9th ATSMUN

Social, Humanitarian & Cultural Issues Committee

Committee: Social, Humanitarian & Cultural Issues Committee (GA3)

Issue: Prevention of enforced disappearances in conflict-affected zones

Student Officer: Isabella Alexandra Papatheodorou

Position: Deputy President

PERSONAL INTRODUCTION

Dear Delegates,

My name is Isabella Alexandra Papatheodorou, I am 16 years old and I will be

attending 11th grade next year at Leonteios School of Athens. It is my privilege to be

able to serve as the deputy president of the Social, Humanitarian & Cultural Issues

Committee (GA3) in this year's ATSMUN conference,

I have participated in 7 MUNs since I first started participating in MUN

conferences in 9th grade, but this will be the first time I will participating in an MUN

conference as Deputy President. In my opinion the Social, Humanitarian & Cultural

Issues Committee (GA3) is one of the most interesting General Assembly Committees

as it always offers a variety of topics with the most riveting themes.

This following study guide will help you get important knowledge and

understand better the issue of enforced disappearances in conflict affected zones.

While this study guide does have crucial information on the topic, you will have to do

your own research on the topic to get a better understanding of it and your country's

opinion on it to be able to make an adequate resolution on the topic.

questions, please have any contact me email: via

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INTRODUCTION

Enforced disappearances constitute multiple violations of fundamental human rights, such as the right to life, liberty, freedom of movement, personal integrity, legal integrity, etc.

Enforced disappearances often occur during armed conflicts, with the intention of "ethnic cleansing." Disappearances have also occurred in all parts of the world where there have been armed conflicts, wars and human rights violations. An example of this is during dictatorial governments and more recently, in the so-called fight against terrorism, when it has been known that many people are detained without following a detention procedure in accordance with international and national laws on the matter.

In the framework of the United Nations, there is a working group to investigate forced disappearances, which has involved more than 60 thousand cases and has involved more than 100 countries.

States have the obligation to investigate the cases of disappeared persons, without requiring from the relatives to report the disappearance. And the relatives have the right to be informed about the investigations that are carried out until the whereabouts of the missing relative are found, and in the case that they died, to provide facilities to the relatives to give them a proper burial according to their religious beliefs. Therefore, the importance of truth commissions, which are created precisely, post-conflict, to help clarify the whereabouts of the missing person and what happened to them since they went missing, is crucial.

The State also has the responsibility to guarantee the non-repetition of these acts, and to this end, it must promote the necessary legal reforms to punish the perpetrators of enforced disappearances and achieve adequate reparations for the victims.

The Inter-American Court of Human Rights has developed a series of jurisprudence in this regard, but ultimately, what must be achieved are the guarantees to create: Truth, Justice, Reparation and Guarantee of Non-Repetition.

DEFINITION OF KEY TERMS

Enforced disappearances

"An enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law" 1

Conflict-affected zones

"Conflict-affected and high-risk areas are identified by the presence of armed conflict, widespread violence, or other risks of harm to people. Armed conflict may take a variety of forms, such as a conflict of international or non-international character, which may involve two or more states, or may consist of wars of liberation, or insurgencies, civil wars, etc. High-risk areas may include areas of political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure and widespread violence. Such areas are often characterised by widespread human rights abuses and violations of national or international law."²

OHCHR. "About Enforced Disappearance." *OHCHR*, www.ohchr.org/en/special-procedures/wg-disappearances/about-enforced-disappearance.

[&]quot;Conflict-affected and High-risk Areas | Ethical Trading Initiative." ETI, www.ethicaltrade.org/programmes/conflict-affected-andhigh-risk-areas.

Dirty War

"A war conducted by the military or secret police of a regime against revolutionary and terrorist insurgents and marked by the regime's use of kidnapping, torture, and murder, with members of the civilian population often the victims."

Commissions of Inquiry

"A commission of inquiry is a tool to enable the investigation of matters of public concern in a public forum other than in an ordinary court. Commissions are aimed at encouraging transparency through fact finding and providing input for future investigation or criminal proceedings"

BACKGROUND INFORMATION

Enforced disappearances have been known to happen for at least 70 years and have been officially recognized by the United Nations as a human rights issue since the 1970's. The International Convention for the Protection of all Persons from Enforced Disappearances was adopted in 2006 in order to make enforced disappearances punishable by law with the appropriate penalties. Enforced disappearances inflict suffering to the victims and to their families and spread fear to the communities as civilians don't know what will happen to them and if people will even find out.

