearance. And *Aliento*, by the artist Óscar Muñoz (1999), in which images of disappeared young people appear when the viewer breathes on them.

Subsequently, the famous Colombian artist Beatriz González, in a tribute to the anonymous victims of the armed conflict, joined together art, architecture and memory in *Auras anónimas* (2009). For this art installation, almost 9,000 silk-screened tombstones were installed in the Central Cemetery of Bogotá for the current Center for Memory, Peace and Reconciliation. The tombs were a mass grave for the thousands of victims of *El Bogotazo*, the massive riots that occurred on 9 April 1948. This public work of art provides food for thought.

“ All these initiatives work as a way to communicate with disappeared loved ones. They

elaborate a message that is both intimate and public ”

Madres terra, by photographer Carlos Saavedra (2008), was also exhibited in the same Memory Center. This art exhibit is composed of portraits of mothers partially buried, in recognition for keeping alive the memory of their children, victims of enforced disappearance in Colombia.

The last example, from an intimate and personal perspective, includes several proposals resulting from the same experience: the documentary Cuerpo 36 (2015), by the forensic anthropologist Helka Quevedo, based on the research “Textos corporales de la crueldad”, of the Center for Historical Memory; the initiative “El bosque de paz y reconciliación”, where trees are planted and where, each time a body is identified, the family of the disappeared person is invited to receive the tree that a Colombian has adopted and cared for; and the book Un lugar para otras voces (2018), where Quevedo depicted her experiences through twelve letters to a group of people disappeared by paramilitary forces in Caquetá, in places where paramilitaries were taught torture techniques¹.

Additionally, an important initiative launched recently is the Colombia Enforced Disappearance website, through which a tour of the various artistic proposals dealing with disappearances can be taken.

There are also numerous examples of collective creations conceived by people who have directly experienced the drama of disappearance, with a capacity for resistance, resilience, and social and political action. One of the most representative actions is the Memory Gallery, an initiative of the Association of Relatives of Disappeared Detainees, together with other organizations. This initiative is a traveling exhibit with photographs of disappeared persons, with the aim of working on the reconstruction of historical memory in public spaces. Another example is Antígonas Tribunal de Mujeres, of the Mothers of Soacha organization, which demands justice and dignity for the victims and the disappeared through dances and songs. Since 2008, Mothers of the False Positives of Soacha have worked tirelessly to be heard, participating in various artistic initiatives.

They are currently working on the project *“Grabar en la memoria”*, where they carve their children’s faces in pieces of wood.

“ The works are a poetic means that allows us to recognize the ability of family members to transform and build other collective imaginations about disappearance ”

La Escombrera, in the Comuna 13 district of Medellín, is possibly one of the largest mass graves in Latin America. In 2002, the Orión Military Operation, in collusion with paramilitary forces, left hundreds of disappeared persons and a burial site for victims. Agroarte was formed that same year as a platform coordinating five grassroots organizational processes that promote the “reappropriation of territory, intergenerational exchange and the strengthening of the social fabric” through different methodologies based on the arts. One of them is Cuerpos Gramaticales, a “political-artistic performance action (planting of bodies) that tells the stories of violence against bodies and territory” through preparatory activities involving theatre, dance, weaving and writing.

Other noteworthy works are the book Memorias poéticas de la Diáspora Colombiana (2019), by women in exile; the series of short documentaries BuscArte, by the Disappeared Persons Search Unit (UBPD); the short film Mi regreso a las orillas del río; the animated film La nube que oscureció nuestras vidas; or the dramatized Nuestra búsqueda. Another beautiful initiative is Costurero de la Memoria, which was started by a diverse group of women in 2007 as an exercise to share dialogue and listening through weaving. It is a metaphor of sewing, knitting, joining together and mending life fragments and stories, led by the Afro-Colombian woman Virgelina Chará.

It is also important to consider the harm caused by enforced disappearance to indigenous and Afro-Colombian communities, which creates spiritual and cultural discord in their lands. An emblematic case is that of Kimy Pernía of the Emberá Katío

people in northern Colombia and the songs and stories of the Mujeres Buscadoras de Tumaco, women who are searching for their disappeared children.

“ Collective creations are a cathartic process that contributes to the exploration and understanding of their own feelings as victims of enforced disappearance ”

We have seen how many of these initiatives are promoted by women, since they have suffered the effects of the armed conflict disproportionately. An example of this phenomenon is the event organized by the Truth Commission and the UBPD in the city of Pasto in 2019, where more than 400 women from all over the country –indigenous women, peasants, exiles, victims of enforced disappearance– raised their voice: “Our absence is the same, but we have found ourselves in pain”.

Where there is art, there is dialogue and there is hope

All these initiatives work as a canvas, a way to communicate with disappeared loved ones. They draw the feelings and rituals of the victims and elaborate a message that is both intimate and public: a window of communication with the world, transmitting messages of hope, freedom and dignity, like a political aesthetic act from everyday life.

The psychosocial impacts and harm caused by enforced disappearance on the victims (both direct and indirect), on the communities to which they belong and on their environment reflect the magnitude of this crime. The act of disappearing denies the human condition, absence as loss, but at the same time as expectation of life.

It is important to see how the effects, impacts and harm on families, communities, places and territories have transformed the meaning of many of these human groups and landscapes, and through art a new symbolism has been developed. The creation of these symbolic places is linked to the reconfiguration of their personal and collective identities.

“ All these artistic initiatives are not simply symbolic acts; they are a way of fighting against impunity and of shaping the historical truth ”

In many of these creations, pain is the protagonist. These are works that reflect the pain of absence transformed into strength and its tireless search for truth as a key element for justice. They are works that reflect the will, strength, endurance and efforts to achieve a more dignified life. A poetic means that allows us to recognize the ability of family members to transform and build other collective imaginations about disappearance and that seeks to generate bridges of recognition between different actors.

Collective creations are a cathartic process that contributes to the exploration and understanding of their own feelings as victims of enforced disappearance. It is not easy to document emotional impacts and distress, but what has been achieved through different performances or artistic scenarios is that disappearance can be manifested and imagined in another way. It is important to be able to document and transform that wealth of emotions as an act of recognition of their pain; to invoke them and bring them to the forefront as an act of healing, a learning exercise of public awareness, and also, as an individual and collective practice. It is a way to resignify territories, bodies, stories and lives through artistic dialogue.

When a group of people are convened, an important piece of unknown history is recovered, since the importance of telling their stories, of telling their truth in a different way, is invoked. Being able to reveal the violence infringed on them specifically because they were women, men, peasants, indigenous people, trade unionists or Afro-Colombians plays an essential role in the country's reconciliation. All these artistic initiatives are not simply symbolic acts; they are a way of fighting against impunity and of shaping the historical truth about crimes against humanity in Colombia through different voices.

1. You can listen to [this story](#) and others in the voice of various victims on the podcast *Voces desde el territorio* from the newspaper *El Espectador*, in a section called “*Hablan los Desaparecidos, una serie para recordar a quienes no regresaron del conflicto*”.

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This is a translated version of the article originally published in Spanish.

