

ACTIVITIES of THE ICRC TO REDUCE CASES of UNKNOWN DISAPPEARANCES

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Complete ignorance about the fate of their own relatives and friends is the reality in which hundreds of thousands of people live, affected by armed clashes or a situation of violence inside the country. The article deals with topical issues of participation in the ICRC's activities to reduce the percentage of unknown disappearances of people and the development of certain rules by the ICRC, which are recommended to the international community.

All over the world, brothers and sisters, spouses and children are desperately searching for people with whom they have completely lost touch. As long as the fate of such people is unclear, families and societies cannot forget the violence and disasters they have endured, and move on to reconstruction and a truce.

Their pain remains just as acute years after the end of the conflict and the establishment of peace. Such untreated wounds can destroy the structure of society and, for decades after the events that led to them, undermine relations between groups of people. A society cannot achieve reconciliation or learn from its mistakes if it does not preserve the collective memory of what happened and why.

Civilians and combatants go missing in armed conflicts. The fate of the soldiers on the battlefield or in captivity may be unknown. Families divided by conflict may suffer from not knowing what has happened to their loved ones. Such families often face the pain of constant uncertainty. People have the right to know what happened to their missing relatives. Governments, military authorities and armed groups are required to provide information and facilitate family reunification efforts.

Until recently, this "hidden tragedy", as the ICRC called it, did not attract enough attention from the international community. The International Committee of the Red Cross (ICRC) has a long history of working with missing persons and their families.

In accordance with its statutory mandate, as set out in the Geneva Conventions of 1949, the Additional Protocols of 1977, the Charter of the International Red Cross and Red Crescent Movement, and the resolutions of the International Red Cross and Red Crescent Conferences, the ICRC worked to prevent missing persons and to promote family contact and reunification. It also worked to find out the fate and whereabouts of the missing since 1870, during the Franco-Prussian War, when the first lists of prisoners of war were compiled and first badges for identification were introduced.

In 2002, the International Committee of the Red Cross (ICRC) began to search for ways to improve the quality of assistance to people who have disappeared as a result of armed conflict or internal violence, as well as to their families. The aim was to consider all methods of preventing the disappearance of persons and supporting their families, then to agree on common practical measures in this area and to draw the attention of the international community to this problem. Since then, the ICRC has continued to expand its activities related to missing persons and their families.

It should be noted that a missing person is any person who disappeared as a result of an armed conflict or a situation of violence within a country. People go missing in many situations. Relatives begin searching for their loved ones as soon as they realize the fact of their disappearance, and do not stop searching until they receive reliable information about their whereabouts [2].

International humanitarian law and human rights law require that parties to a conflict take measures to ensure that people do not go missing in armed conflict. If they do go missing, the parties should take all possible measures to ensure that their fate is known and their families are informed.

In cooperation with Government representatives, other members of the International Red Cross and Red Crescent Movement, international, regional and national governmental and non-governmental organizations, representatives of the families of missing persons and various experts, the ICRC has launched a process aimed at addressing the problems of people who have gone missing as a result of armed conflict or internal violence, as well as their relatives.

The objectives of the ICRC in launching this process, in cooperation with all those involved in this issue, are: to review all methods of preventing the disappearance of people as a result of armed conflict or internal violence and to respond to the needs of families who have lost contact with their relatives;

coordinate general and complementary recommendations and working methods with all those working to prevent disappearances and respond appropriately when people go missing as a result of armed conflict or internal violence;

increase concern about this issue among State authorities, the United Nations, and non-governmental organizations [3].

To create the conditions in which the probability of missing people is lower, a number of General practices need to be taken. The ICRC together with experts developed a number of provisions under which the percentage of disappearance can be significantly reduced:

control through a strict chain of command in the armed forces and security forces and armed groups to enable effective monitoring;

ensuring that identity documents are easily accessible to everyone, so that people at risk are registered;

publication of official rules for arrest, capture, detention or imprisonment in accordance with internationally recognized standards [1].

The ICRC also stressed that armed groups should be aware of their obligations under international humanitarian law, including their responsibility for violations of treaty and customary provisions of law.

Mechanisms that unite (former) belligerents are useful in the search for missing persons if a third party is actively involved (for example, the ICRC) and, above all, if the parties concerned have a clear will to find the missing.

In the absence of such political will, or when the mechanism is used as a smokescreen, a third party should be able to withdraw from the process. However, it should be ready to help activate the mechanism if the parties show tangible signs of renewed political will.

Government agencies and armed groups have the primary responsibility for providing information on missing persons. The deliberate destruction of evidence confirming the disappearance of a person without a trace in order to conceal violations of IHL should be subject to criminal penalties.

Therefore, international pressure must be used, in some cases, to obtain information from State authorities and armed groups.

The solution to this issue may be to hold State authorities and armed groups accountable if they obstruct access to information or provide inaccurate information.

To sum up, it should be noted that the issue of missing persons should be systematically placed on the international agenda. Peace agreements should regularly include specific mechanisms to clarify the fate of the missing.

Therefore, the community of States, international, regional and national governmental and non-governmental organizations and the ICRC should actively lobby in this direction. Families of missing persons are one of the factors that leaves this issue on the political agenda, therefore, they should be supported.

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