



Pieter-Jan De Pue/ICRC



THE NEED TO KNOW

The families of missing persons have both the need and the fundamental right to know what has happened to their loved ones, as they live in the grip of constant anguish, intent on a search that they will not give up until they have the answers they need.

When someone is not sure whether their family member is alive or dead, they live their life in a state of perpetual ambiguity. Therefore, it is essential that the authorities pursue all avenues of inquiry in the search for the missing person until clear and precise information is obtained about their whereabouts or what happened to them.

In cases in which the missing persons have died, it is crucial for families to have proof of death and all the facts about what happened to their loved ones. This will allow the families to start

to grieve. The human remains must be returned to the family, so that they can be laid to rest in accordance with the rites and rituals dictated by their cultural, social and religious traditions.

In order to provide an effective response and assistance to families, the authorities must establish and implement effective tracing and search mechanisms. Interinstitutional coordination is also required at both the national and regional levels to ensure the smooth flow of information between the authorities and the institutions concerned. Regular and effective communication must be established and maintained with the families throughout the search process, so that they can make informed decisions.

MISSION

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

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ACTION FOR MISSING PERSONS AND THEIR FAMILIES

THE MISSING
the right to know



ICRC

"I am 68. And now I am not expecting something nice in this life. I am so used to constant pain and it seems that only new pain brings kind of relief. And only the news about my son could soothe the pain. All the fortune tellers, whom we addressed, harp on one string — that my only beloved son is alive. And only this thought keeps me alive on this Earth."

Mother of a person who went missing during the conflict in the Donbas

Disappearances are a terrible tragedy not only for the individuals concerned, but also for their families and friends. They cause unending anguish and can haunt societies for generations.

The International Committee of the Red Cross (ICRC) considers missing persons to be those whose whereabouts are unknown to their families and those unaccounted for as a result of situations such as an armed conflict, violence, natural disasters, migration processes and other situations.

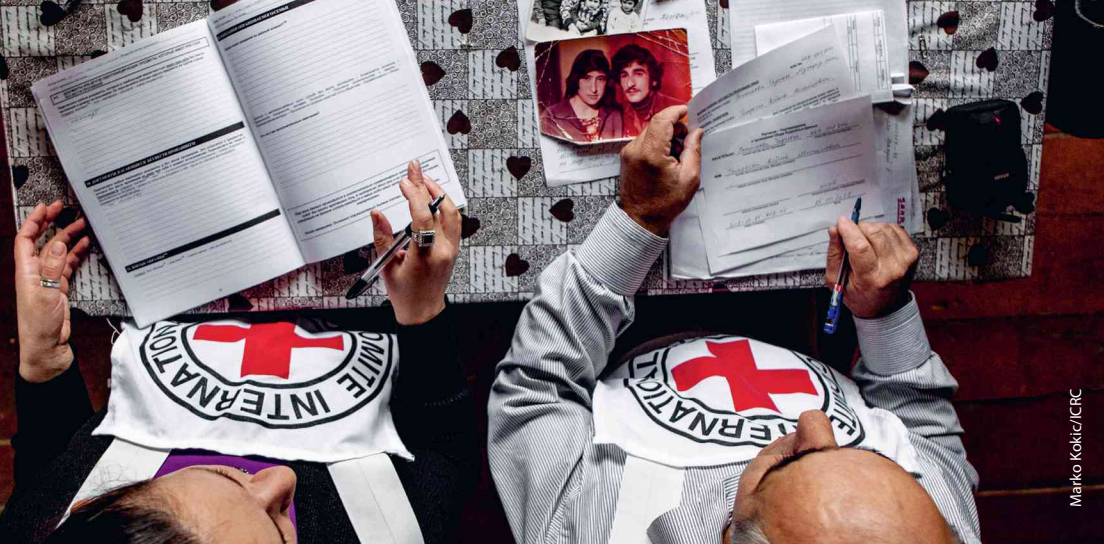
The people who disappear are the immediate victims, but their families are victims too. When a person goes missing, the family experiences immense distress and torturous uncertainty. It leads to physical, emotional and psychosocial problems, often compounded by legal and financial difficulties. Disappearances also have an impact on the community in which the missing persons lived, causing tears in the social fabric.

The right of families to know the fate and whereabouts of their loved ones is therefore

a fundamental concern recognized by both international humanitarian law and international human rights law. The authorities have the responsibility and obligation to take the measures required to ensure that these families are treated with dignity, that their needs are met and that they are given the information they need to move on with their lives.

In recent decades, the ICRC has carried out its humanitarian action to address the problem of missing persons and their families in countries all over the world. In some places, disappearances are often due to a combination of factors, such as past or current conflicts, situations of violence and migration processes.