Photography Project “Costurero de la memoria”, Colombia.

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Don't forget my name. Disappearing at the border

Corina Tulbure and Wael Garnaoui

Corina Tulbure is a freelance journalist. Wael Garnaoui is a PhD student at the Paris VII University

"I know he is alive, it's what my heart tells me", Fatima repeated, walking towards the house of another mother whose son had disappeared while heading for Lampedusa. In 2017, when we did the first interviews, Fatima's son, Ramzi Walhezi, had been missing without a trace for five years. He had left for Europe with other young people from the same neighbourhood in the Tunisian capital. Today Fatima is still waiting for him to call. His absence is a constant presence in her house. The walls bear the face of her son, with his photos accompanying her 24 hours a day. Her eldest son went to Germany earlier, but in 2017 he still had no residence permit.

Every photo in these mothers' houses asks to be listened to, demands its right to speak. These are photos that put a name and a face on Europe. Our present is called Ramzi Walhezi, Amine, Zied, Aymen... Young people who left Kabaria, Hlel, Ennour... Tunisian neighbourhoods marked by the geography of the "enforced disappearance" (Emilio Distretti, 2020¹) caused by the European borders.

**“ Thousands of people have died in the
Mediterranean in the last twenty years as a result
of the deadly policies executed on the southern
border of Europe ”**

In Spain we wake up every day to the news of a boat that is in danger of sinking or has already disappeared into the Mediterranean. We live with this image on a daily basis, the story of the “boat of death” as a Tunisian activist calls it, is part of our present history; we cannot claim that we didn’t know. Thousands of people have died in the Mediterranean in the last twenty years as a result of the deadly policies executed on the southern border of Europe.

Fatima’s missing son is one of the young *harragas*, a word that literally means “those who burn” the borders. It refers to the act of crossing frontiers, transgressing them when movement is prohibited.

Through the system of frontiers, the movement of people has been exceptionalised and commodified. While thousands of people are forced to move due to different forms of violence –wars, economic crises or the consequences of climate change– restrictions have been placed on the movement of those who come from the South. This is the result of a global border regime that designs and imposes a hierarchical map of the world based on prohibitions, where the right to mobility is granted or denied based on the worth and the power of the passport. At the same time, an act such as moving, which is so common from a historical point of view, is subjected to laws and regulations; it is permitted or banned on the basis of whether you belong or are linked to a place, thus establishing that people are limited to one space, all of this in the epoch of globalisation and, in theory, of free movement.

“ The border is a practice that confines the young ‘harragas’ inside Tunisia and leads to the deaths and disappearances in the Mediterranean ”

Faced with this policy of frontiers, of the securitisation of territories and prohibitions on the mobility of people from the global South, a policy promoted and managed by the European Union, the philosopher Achille Mbembe² defends “the right to hospitality” and a system of open borders between the countries of Africa. This is a response to the

tendency towards forced immobility that is extending to several countries of the Maghreb, as a result of the policy of externalisation of the European borders. Morocco, Tunisia and Libya, through agreements with the European Union and in collaboration with European states, carry out the repression of people who come from other countries in Africa and who demand their right to move. Immobility, the geographies of confinement –from the denial of travel permits to the technological systems of persecution on the borders and the deprivation of liberty in migrant detention centres– have become violent methods of governing populations, reinforcing a racial and economic hierarchy rooted in Europe’s colonial past. “Zoning practices” are installed, giving rise to a “new collusion between the economic and the biological”³, which imposes a regime of security, division, and the creation of spaces without rights such as borders or border practices.

The border is not a line on a map that expresses collective fantasies concerning the nation-state at a social level, but has rather become an instrument of governance within a globalised world. It is no longer a space, but a practice that confines the young *harragas* inside Tunisia and leads to the deaths and disappearances in the Mediterranean.

“ The closure of the land borders and the denial of visas to travel to Europe drove young Tunisians towards the only route that remained open, the sea, despite the dangers that this entails ”

In 2011, the Arab Spring produced political and social changes in Tunisian society and intensified young people’s demand for the right to travel. It was then when thousands of people, the *harragas*, headed for Europe, confronting the European border regimes. According to data from the Tunisian Forum for Economic and Social Rights, more than a thousand people died or disappeared at sea in 2011-2012 because of Europe’s frontiers⁴.

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The closure of the land borders and the denial of visas to travel to Europe drove young Tunisians towards the only route that remained open, the sea, despite the dangers that this entails. Without a safe travel route having been opened, it is incongruous to complain about the existence of networks of traffickers, given that it is the European policies themselves that push people into these networks. For many young people it was just a question of guides, people who helped them on the journey to Italy. Small boats with less than 10 people leave the ports of Sfax and Kerkennah, heading for Europe. They themselves raise the money to buy the boat, a fishing boat that will be piloted by one of the young people or by a guide.

In 2012, the Tunisian and Italian authorities established a joint commission to search for the disappeared, but this cooperation ended in January 2016. The *Terre Pour Tous* association maintains that young people disappear each year while going to Europe. However, in recent years, given the lack of support, many families have stopped denouncing the disappearance of their children.

“ In recent years, given the lack of support, many families have stopped denouncing the disappearance of their children ”

From Tunisia, they don't see the borders in the same way as from inside Europe: “Borders separate two nation-states, but also two different ways of experiencing the world”⁵. Borders do not have the same consequences on social consciousness, they do not impose the same social relations in Tunisia as in Europe. The current frontier fetish establishes relationships within European societies based on the separation between the national and the foreigner. From the other side, the border is more related to a location than to a social practice and is something that can be broken, hence the young people who “burn” and transgress borders, who claim their right to be part of the same world that has the right to mobility. In the face of a system based on security, a racial and economic hierarchy, the transgressors of borders demand to be recognised as equals.

One of the mothers interviewed explains that her son has gone to “burn” the sea route and that she supported his decision: “He told me that he needed 1,000 dinars; I gave him more money, God helped him, I helped him, he went”⁶. Mothers are the ones who support their children on their way to “burn” the border regimes.

“ The border has become a place where the power of the State is exercised to decide on human life

”

Being made to “disappear” is a consequence of the existence of the border. Within Europe, the illegalisation of people through specific laws made only for foreigners, such as the “foreigners’ law” (*ley de extranjería*) in Spain; detention centres for foreigners; police stop and search actions based on racial profiling on the streets of our cities... all these form part of a system of control and repression that establishes within Europe a regime of *departheid*⁷, people without “the right to have rights” (H. Arendt) and who live under the permanent threat of deportation. In Europe, border practices impose social disappearance, through the processes of illegalisation. The young *harragas*, by transgressing the borders, transgress this system of restrictions and spatial and racial hierarchies. The word *harraga* has broadened its meaning to include the “burning” of other symbolic borders: passports, the documents that shut in a person and reduce their humanity to a piece of paper; the practices that they suffer when they reach Europe.

Mothers and their battle against indifference

Right now, Fatima does not only have to cross local bureaucratic walls in her battle to find out where her missing son is and who is responsible for his disappearance. She also has to face up to the European bureaucratic jungle and, above all, to the social indifference of Europe before a border policy that provokes people’s deaths.