Methods used to enact the disappearances

A method used to enact enforced disappearances is the arrest of civilians by security forces without proper documentation or a warrant. Because of this, they don't inform the family members as they would be risking getting caught if the family

³ https://www.dictionary.com/browse/dirty-war

⁴ "What You Need to Know About the Commission of Inquiry Into Allegations of State Capture." *Lexology*, Feb.

^{2018,} www.lexology.com/library/detail.aspx?g=137637ae-1e54-4bea-ba93-45f628972ef9.

gets in contact with a lawyer. This can cause stress and fear over the lives of the missing people and of the community as a whole because they can't be sure who to trust.

Another way is that security forces arrest citizens through spreading false information while they charge them with a crime and take them away so the families believe that their family member is guilty.

Moreover, the people responsible for the disappearances move the detainees so it becomes harder for the families and for the media to trace their locations.

Causes and motivations

The reason behind enforced disappearances is that the culprits want to maintain the political system of a country, for example in an authoritarian regime, those who do not support that regime can disappear as a result of enforced disappearance. In a country where there are ethnic struggles, the political sector that has power, usually those who are the ethnic majority, may imprison, annihilate, or make disappear members of the ethnic minority. Another example is in countries where human rights are constantly violated, people are arrested, without being subjected to trials in accordance with the laws of those countries, and it often happens that they disappear once they have been taken to police detachments. No one gives account of where the detainee is located, and the families have no way to contact their missing family member as no one acknowledges that they are missing.

The government body or the security forces engage in enforced disappearances to install fear into the citizens, exert power over the people and show them that they shouldn't think about opposing them as that would have consequences. They also engage in enforced disappearances to weaken the opposing party if they believe they are a threat to their plans.

Enforced disappearances silence the voices of the opposing party but also anyone protesting the government body or security forces, that includes journalists, minority groups, human rights defenders and even students that are protesting.

Another reason behind enforced disappearances would be the desire of the people responsible for the enforced disappearances to extract information like locations of the individuals in charge, strategies, and activities from the opposing party's people.

Enforced disappearances have also been carried out to take revenge and or punish the "enemies" of the regime and the family members of the missing individuals, that are searching for answers and looking for their missing relatives, as they are perceived as a threat to the government because they are bringing attention to these cases and more people are finding out about the enforced disappearances.

Impact on victims and families

Enforced disappearances have a major impact on the victims and their families as they go through tremendous amounts of stress, grief, and fear. Enforced disappearances can also cause conflict and tensions between families and communities while searching for the missing persons and trying to advocate for accountability and justice for their loved ones.

Another factor that contributes to the continuous pain and stress that the victims and their families face is that many times they don't get any psychological council, legal or financial aid to help them work through this traumatic experience as most of the times the government body or the perpetrators of the disappearances either don't acknowledge that it happened or don't take responsibility for the death of the victim.

Every disappearance violates a range of human rights including:

- The right to security and dignity of person
- The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment
- The right to humane conditions of detention
- The right to a legal personality
- The right to a fair trial

- The right to a family life
- The right to life (if the disappeared person is killed or their fate is unknown).⁵

Operation Condor

Operation condor was created on November 28, 1975, in Chile to eliminate political and human rights activists in Argentina, Chile, Uruguay, Bolivia, Paraguay and Brazil. While the focus was on Argentina, Chile and Uruguay, the other countries also had political instability and problems between the political parties. Operation Condor was kept a secret as there were special teams created as to assassinate the "terrorists" and their supporters which were primarily human rights defenders, journalists, and activists. As this operation was kept a secret due to the nature of its creation, there isn't an exact number estimated on the number of victims of enforced disappearances after Operation Condor was first started.

Argentinian Dirty War

The first known cases of enforced disappearances took place during the Argentinian dirty war which started because of Operation Condor in 1976. The Argentinian dirty war had multiple names such as the Process of National Reorganization, Spanish Proceso de Reorganización Nacional or El Proceso, there are at least 30.000 known missing people which included journalists, human rights defenders, student activists and even children and babies were taken from their families, who still look for them to this day.