As part of its humanitarian efforts, the ICRC works with civil society organizations and provides technical assistance to the authorities concerned by the issue, with a view to mitigating the serious humanitarian consequences of this devastating phenomenon. In some specific cases, the ICRC provides direct assistance to the families of missing persons.



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STRENGTHENING CAPACITIES TO SEARCH FOR AND IDENTIFY MISSING PERSONS

The ICRC provides guidance and tools required to strengthen institutional capacities to develop the mechanisms necessary to search for living people, identify dead persons and develop registers containing the information required to search for missing persons.

The process of identification of deceased persons is a crucial step in the effort to give answers to family members about the whereabouts of their loved ones. It is essential that the concerned institutions carry out, in an appropriate and systematic manner, the search, location, recovery and forensic analysis of unidentified deceased persons, and inform the relatives about their findings with certainty and sureness.

In view of the complexity of the search, exhumation and forensic analysis procedures, the authorities need to implement international good practices and facilitate the involvement of families and civil society organizations in all stages of the process.

The ICRC promotes the creation of post-mortem records with the necessary information to search for missing persons. These records should include reliable information on the place of recovery of the remains of the deceased; their physical characteristics; medical and dental information; fingerprints; and photographs, among other pieces of information. They should also include information on the final resting place of the deceased persons, whether they are in forensic institutions or in cemeteries.

In addition, the ICRC facilitates coordination and exchange mechanisms between authorities and civil society organizations involved in tracing missing persons at the national, regional and multilateral levels.

MANAGING INFORMATION ON MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS

Search procedures generate a huge amount of information which must be systematized to facilitate the task of tracing missing persons and identification of bodies. It includes the data that is collected, recorded, organized, stored, used and shared throughout the process and the information supplied by families and friends.

As large part of the information used to search for and identify missing persons comes from different local, regional and national entities, it is essential to establish mechanisms for the coordination, centralization and exchange of information on the exhumation, identification and transfer of bodies.

The ICRC works with authorities to strengthen their information management capacities, and promotes the standardization and implementation of unified data management protocols and systems at the local and regional levels. Considering that the identification process relies on the analysis and comparison of information, it is also fundamental that this information is

centralized and available to all concerned structures providing different levels of access.

In order to facilitate the completion of this task, the ICRC provides the authorities and institutions concerned with standardized data-gathering tools, including forms for family member interviews, and for recording forensic information. In certain cases, it may also support them with computer software that facilitates the identification process through the use storage, processing and analysis of the collected information on missing persons and unidentified dead bodies.

ADOPTION OF LEGAL FRAMEWORKS

The suffering of the families is compounded by the numerous legal obstacles they face. They often have to wait years before the absence of a missing person is officially recognized. During which time, they have trouble exercising certain rights, such as property ownership, the custody of children, getting access to inheritance or starting a new life, among other challenges.

At the same time, the rights and interests of missing persons must be protected at all times until the facts about their fate can be established. They must therefore be granted a specific legal status.

The authorities must have legal frameworks in place that enable family members to make an application for a search to be undertaken, provide the information they have and be kept properly informed about the progress and results of the search.

They must also implement mechanisms that allow families to apply for and receive the support

they require to meet needs arising from the disappearance of a loved one.

To this end, the ICRC promotes the adoption and implementation of legislation and regulations on the protection of missing persons and their families, and of national legal instruments that acknowledge the problem and provide for an appropriate response to meet their needs. In this regard, the ICRC promotes the establishment of a legal status of the missing persons and the issuance of a certificate of absence, which would protect the rights and interests of missing persons and their dependents and allow family members to exercise their rights without having to declare their loved ones dead, when in fact they should be presumed to be alive until definitely proven otherwise. Declaring the death of their loved ones while still hoping for their return profoundly and negatively affects the family.

ASSISTANCE AND SUPPORT FOR THE FAMILIES OF MISSING PERSONS

The ICRC endeavours to raise awareness among the authorities and institutions concerned by the issue, as well as the public at large, about the immense suffering caused by the uncertainty and humanitarian consequences resulting when a loved one goes missing.

The organization also provides guidance and capacity building for government institutions and civil society organizations to ensure that the families of missing persons receive proper assistance and support throughout the search process and that these processes help them to find closure and prevent revictimization.

In some cases, the ICRC supports the families of missing persons during the search and identification process, offering them psychosocial support and assisting them in the burial process.

Additionally, in various contexts the ICRC works to mobilize external support to respond to different types of needs of the families, including socio-economic, psychological, legal and administrative needs, as well as in gaining societal recognition of their plight and support to preserve the memory of the missing relative.