“ Reducing a person’s life to humanitarian intervention becomes the expression of a politics in which the life of the other ceases to have the same value as your own ”

For years, the mothers of the *harragas* have been meeting up in the neighbourhoods, in associations such as *Terre Pour Tous*, to demand justice for their disappeared children. They have occupied places such as Avenue Habib Bourguiba –the centre of the 2011 protests and a very symbolic space for Tunisians– to force the search for their children and the reality of their disappearances onto the political agendas of Tunisia and Europe. They want to clarify the truth and the accountability in the disappearance of their children. “If they are dead, we want their bodies”, say the mothers. Disappearance can be much more painful than death, a grieving that never ends⁸. The disappearances have led to a continuous mourning for the families that do not have the bodies of their children, for the parents of those who constitute “a lost generation” in Tunisia. Mothers demand an answer from both the Tunisian and the Italian governments to the question: where is my child? One of the mothers interviewed refers to the route her son undertook as a journey in which “he burned (the border) but has not arrived”. This is the anguished wait of the mothers of the disappeared young people, unable to recover their bodies. These mothers said goodbye to them and now their children have ended up in the middle of nowhere. The mothers’ previous lives have disappeared and now all they do is search for their children. It is not just that the whole family becomes submerged in the trauma of the disappearance at the border, but that the trauma becomes collective. Mothers cannot recover the bodies of their children, even when their remains are recovered at sea, because they cannot travel to Italy to identify them. The very same borders impede them from travelling to say the last goodbye to their children. Other families receive information about belongings of their children that have been found at sea. They also are unable to collect them, for the same reason, because they are denied a visa, and the belongings are not even sent to them.

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The border has become a place for the practice of *necropolitics*, governance through death, through deciding “to kill or to allow to live” (Achille Mbembe, 2011⁹), a place where the power of the State is exercised to decide on human life. At the same time, in the daily news we receive, the border has assumed a narrative that hides the responsibilities, in the form of humanitarian rescue. Frontier policies deny the right to life of these people, they are forced to cross the sea due to the closure of any other form of travel (banned from taking a plane, banned from obtaining a visa, banned from entering by land), they are abandoned to their fate and the possibility of a rescue or humanitarian intervention.

“ The person who manages to enter Europe by transgressing this system of borders is present as a racialised body. They have no name, no past, they are not seen, nor heard ”

Reducing a person’s life to humanitarian intervention becomes the expression of a politics in which the life of the other ceases to have the same value as your own. And through a permanent “state of exception” (Giorgio Agamben), decisions are made at the borders about who has the right to life.

At the same time, in the media, the person who manages to enter Europe by transgressing this system of borders is present as a body, the racialised body. They have no name, no past, they are not seen, nor are their words heard, but they are rather presented as a survivor, a person restricted to the mercy of humanitarian intervention. In the border system there is a “relationship between politics and death”¹⁰, between the racialised body and rights. However, the deaths of people at sea are part of current European history. It is contradictory to think about the habitual coexistence of notions such as human rights or freedom of movement with the reports of people dying in the Mediterranean, without these policies having changed and without there being a massive protest by European citizens themselves against this situation. Social indifference is not a new phenomenon and indifference directed towards certain people

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can coexist with societies that claim to defend democratic ideals (Michael Herzfeld, 1993¹¹; this is the expression of an attempt to “deny common humanity”¹². Fatima struggles precisely against this social indifference, an indifference based in part on the trust in and lack of questioning of state institutions and policies by European citizens. And it is precisely the State that, through its border policies, carries out, justifies, and aims at “‘civilizing’ the ways of killing”¹³.

As we were writing this text, we continued to receive messages from some of the 800 Tunisians who have been locked up in Melilla, the Spanish enclave in North Africa, for more than six months, without knowing what will happen to them. They arrived by land; they did not want to take “the boat of death”. Now they await the response of the Spanish authorities: to let them continue on their way through the peninsula or to deport them to Tunisia.

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8. Idem, Wael Garnaoui.

9. Achille Mbembe, "Necropolitics", *Public Culture* 15 (1): 11-40, 2003, Duke University Press. p. 11.

10. Idem, Achille Mbembe, p. 16.

11. Michael Herzfeld, *The Social Production of Indifference*, University Press Chicago, 1993, p. 5.

12. Idem, Michael Herzfeld, p. 173.

13. Achille Mbembe, op.cit., p. 19.

ABOUT THE AUTHORS

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Wael Garnaoui is a PhD student at the Paris VII University and has completed a thesis in Psychoanalysis and Psychopathology. He has a master's degree in Clinical Psychology from the University of Tunisia, a master's degree in Psychoanalysis and Scientific Medicine from the Paris VII University and a master's degree in Political Science from the Paris Dauphine University. He is an associate doctoral student at the Centre for International Studies of the University of Montréal (CÉRIUM) and has worked as a psychologist with refugees and migrant families in the association of Psychologues Solidaires. He has also taught Psychology at the University of Sousse (Tunisia).

This is a translated version of the article originally published in Spanish

Photography At the bottom. Jon Roman.

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IN DEPTH

Libya: disappearing on the way to Europe

Karlos Zurutuza

Journalist specialised in human rights and armed conflict in the MENA region

Tens of thousands of migrants continue to cross Libya in a desperate attempt to reach Europe. We know little or nothing about the circumstances in which these people disappear along the way, either dying from the harsh conditions of the trip or, if they are imprisoned by criminal groups, because everyone –even their family– loses track of their whereabouts.

It all starts with a five-day trip across the desert on the back of a truck loaded with everything from furniture to goats. They are told to tie themselves on with ropes, because the driver won't stop if someone falls off. Along the route, they can see the sun-scorched corpses of those who fell off on previous crossings. The first people to disappear on the Libyan route to Europe do so even before entering the country. No one knows their names, nor are there any statistics. Who could gather those figures in the vastness of the Sahel? But it is said that more migrants die there than in the Mediterranean.

Once on Libyan soil, the survivors will have barely recovered from that first shock when they find themselves in another nightmare. Sabha, in the south of the country, is an unavoidable first stop, a place in the middle of the desert where the mafias hunt down sub-Saharan Africans.

“ The first people to disappear on the Libyan route to Europe do so before entering the country.

No names, no statistics. Who could gather those figures in the vastness of the Sahel? ”

Each street in the southern capital has its own “ghetto”, which is what they call the places where migrants are imprisoned and beaten until someone, usually their family, pays the ransom the mafias demand for their release. The money, if it eventually arrives, does so through *hawala* (which means “transfer” in Arabic banking jargon). This is a system that leaves no trace, in which a person in one place receives the amount on deposit and a person in another part of the world pays it out. When this has been done, the family of the kidnapped person receives a code that they have to send by SMS to the kidnapper. The detainee will be released... until the next time, until they fall into the hands of another mafia.