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⁵ https://www.amnesty.org/



Figure 1: An Argentinian civilian being taken by the Argentinian army during the Dirty War (1976-1983)⁶

The pregnant women that were taken due to protesting or reporting on what was happening, they were kept alive till they gave birth and then they were murdered by the junta. In many cases, the babies were either abandoned or sold to the highest bidders in the black market as to not leave any traces of what happened. The grandmothers and the relatives of the missing or the "desaparecidos" took to the streets to protest at the Plaza de Mayo and haven't stopped even though the war ended in 1983⁷

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⁶ ---. "DNA Tests Confirm 131st Baby Stolen During Argentina's 'Dirty War,' Human Rights Group Says." *CBS News*, 23 Dec. 2022, www.cbsnews.com/news/dna-131st-baby-stolen-argentina-dirty-war-human-rights-group.

^{7 &}quot;30,000 People Were 'Disappeared' in Argentina'S Dirty War. These Women Never Stopped Looking." HISTORY, 7 Mar. 2019, www.history.com/news/mothersplaza-de-mayo-disappeared-children-dirty-war-argentina.



Figure 2: Argentinian women protesting for the missing children that were taken during the dirty war at the Plaza de Mayo (1976-1983)

Academics also became a target during the Argentinian war and universities started to be controlled while professors started to disappear. This was done in order to stop the professors that were helping the students that were raising awareness on what was happening.

Torture like electric shocks, beatings and psychological torture were the methods frequently used to extract information from the detainees and to maintain control in the secret detention centers that were created to prevent the location of the missing people to be found.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Argentina

Argentina was one of the first countries to suffer due to enforced disappearances when the war started in 1976, having 30,000 known victims that were

killed or as still missing day because of their involvement in trying to find the truth. There isn't an exact number on how many people are still missing since many women were taken while they were pregnant and were killed after giving birth. In 2011, there was a report made by the New York Times stating that 500 abducted children were located but there are still thousands of kids missing with no way to return to their families as they were sold to the black market or taken to an orphanage which makes it harder to track them down now as most have grown up.8

Colombia

Colombia has a long and troubling history with enforced disappearances and since then has created new laws to address the issue, such as law 589 of 2000 which will have the penalties of twenty-five to forty years in prison, a fine of five hundred to two thousand current legal minimum wages and an interdiction of rights and public functions of five to ten years. Colombia with the help of the International Commission on Missing Persons managed to conduct training in the DNA extraction protocol from bone samples, coordinate the National Inter-Institutional conference for the Search for Missing Persons and cooperate with the Colombian Search Commission (NSC) to draft the first public report on enforced disappearances, and the implementation of the National Search Plan and National Register.

Mexico

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⁸ Barrionuevo, A. (2011, October 23). Daughter of Argentina's 'Dirty War,' raised by the man who killed her parents. *The New York Times*. http://www.nytimes.com/2011/10/09/world/americas/argentinas-daughter-of-dirty-war-raised-by-man-who-killed-her-parents.html?pagewanted=all& r=0

⁹ The International Humanitarian Law Database, https://ihl-databases.icrc.org/en/national-practice/law-genocide-forced-disappearance-forced-displacement-and-torture-and-making

¹⁰ Colombia. 30 June 2023, www.icmp.int/where-we-work/the-americas/latin-america-and-the-caribbean/colombia.

Mexico has had a long history of enforced disappearances starting with the dirty war in 1958 till the present day. Mexico has done many things to ensure that enforced disappearances are stopped. Mexico has created the General Law that establishes sanctions from 40 to 60 years of imprisonment and fines from 10,000 to 20,000 daily salaries to the person responsible for committing the crime of forced disappearance, and when perpetrated by a public servant, it requires removal from office and a ban on future service. ¹¹ Furthermore, Mexico established the National Search Commission in 2018 in order to find the victims that were known to be dead or were still missing for the families to get the necessary closure they require. ¹²

Sri Lanka

Sri Lanka currently has one of the highest numbers of enforced disappearances being around 100,000 people since the start of the war in the 80's. Since the end of the Sri Lankan civil war for 1983-2009, Sri Lanka has come a long way to help the prevention of enforced disappearances. Sri Lanka currently has the second highest number of cases of disappearances. ¹³To try and prevent the enforced disappearances, Sri Lanka created the Office on Missing Persons (OMP) Act in 2016 to investigate the enforced disappearances and protect the rights of civilians and missing

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¹¹ Zaragoza, S. "The Mexican General Law on the Forced Disappearance of Persons, Disappearances Committed by Individuals and the National Missing Persons System: How Many Steps Forward?" Mexican Law Review, National Autonomous University of Mexico, June 2019, https://doi.org/10.22201/iij.24485306e.2019.2.13641.