Dozens of stories collected by this journalist, both inside Libya and on the humanitarian rescue ships, confirm this account. The names of the victims and how long they have to wait before being released vary, but the size of the ransom seems to be more or less fixed: between US\$500 and US\$700. Sometimes the family will be too poor to pay or perhaps the person kidnapped simply has no one to turn to. In that case, the victim will be sold to a gang boss to work as a slave in cleaning or construction. If their health is so bad that nobody is willing to pay for them, their captors will kill them right there.

Only the lack of contact over a period of time will put their family or their travelling companions on the alert over their disappearance. In a country with no effective institutions, nobody will be held responsible for their absence or carry out an investigation.

This vulnerability reaches its highest level when it comes to women. While there are a lot less of them –about one in ten of the people on the rescued migrant boats are women– testimonies collected by numerous journalists and NGOs indicate that sexual abuse is rife. Not for nothing do most women ask to be tested for AIDS/HIV as soon as they step onto the deck of a rescue ship, as this journalist has witnessed. Those who stay in Libya will look for a job as a domestic worker or a cleaner in the main hotels of

cities like Tripoli or Misrata. In the worst case, they will disappear into the prostitution networks.

“ Vulnerability reaches its highest level when it comes to women. While there are a lot less of them, sexual abuse is rife ”

The coast

The International Organisation for Migration calculates the number of migrants in Libya at between 700,000 and a million. However, like everything else in Libya, these are rough estimates rather than verifiable figures. It is impossible to calculate the number of people who disappear into the hands of the mafias or of the armed militia groups that claim to be the armed forces of the two rival governments. Most of these militias operate on the coast, where 90 percent of Libyans live and where migrants have to start from scratch over and over again until they can put together the money needed to get onto one of the precarious boats headed for Europe. You only have to go somewhere like the bridge in the Gargaresh neighbourhood of Tripoli to find a multitude of individuals, most of them Sub-Saharan, waiting to get onto the back of a pick-up truck for occasional construction or cleaning jobs. On a good day they can earn up to 20 Libyan dinars –about five Euros; on a bad one, they will end up being captured by a mafia. And back to square one. Mahmud, a 26-year-old Nigerien, said he was building a wall in Tajoura –east of Tripoli– when he was kidnapped.

“They made me call my family on a mobile phone they handed me and I had to tell them that they would kill me if they didn’t pay US\$700. While I was talking to my aunt, they beat me nonstop, I suppose so they could see that I’d be beaten to death if the money didn’t arrive”, the Nigerien remembered. After two months of beatings and threats, the ransom ended up arriving through the *hawala*.

The victims of these abuses are rarely able to provide details that let us know where they were imprisoned. Normally it is impossible to clarify whether it was one of the

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official detention centres, also called “holding centres”, or just a place where some gang locked them up. To visit the former, the permission of the Ministry of the Interior in Tripoli is required. Detainees will be held in more or less overcrowded dilapidated rooms and, with luck, a pile of five-litre water containers will cover the lack of running water in the bathrooms. The diet, generally based on rice and pasta, is undeniably monotonous, and we know that the rare occasions when apples and cigarettes are handed out are due to visits by journalists or humanitarian workers. The centres are generally disused schools or warehouses, and the refurbishment doesn't go beyond laying out mattresses where before there were chairs and desks. Humanitarian organisations such as Human Rights Watch or Amnesty International give approximate figures of around twenty centres in the west of the country, and these often change their location for security reasons or simply because someone ends up claiming the building in question.

“ This situation of extreme vulnerability suffered by migrants on Libyan soil is a product of the atomisation of power following the war that brought an end to Gaddafi's dictatorship ”

The number of detainees is impossible to calculate. Sometimes massive numbers of people are released, when there is a large and unexpected arrival of new detainees. Equally, detainees are sometimes moved from one centre to another. Each centre receives a fixed amount from the Tripoli government for each inmate, so “trading” in human beings is habitual even within the network that falls under the Ministry of the Interior. The Geryan prison –90 kilometres east of Tripoli– is well known, both for the terrible conditions for detainees and because of its leading position in the trading market.

Of the “unofficial” centres, those that the mafias use to retain hostages, we only have photos taken with mobile phones by the captors themselves, or by those who participate in the auctions in which the commodity on sale are human beings.

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This situation of extreme vulnerability suffered by migrants on Libyan soil is a product of the atomisation of power in the country following the war that brought an end to four decades of dictatorship by Muammar Gaddafi. On paper, Libya currently has two governments –one in the east and one in the west– and hundreds of militias that impose their own laws on the ground. The situation for migrants has deteriorated even more since April 2019, when General Haftar, the military leader of the forces in the east of the country, launched his offensive on the Libyan capital. The clashes continue in an area south of the capital, near the airport, in an industrial district where there are many empty hangars that could be used as detention centres. Matthew Brook, the deputy head of the UNHCR mission in Libya, told the British newspaper, *The Guardian*: “The threat to refugees and migrants in Tripoli has never been so grave”. Survivors of the deadly Sahel crossing, of the nightmare in southern Libya and of the ongoing firefights on the coast will play their last card on an overcrowded boat. But while the sea crossing is dangerous, crossing this part of the Sahel alive also represents a challenge.

“ One of the biggest mistakes when trying to understand what is happening in Libya is to see the mafias, militias and security forces as actors that are independent of each other ”

“Dead and disappeared”

One of the biggest mistakes when trying to understand what is happening in Libya is to see the mafias, the militias and the security forces as actors that are independent of each other: the fact is that they form an intricate network of interrelated elements. So how can you ask the Police to investigate the disappearance of somebody in the hands of a pro-government militia? How can you demand that a judge opens a case against a minister whose brother is a well-known human trafficker? In Libya, the police and army are words on paper for entities that do not yet exist on the ground. Security, or the lack of it, is in the hands of the insurgent groups that rose up against Gaddafi, but who continue to defend their own interests, almost always in tribal terms, rather than on the

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basis of ideology or even religion. In the absence of a state, the tribe is the only thing that protects you, and hundreds of thousands of migrants and refugees in Libya have no tribe.

It was at the end of October 2016 that 89 Libyan cadets and officers constituted the first group to receive training under the so-called Operation Sophia, the EU's joint naval mission to combat trafficking in human beings and arms in the central Mediterranean. The training of the Libyan coast guards, still ongoing, is one of the most controversial points, especially given the growing number of incidents between the Libyan fleet and the NGOs that participate in search and rescue missions. Even the United Nations Support Mission in Libya (UNSMIL) stated that it had "credible information of involvement by State and local officials in smuggling and trafficking networks". There are confirmed cases in which coast guards demand bribes to allow boats to continue towards Europe. Those who do not pay are retained and their occupants are returned to detention centres where they will be abused or traded. Meanwhile, the Libyan fleet, trained by the EU and with Italian-made ships, is becoming increasingly efficient in acting as a "firewall" to check the flow of migrants that create so much concern on the northern shores of the Mediterranean. The figures have gone from the peak of 180,000 arrivals in Italy in 2016 to just over 10,000 last year (United Nations figures). The figures for "dead and disappeared" (2913 and 750 respectively) refer only to the final, maritime, part of the route northward. Thus it is increasingly difficult to reach Europe, as migrants who do not disappear at sea are returned to the Libyan coast. It is a repetitive nightmare, a return to the deadly obstacle course from which everyone dreams of escaping.