[&]quot;Disappearances in Mexico." College of Liberal Arts, cla.umn.edu/humanrights/engagement/press-reporting-disappearances-mexico/disappearancesmexico.

https://imadr.org/wordpress/wp-content/uploads/2016/09/Written-Statement_HRC33_item3_Enforced-and-Involuntary-Disappearances-in-Sri-Lanka.pdf

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people.¹⁴ Sri Lanka also created the Office for Reparations (OR) to facilitate and implement reparations, to establish links to ensure the compatibility of the office for reparations and to monitor that reparations are delivered to the victims and the victims' families. ¹⁵

The International Committee of the Red Cross

The ICRC had done many things for the prevention of enforced disappearances such as supporting the families of the victims and the authorities. The ICRC has provided legal and technical support to the States that are trying to enact laws as a means to prevent enforced disappearances. The ICRC has also conducted training programs for security personnel and the army forces in order to show the importance of preventing enforced disappearances and of respecting human rights. The ICRC has been working with governments to address the issue and find solutions in order to prevent enforced disappearances.

Amnesty International

Amnesty International has done many things to prevent enforced disappearances, from gathering information and documenting individual cases to campaigning and pressuring governments to act against enforced disappearances. Amnesty International has also provided psychological support and legal assistance to the victims and their families and has worked with other organizations to fight impunity laws and ensure that the victims get the justice they deserve. Amnesty International also works on campaigns to raise awareness about the gravity on the

The International Humanitarian Law Databases, https://ihl-databases.icrc.org/en/national-practice/office-missing-persons-act-2016

Super. Office for Reparations. www.moj.gov.lk/index.php?option=com_content&view=article &id=170&Itemid=246&lang=en.

issue and calls on governments to implement laws that protect civilians from enforced disappearances.

TIMELINE OF EVENTS

Date	Description of Event
13 November 1960	Guatemalan Dirty War
	Various guerrilla groups were formed, seeking to go against
	the oppressive regime and fight for their rights. Another
	reason for the beginning of the Guatemalan Dirty War was the
	socioeconomic Inequality and the political violence ¹⁶
1964	Mexican Dirty War
	After the Tlatelolco Massacre which took place during a
	student protest, protests started happening more often which
	resulted in the beginning of the dirty war by the government
	as a way of repressing and persecute those who protested ¹⁷
25 November 1975	Operation Condor
	Operation condor started to repress all political, social and
	student activists in Argentina, Uruguay, Chile, Paraguay,
	Bolivia, and Brazil ¹⁸ . It was also sponsored and supported by
	the United States

[&]quot;Timeline: Guatemala's Brutal Civil War." PBS NewsHour, 7 Mar. 2011, www.pbs.org/newshour/health/latin_america-jan-june11-timeline_03-07.

Chelangat, Salome. "What Was Mexico's Dirty War?" WorldAtlas, Mar. 2019, www.worldatlas.com/articles/what-was-mexico-s-dirty-war.html.

¹⁸ *Operation Condor*. www.cels.org.ar/especiales/plancondor/en/#una-asociacion-ilicita-para-reprimir-opositores.

24 March 1976	Argentinian Dirty War
	The Argentinian Dirty War started when operation condor was
	created to eliminate communists, social and political activists,
	writers, journalists. It is estimated that 30.000 citizens were
	killed to stop all political opposition ¹⁹
24 December 1979	Soviet-Afghan War
	The Soviet Afghan war started in 1979 after the Afghan
	government asked for help to stop the rise of an anti-
	communistic government ²⁰
23 July 1983	Sri Lankan War
	The Sri Lankan war started because of the discrimination Tamil
	communities faced and because the Liberation Tigers of Tamil
	Eelam (LTTE) wanted to establish, and independent state
	called Tamil Eelam ²¹
29 June 2006	International Convention for the Protection of All Persons
	from Enforced Disappearance
	The International Convention for the Protection of All Persons
	from Enforced Disappearance was drafted on 29 June 2006. It

Pike, John. *Argentina Dirty War 1976 - 1983*. www.globalsecurity.org/military/world/war/argentina.htm?utm_conte nt=cmp-true.