**“ In the absence of a state, the tribe is the only
thing that protects you, but hundreds of
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A raft capsizes in the middle of the sea before it can be rescued by a ship of the humanitarian NGOs or the Libyan Coast Guard. Hours or days later, the bodies will appear on the beach, or become entangled in some fishing nets. When the bodies are collected, the Red Crescent will process them for identification, but this is not always possible. The bodies will be buried in places like the makeshift cemetery of Zuwara –in the west of Libya– where, in the face of the inaction of uncaring authorities, a group of volunteers takes charge of burying them. More than 2,000 have been buried in that place alone.

Everything remains to be done

Although the images of migrants in this part of the Maghreb have grown in number over recent years, coming to be part of our social consciousness, human movements from Libya to Europe are far from new. From the Middle Ages until well into the 19th century, the ports of Tripoli and Benghazi were the destinations of slave caravans from the interior of Africa; these merchant routes became institutionalised during the four centuries of Ottoman rule. Then there would be the demographic experiment of the 1920s [when Italy promoted the emigration of its “excess population” to its then colony of Libya], but the human traffic changed direction in the second half of the 20th century. By then, tens of thousands of migrants and refugees were leaving for Italy in precarious boats while Libyan officials looked the other way. Gaddafi was fully aware of the concern that this traffic raised in the former colonial power and its neighbours. In 2004 he began to sign agreements with various European states to control the flow of migration. In 2010, the Libyan president suggested that, without his help, Europe would “turn black”, stating that “we don’t know if Europe will remain an advanced and united continent or if it will be destroyed, as happened with the barbarian invasions”. He made these declarations in a speech at a dinner with 800 guests organised by his old friend and ally, Silvio Berlusconi. During that event, Gaddafi asked for 5 billion Euros a year in exchange for closing his country and its coast to refugees and migrants. The rest is history: after Gaddafi’s savage lynching, in October 2011, the hitherto monolithic Libyan state shattered into fragments, in the form of city-states in which armed groups fight over the control of streets and neighbourhoods.

**“ The drama of irregular migration through Libya
cannot be effectively addressed without the
restoration of minimally solid state structures ”**

Chaos is the norm in the country, so the solution to the drama of irregular migration through Libya cannot be effectively addressed without the restoration of minimally solid state structures that can guarantee the safety of locals and people from outside. Likewise, if we accept the International Organisation for Migration's figures of around one million migrants on Libyan soil, it is easy to calculate the dimensions of the disaster in a country whose local population is less than six million: it is as if a Spain in ruins and in the middle of a war had to deal with the needs of some eight million individuals passing through the country.

Everything remains to be done. In May 2019, the UNSMIL declared that it was “deeply concerned about increased cases of arbitrary arrest and detention, abduction, kidnapping and disappearance in Libya, inflicted upon officials, activists and journalists”. Apart from anything else, this is a clear indication of the chaos that the country finds itself in. And if the groups they refer to are victims of such abuses, it also gives us an idea of the nightmare that migrants face in Libya. In August of the same year, the UN Secretary General, Antonio Guterres, sent a report prepared by various UN agencies reporting abuses such as the “loss of liberty and arbitrary detention in official and unofficial places of detention; torture, including sexual violence; abduction for ransom; extortion; forced labour; and unlawful killings”. The package includes enforced disappearances. The report gives the figure of 4,900 migrants currently detained in government prisons, but points out that “an additional unknown number of persons are reportedly held in other informal detention facilities”.

Last December a group of national, regional and international NGOs called on the UN Human Rights Council to act urgently for “the establishment of a robust international investigative mechanism” concerning “violations and abuses of human rights and international humanitarian law, including those that may amount to crimes against

humanity and war crimes” in Libya. They also referred to the violations suffered by migrants.

“ Europe has chosen to establish a “firewall” to cut off the flow of migrants, which involves supporting local militias led by known human traffickers ”

As the situation deteriorates for both locals and those from abroad, the external interference from a range of regional and international powers that back one or other of the Libyan governments makes it impossible to achieve the stability required to build an agreement to rebuild the State. Faced with the chaos that Libya is today, Europe has chosen to establish the “firewall” mentioned above to try simply to cut off the flow of migrants, which is undoubtedly the most sought-for result of a highly questionable short-sighted policy that involves supporting local militias led by known human traffickers. The fox is left guarding the hen house in Libya, a country whose power vacuum is seen by many as an open door to Europe. It is also a huge mass grave.

In some village in Nigeria, Eritrea or any of those countries from where young people end up being spat out towards Europe, a family asks itself about the whereabouts of that son or husband who promised to reach the northern side of the Mediterranean so as to maintain his family in the south. When we say that they ask *themselves*, it is because they have no one else to ask.

ABOUT THE AUTHOR

Karlos Zurutuza is a journalist specialised in human rights and armed conflict in the MENA region. He is also the author of *Tierra Adentro, vida y muerte en la ruta libia hacia Europa* (“Inland, life and death on the Libyan route to Europe”) (Libros del K.O., 2017), among other books of reporting and non-fiction.

Photography Hawala market

INTERVIEW

Interviews with Nassera Dutour, Gladys Ávila, Yolanda Morán and Edita Maldonado

Eugènia Riera

ICIP

Four women, mothers or sisters of disappeared persons, bear witness to their tireless struggle to find their loved ones again and to the impact, at a personal and collective level, of facing up to a disappearance. On the basis of their own experiences, they reflect on the need to clarify the truth of each case and to do justice as a means of reparation and non-repetition. Voices from Algeria, Colombia, Mexico and Honduras.

1. When and in what context did the disappearance of your relative take place?

Nassera Dutour, founder of the Coalition of Families of the Disappeared in Algeria (CFDA)

My son Amine was 21 years old. He was arrested on 30 January 1997 and he has been missing since then. He was at home that day and went out to see a friend. When they were together they realised they didn't have their papers on them and they both returned home, because at that time in Algeria the police could stop you to demand your documents at any time. Amine went out again and a white car was there. They made him get in and he disappeared. They were probably agents of the intelligence service, but anyway we never heard from him again. Since then I have been struggling to discover the truth. In my search I met other mothers who were in the same situation as me and in 1999 we decided to create the Coalition of Families of the Disappeared in Algeria (CFDA).

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Gladys Ávila, spokesperson for the European Group of Relatives of the Disappeared in Colombia

My brother Eduardo Ávila was arrested and disappeared on 20 April 1993, in the context of the Colombian armed conflict. He was 26 years old and I was 29. He had been a member of the M-19 guerrilla organisation, but they demobilised in 1990. We found his body a week after his disappearance, on a highway outside Bogotá. We recognised him by visual identification, because the police hid the data and closed the case for lack of evidence, without there being a possibility of DNA testing. Eduardo had the letter T, for his nickname Tiger, tattooed on his left arm. It was a tough moment. I could see the torture: his tongue was torn, his jaw was broken, he had wounds on his hands and fingers, and several gunshots. We managed to get the body handed over to us and since then I have been fighting for justice to be done. In a case of enforced disappearance, it's just as painful to keep searching as to find the body.

Yolanda Morán, director of the organization BÚSCAME and member of the Movement for Our Disappeared in Mexico

My son, Dan Jeremeel, was kidnapped on 19 December 2008 by a group of military personnel from the intelligence area. He has been missing since then. Eleven years later the case is still open: no progress has ever been made in the investigation because the case involved the military. We believe that it was a matter of misfortune: he was in the wrong place at the worst possible time. A few days after the kidnapping, four people were arrested: a military officer, in possession of my son's car, and three accomplices. They were found guilty and sentenced to prison. When they were in jail, two armed truck drivers entered the prison and killed them. That put an end to any possibility of finding out more about the facts. There were still two fugitives at large, one of whom was detained and then also killed. Apparently nothing is known about the other one. Since then, the family has been dealing with the investigation, pressuring the authorities. A mother does anything to find her child.

Edita Maldonado, member of the Committee of Relatives of Disappeared Migrants from El Progreso (COFAMIPRO), Honduras

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It was in 1995. My eldest daughter left home headed for the United States in the hope of helping the family. She was 28 years old. She stopped in Chiapas because she couldn't continue the journey. I went five years without hearing anything from her, because her letters didn't arrive. It wasn't until 2000 that the postman delivered one of her letters to me and I managed to find her. The migration route to the United States, not only from Honduras, but also from El Salvador, Guatemala... is a horrendous odyssey, a terrible ordeal for people who go out looking for a future for their families. Migrants are victims of organised crime in Mexico: there are kidnappings, imprisonments, deaths...

2. What is the impact of a disappearance at a personal and collective level?

Nassera Dutour

The disappearance of a loved one is the most tragic and shocking thing that can happen to a parent. If your child dies due to natural causes, the suffering is unbearable, but over time the wounds may heal. When it's a question of an enforced disappearance, that healing never comes, the wounds are always open. The family lives between hope and despair. The hope of seeing the child alive again, the despair of the years that go by, and the fear of never seeing them again. It's a constant pain that burns inside and never goes away. There's also a sense of feeling guilty because you weren't able to protect them. Disappearance is a torture that deforms you and stops you living a normal life.

Gladys Ávila

My life changed completely. I was a fashion designer, looking after two children and a home. Following that 20 April, I was unable to rest because I knew that I had to go out and look for my brother, to search the streets, shelters and hospitals, from morning to night. You search among the living and the dead. A disappearance destroys your family life and your social life. The family wants to find out who is to blame, to know what happened and why. In our case, as a result of what happened, the family discovered that my brother had been a member of M-19 and this had such a strong impact that the family unit broke up. At the same time, we are stigmatised, labelled and blamed within society. A disappearance is a risk to life and a stigma for the family; that is why it's so important to know the truth.

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Yolanda Morán

It's a huge mental, emotional and psychological impact because we cannot get rid of this constant pain. When a family member dies, you say goodbye and you have a place you can go to mourn them, but we have no such place. We don't know if our children are alive; we don't know where they are or how they are. Every day, when I sit down to eat, I ask myself: "Will my son have a plate of food? "What condition is he in?" This uncertainty is the cruelest thing that can happen to a human being and their family. Dan Jeremeel has five children; the youngest was two years old when he was kidnapped. His wife is alone, without the father, having to go out to work every day. It's a terrible trauma that generates anxiety and doesn't allow you to live in peace.

Edita Maldonado

A disappearance means the destruction of the family, it means despair. For five years I dreamt of her every night, without knowing where she was. It's a very difficult situation for many families, and that is why we came together. Since we formed the Committee of Relatives of Disappeared Migrants from El Progreso (COFAMIPRO) in 1999, there have been 680 disappearances on the migration route between Honduras and Mexico. We organized the first mothers' caravans, and asked the Honduran government for help in creating a search commission, but they never took any notice of us. The government has tried to silence the protests and has only helped us with the repatriation of migrants' bodies, but it doesn't recognise the disappearances.

3. What positive factors can you point to from the tireless struggle of the families of disappeared persons?

Nassera Dutour

The families organise ourselves to demand justice, we go out onto the street every week, we organise events, meetings, protests, with banners and photographs of our sons and daughters. We mothers are forced to keep struggling to discover the truth. The pain is stronger than we are, and the anger, the rage, the sadness, and also the hope, all these drive us to fight and to keep going. It is mainly a struggle by women, because we are stronger than men, because we don't give up trying to find our children, although we

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must also remember that many mothers, and also fathers, have died over this time and others have fallen ill.

Thanks to our struggle we have managed to keep the cases of our children open, despite the Algerian authorities having declared them closed, and the UN Human Rights Committee has recognised 6,146 disappearances in Algeria at the hands of state officials.

Gladys Ávila

When my brother was disappeared, I came across the Association of Families of the Detained-Disappeared (ASFADDES). They accompanied me in the search and thanks to them we found the body. I continued with the group, supporting the many other searches, first as a volunteer and later as the coordinator of the association. Each individual victory is a victory for everyone. From there we fight to survive, we educate ourselves as women –because it’s practically a movement of women– we manage to organise ourselves and we get a political education.

I have continued the struggle from exile. In 2006 I was expelled from my country due to the disappearance of a member of our association. My life and my family’s lives were in danger, and I was exiled to Sweden. That was another very difficult moment due to the added difficulty that it entailed, but we have managed to form a European Group of Families of the Disappeared in Colombia, present in ten countries, and we work with the Unit for the Search for People Considered to have Disappeared in Colombia. Feeling that it’s worth fighting, facing up to everything, that I didn’t nullify myself as a person; that’s the most positive thing.

Yolanda Morán

Through our pain we have found friends. One year after the disappearance of my son, while I was on my way to the public prosecutor’s office, I met two other mothers in the same situation and we joined together to form FUUNDEC (United Forces for Our Disappeared in Coahuila), the first organization of relatives of the disappeared in Coahuila. We went from 18 families, in the beginning, to 600. We started growing, we gained legislative experience, we learned about our rights and, in 2019, we decided to

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launch BÚSCAME, a new organization. Now we focus on the work of identifying bodies and exhuming mass graves, and we are part of the Movement for Our Disappeared.

We have seen a change of course with the López Obrador government, the first administration to recognize the problem and provide information on the number of disappeared persons (around 61,000, even if from the organizations of relatives the number is estimated to be 200,000). We are working with the government and have made progress in the implementation of the Law on Enforced Disappearances, passed in 2017. If there is something a mother doesn't do, it's abandon her children, and this is our fight. It is sad to have met one another under these circumstances, but together we have learned to be strong and not to be afraid of the authorities. Although we receive threats, we leave our fear at home and keep on fighting. Unity strengthens us on this road full of obstacles.

Edita Maldonado

The most valuable thing is our courage to keep fighting, to keep going, to help the mothers who haven't found their children. I was lucky to find my daughter, I brought her back to Honduras but she got ill and died in 2004. Even so, I stayed in the Committee to accompany the others, because we are all one family. We mothers are the bravest and those who struggle most. Hope gives us the strength to fight.