[&]quot;Why The Soviet Union Invaded Afghanistan." HISTORY, 4 Mar. 2022, www.history.com/news/1979-soviet-invasion-afghanistan#:~:text=On%20Christmas%20Eve%201979%2C%20the,motorized %20divisions%20across%20the%20border.

BYJU'S Exam Prep. "Sri Lankan Civil War - History, Cause, Timeline, Consequences." Gradeup, 7 Mar. 2023, byjusexamprep.com/current-affairs/sri-lankan-civil-war.

was signed on 6 February 2007, and it took effect on 29 June
2006 with 98 signatures ²²

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

UN ATTEMPTS

Limited Enforcement of International Conventions

The enforcement of international conventions has been limited as the number of the state parties that have signed and ratified is significantly low. As only 58 countries have ratified the International Convention for the Protection of All Persons from Enforced Disappearance and 49 have signed it, it is still difficult to say that much progress has been done considering that countries with the biggest number of known cases still have neither signed nor ratified the International Convention for the Protection of All Persons from Enforced Disappearance yet and haven't commented on plans to do so.²³

Working Group on Enforced or Involuntary Disappearances

While the Working Group on Enforced or Involuntary Disappearances has made progress, the WGEID, in it's latest report mentions that there is concern for the number of situations in which States have tried to justify enforced disappearances and

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UNTC. treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-16&chapter=4&clang= en.

²³ Signatories for International Convention for the Protection of All Persons From Enforced Disappearance | the Human Rights Guide to the Sustainable Development Goals. sdg.humanrights.dk/en/instrument/signees/15.

impunity for enforced disappearances has not stopped resulted in a growing number of enforced disappearances²⁴

NON-UN ATTEMPTS

National legislations

There are multiple laws that have been created by the countries that have been affected by enforced disappearances for the punishment of the people responsible of starting enforced disappearances. Many countries are also in the process of enacting laws to protect individuals with information on enforced disappearances or relatives of the victims that are looking for the truth and justice.

National Commission of the Disappearance of Persons

Argentina after the military rule that happened from 1976-1983 started to establish new laws and create governmental and non-governmental organizations such as the National Commission of the Disappearance of Persons (CONADEP) in December 1983²⁵. In 1984 CONADEP created a report with the testimonies of the survivors addressing everything that had happened up to that point. After the report was inaugurated, the Permanent Assembly for Human Rights which was founded in 1975, reviewed and documented all the deaths that were in the report.

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^{24 ---. &}quot;A/HRC/51/31: Report of the Working Group on Enforced or Involuntary Disappearances." OHCHR, www.ohchr.org/en/documents/thematic-reports/ahrc5131-report-working-group-enforced-or-involuntary-disappearances.

Argentina's Rule-of-law Approach to Addressing a Legacy of Enforced Disappearances. www.icmp.int/news/argentinas-rule-of-law-approach-to-addressing-a-legacy-of-enforced-disappearances.

The Argentine Forensic Anthropology Team is a non-governmental organization that was created to locate and identify the 9000 known to be missing Argentines that had gone missing during the "Dirty War" which took place in 1976-1983.²⁶

POSSIBLE SOLUTIONS

Effective investigation and prosecution

An effective investigation and prosecution of the people responsible for the enforced disappearances is urgently needed. While it might be hard to investigate every single missing person's case due to an enforced disappearance, with the help of other state parties with money and resources it could help the process speed up and in that way the investigators could make sure that the families get justice for the victims.

Protection for the human right defenders, journalists, and witnesses

Considering that human rights defenders, journalists, and witnesses of acts of cruelty and enforced disappearances are the target of enforced disappearances, ensuring that in the case that they do get involved, they should have the necessary protection in case they become targeted by the government or by security forces. After all, if they get the protection they need, enforced disappearances will increase rapidly.

Formation of an international agency

The formation of an international agency could be helpful in finding more cases as it wouldn't be focusing on one country but on missing persons cases all over

Our Name is Mud Ltd. "Equipo Argentino De Antropologia Forense (EAAF)." OMCT,
 Oct. 2021, www.omct.org/en/network-members/equipo-argentino-de-antropologia-forense-eaaf.

the world and it would help the countries that do want to justice for the victims, but don't have the funds to start investigations and require support. The creation of an international agency would show the seriousness of the issue while also identifying patterns and possible leads in the investigations.

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