4. What do justice and reparation mean to you?

Nassera Dutour

Reparation is for justice to be done and to know the truth. Without justice there can be no reparation. We need to know what happened, where our children are, whether they are alive or dead, who arrested them and why, what they had done to be arrested, why they didn't have the right to defend themselves, why those responsible haven't been prosecuted... we must know all these things. Why didn't they tell us the truth at the time? If they are dead, why didn't they return the bodies for us to bury them? If no one gives us answers we can't close the case and we cannot forgive. And for our inner peace we have to be able to close the case.

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Gladys Ávila

Knowing the truth, for the country to be able to recognise what happened. Reparation is the public recognition of the identity of the disappeared person, it means non-stigmatisation. And, for justice to be done, the aggressor must explain what happened, who is responsible and why, so that it doesn't happen again. Society must understand that enforced disappearance is a problem for everyone. It was a social genocide and society must put itself at the centre of the struggle. According to the figures published in Colombia, there are between 80,000 and 120,000 missing persons, but there are thousands more unreported cases. The country is not prepared to face up to the disappearances, some people are afraid of the truth being made public, but we always maintain our hope and one day we will have the light that allows us to know what happened.

Yolanda Morán

Before demanding justice for ourselves, the main purpose is to find our children. Bring my son home; find him, give him back to me. That's the first thing; that's inalienable. I live to find him, regardless of what condition he is in. I will think about justice later on. Of course I want those responsible to pay and that is why the authorities are obliged to keep on investigating, but I am so full of pain that there is no room for hatred or rancor in my body. The damage has already been done. We keep on fighting, pushing our way forward; we help one another to find them all. Our faith in God sustains us.

Edita Maldonado

Reparation comes from knowing the truth of what has happened in all these disappearances. Those who ordered the killings of migrants are to blame for the disappearances. We demand justice for all, we want the truth.

Fotografia From left to right and top to bottom, Nassera Dutour, Gladys Ávila, Yolanda Morán and Edita Maldonado.

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RECOMANEM

Materials and resources recommended by the ICIP

Event

Encounter for the Truth #WeRecognizeYourSearch

Acknowledging the efforts made by the families of victims of missing people is a key element for the processes of transitional justice and peacebuilding. The Commission for the Clarification of Truth, Coexistence, and Non-Repetition of Colombia, which seeks to explain and clarify the events that occurred throughout the armed conflict that the country suffered for more than 50 years, has done a remarkable work.

The Commission carried out, from the 26th to the 28th of August 2019 at Pasto, Nariño, an “Encounter for the Truth #RecognizeYourSearch: Acknowledgment of the persistency of woman and families who seek their missing loved ones” in Colombia. The encounter publicly gave value to the efforts of the people who are searching for loved ones and, simultaneously established a dialogue between families and institutions. At the same time, the encounter was accompanied by memorial ceremonies for the victims and artistic representations. These ceremonies enabled the relatives to channel their grief, to embark in resilience initiatives and to regain strength to continue with their search.

Such an encounter served to communicate and pass on the courage and persistency with which the family members of the missing have lived over years, with the anguish of not knowing what had happened with their loved ones, and undergoing a process that, at the moment, has no signs of ending.

“The pain will never leave, but we have to work on being better, we give each other support and strength whenever we need them. We keep on fighting, some for justice,

others because they are still searching for their loved ones”, explains Idali Garcerá, mother of one of the young victims of the Soacha assassinations who are also known as ‘Falsos positivos’.

Book

***Unspeakable truths*, by Priscilla B. Hayner**

Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions, by Priscilla B. Hayner, is an essential book on transitional justice and one of the most authoritative works on truth as an ethic imperative regarding crimes against human rights, including missing people.

Priscilla Hayner’s in-depth investigation into different Truth Commissions established throughout the last three decades decisively contributes to the comprehension on the new dimensions of the protection of human rights. The study is an excellent guide for those societies that decide to face historical events of mass atrocities with honesty and courage.

Priscilla Hayner analyses the dilemmas, the options and the concessions that sometimes are necessary to face the past and to let the past illustrate the present and the future. This book is realistic about the difficulties and obstacles presented by the implementation of the “right to the truth”, but in no way justifies the act of forgetting, of denial, nor of impunity.

The book has been published in Spanish within the “Peace and Security” collection edited by ICIP and Bellaterra Edicions.

Project

Disappearances in migration processes

The *Missing Migrants* initiative of the International Organisation for Migration (IOM), through its *Global Migration Data Analysis Centre*, plays a key role in analysing enforced disappearances within migration processes.

The centre has been monitoring disappearances and deaths along migration routes since 2014. On the basis of this work, the organisation estimates that more than 30,000

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migrants, including refugees and asylum seekers, have died worldwide since 2015. IOM describes these deaths as “an epidemic of crime and abuse”. The project provides up-to-date information and statistics, at global and regional levels, on the number of deaths and their causes. It also includes a series of publications that can be downloaded from the web, with information for the press, researchers and the general public.

Concerning this issue, the United Nations Working Group on Enforced or Involuntary Disappearances delivered a report on enforced disappearances in the context of migration to the Human Rights Council in 2017. The report states that “there is a direct link between migration and enforced disappearance, either because individuals leave their country as a consequence of a threat or risk of being subjected to enforced disappearances there, or because they disappear during their journey or in the country of destination”.

The Working Group also argues that the phenomenon of enforced disappearances in the context of migrations must receive urgent attention. It links the increased risk of suffering human rights violations on migration routes to states’ ever harsher border policies, which make those routes ever longer and more dangerous.

This is a key declaration in framing the relationship between enforced disappearances and migration processes, analysing the factors that these involve and proposing obligations on States in preventing and combating this phenomenon as a priority issue.

Publication***The Missing, International Committee of the Red Cross***

The prestigious International Review of the Red Cross, published November 2018, dedicated its 905 issue to the question of the missing. With a clearly humanitarian vision, the monograph includes 23 articles that address, from different perspectives and experiences, questions such as the psychosocial effects, the challenges in the implementation of international law, the disappearance of people in migratory routes, search mechanisms, the importance of records, the use of forensic science, and the need to strengthen resilience capacities.

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It also collects an explanation about the actions of the International Committee of the Red Cross (ICRC) in relation to disappeared persons and illustrates some of the issues related to these phenomena through the cases of Mexico and Sri Lanka. The editorial, signed by the historian Vincent Bernard, reveals in a few pages with all the sensitivity that the subject requires, the main humanitarian challenges posed by the disappearance of persons.

Report***Missing persons and victims of enforced disappearance in Europe, Council of Europe***

In 2016, the Council of Europe published the report *Missing persons and victims of enforced disappearance in Europe*. The title, which at first might seem repetitive, refers explicitly to two distinct phenomena. The first one applies to those persons who have been reported missing in connection with an armed conflict or a situation of internal violence, or related to a natural catastrophe or a fatal accident. The second one –enforced disappearance– is a crime under international criminal law and a violation of multiple human rights. However, both phenomena must be addressed by focusing on the victims and their rights, especially the right to truth, justice and reparation.

This is precisely the approach that emanates from the whole report, which presents different realities of various member countries of the Council of Europe: Armenia, Azerbaijan, Georgia, the Balkans, Cyprus, Northern Ireland, Turkey, Russia, Ukraine, as well as Spain, a case that we also deal with in this monograph. These include, for example, victims of “extraordinary renditions” in the context of counterterrorism operations with the involvement of European countries, as well as cases of disappearance in the context of extraditions and on immigration routes to Europe.

Finally, we find this report particularly useful because it contains a series of good practices that have been implemented in various parts of the world and have helped to strengthen transitions to peace.

Readings and video***Collection of materials on disappearances in Mexico***

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According to the latest official figures, there are more than 60,000 disappeared persons in Mexico, one of the countries that have been hit the hardest by this terrible phenomenon. This scourge involves many actors in the accountability chain, including various organized crime groups. An earlier issue of the *Peace in Progress* magazine dealing with peacebuilding in Mexico offered an analysis of the dynamics and consequences of violence in Mexico, as well as reflections on how to reverse it. A number of further readings were also suggested, including reports on enforced disappearances in this country.

Here are two more recommendations. The first one is the report *"El regreso del infierno mexicano: los desaparecidos que están vivos"* (Back from Mexican Hell: Disappeared and Alive), by Alejandra Guillén and Diego Petersen, published in *El País* on 5 February 2019. In this chronicle, based on the testimonies of people who have managed to escape from the captivity of organized crime groups, the authors uncover a highly unknown and very difficult reality to investigate: the disappearance and forced recruitment of young people at training camps of the Jalisco New Generation cartel. The article also refers to the impact that these disappearances have on the families of the abductees and the efforts of the prosecution to uncover "an open secret" that conceals unimaginable doses of violence and cruelty. The report is part of the *A dónde (Ile)van (a) los desaparecidos* (Where do the disappeared go?) project, which we also recommend, especially for the map of graves that illustrates the magnitude and extent of enforced disappearance in Mexico.

The second recommendation is the testimonies of Epifanio Álvarez, father of Jorge, one of the 43 students of Ayotzinapa who were forcibly disappeared in 2014, and of Yolanda Morán, mother of Dan Jeremeel, also disappeared, and a representative of *Colectivo BÚSCAME* and of the Movement for Our Disappeared in Mexico. Both of them participated in the International Forum on Peacebuilding in Mexico, organized by ICIP, Serapaz and la Taula per Mèxic, on 25-27 September 2019 (watch the video, from minute 00:53).

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SOBRE L'ICIP

News, activities and publications about the ICIP

ICIP

International Catalan Institute for Peace

Call for nominations for the ICIP Peace in Progress Award 2020

The ICIP has announced the call for nominations for the tenth edition of the ICIP Peace in Progress Award. This prize aims to publicly recognize individuals, entities or institutions that, in an outstanding and extensive manner, have worked and contributed to the promotion and building of peace.

The deadline for submitting nominations is July 1st.

The ICIP Peace in Progress Award consists of public recognition, a sculpture created by the Nobel Peace Prize winner, artist and activist, Adolfo Pérez Esquivel, called *Porta del sol*, and 6,000 euros.

In previous editions, the award was granted to the Coalition of Families of the Disappeared in Algeria (2019), the Mexican organization Cauce Ciudadano (2018), the activist Arcadi Oliveres (2017), Peace Brigades International (2016), the Capuchin friar Joan Botam (2015), WILPF (2014), the ex-general Jovan Divjak (2013), Madres de Soacha (2012), and the struggle of conscientious objectors and “insubmisos&” (people who refuse to do military service or any substitute social work). The same year, 2011, in an extraordinary edition of the award, the Parliament of Catalonia was honored for representing the continuity and legacy of the institutions “Pau i Treva” and “Consolat de Mar.”

The Truth Commission of Colombia presents the work done with exiles on a visit to Barcelona

A working group from the Truth Commission of Colombia was in Barcelona in March, accompanied by ICIP in the exercise of its duties and functions as Technical Secretariat of the Commission in Europe. The aim of this visit was to disseminate the work done with Colombian exiles and plan the actions of recognition, as part of the strategy of integral social dialogue for 2020.

Commissioner Carlos Martín Beristain participated in a working meeting with representatives of the various European nodes providing support to the Commission and in the public event “The truth of exile: Recognition and dignity of victims.” The event, which took place at the Friends of UNESCO-Barcelona office, was attended by fifty people and was a space for dialogue and listening with victims of the Colombian conflict living in Catalonia. Beristain described the Commission’s work with the Colombian exile community, which is currently in the process of taking testimonies through interviews, and called on victims to participate in this process.

During his visit to Barcelona, the commissioner held advocacy meetings with institutions, organizations and parliamentary groups.

The Truth Commission of Colombia has a mandate to draw attention to the impact of Colombian exile, through the work of listening, social dialogue and recognition of this phenomenon. To this end, and with the coordination of ICIP, fifteen working nodes have been formed in ten European countries (Germany, Belgium, France, Italy, Norway, the Netherlands, Sweden, Switzerland, the United Kingdom and Ireland, and, in Spain, in Andalusia, Catalonia, Madrid, the Basque Country and Valencia).

In this first phase of truth clarification work, the various nodes have collected a total of 300 testimonies in Europe, which should allow for a pluralistic account of the Colombian conflict and the recovery of individual and collective memory.

Bullying, racism, the feminist struggle and solidarity with refugees, main themes of winning entries from 4th Hip Hop for Peace Contest

After evaluating all the entries submitted, the jury of the fourth edition of the ICIP Hip Hop for Peace Contest has announced the winners for 2019. This contest aims to promote creativity and to draw attention to the commitment of young people in the field of peace.

In this fourth edition, the award-winning pieces cover topics such as the denunciation of bullying and racism, the vindication of the feminist struggle and solidarity with refugees.

The contest is aimed at youth between the ages of 12 and 25 and has two categories. You can see here the [award-winning pieces](#).

The Hip Hop for Peace receives support from the Department of Education, the Directorate-General for Youth and the Catalan Agency for Development Cooperation. A total of 24 pieces were submitted to this edition of the contest. The awards ceremony will be a public event to take place in Barcelona on a date yet to be determined.

Last publications

- *The institutionalisation of initiatives to promote business respect for human rights*, by Daniel Iglesias Márquez. ICIP Research collection. Published in English and S Publicat en castellà i anglès.
- *Marc de guerra. Quines vides plorem?*, by Judith Butler. Published in Catalan by ICIP and Angle Editorial in the “Clàssics de la pau i la noviolència” collection.
- *Una teoria de l'acció noviolenta. Com funciona la resistència civil*, by Stellan Vinthagen. Published in Catalan by ICIP and Pagès editors in the “Noviolència i lluita per la pau” collection.
- *Sobre el perdó. Com podem perdonar l'imperdonable?*, by Richard Holloway. Published in Catalan by ICIP and Líniazero in the “Eines de pau, seguretat i justícia” collection. Available in PDF and ePub.