UNMASKED: COVID-19 EXPOSES GOVERNMENT UNPREPAREDNESS PANDEMIC
DESAPARECIDOS AND THEIR FAMILIES AMONG HARDEST HIT
OUR MISSION

The Federation works for the attainment of truth, justice, redress and the reconstruction of the historical memory of the disappeared. In so doing, it actively participates in the overall struggle for social transformation which is a necessary requirement to realize a world without desaparecidos.

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Will the Rescue Light Reach the Darkest Areas in North Korea? Jiyoon Lee, Campaign Staff, NKHR, South Korea

We carry on despite the dictatorship; we will continue despite the pandemic- Maria Adela, Delegate on behalf of Mothers of Plaza de Mayo Founding Line before FEDEFAM
The world is witnessing extremely troubling times. Coronavirus pandemic has shaken the entire world. No country seems to be unaffected, some mildly and some severely. Till now, at least 22,593,620 people have been infected with COVID-19 virus across the world and 791,200 people have died. In Asia, at least 5,935,753 people have been infected and according to the data shared by various governments in Asia 124,957 people have died due to COVID-19.

COVID-19 has clearly exposed the rhetoric of development by the governments across the world. Even the most developed countries, whose healthcare system is far better than most of the Asian countries, have failed to tackle COVID-19 cases and even their superior medical facilities have proved to be inadequate. Most of the Asian countries, lag far behind the Western developed countries in terms of their healthcare facilities. The healthcare policy and infrastructure in these countries has never been a priority. This crisis has further exposed the sham medical preparedness of many Asian countries, where unfortunately the countries are invested heavily on enforcing lockdowns rather than smart efficient capacity building and smart lockdowns, which wouldn't have impacted the poorest of the poor. In last many decades, countries across the world have invested in armies, weapons and technologies promoting disasters and did not adequately invest in the technologies, which could have protected lives.

Human rights defenders in countries across the world who have questioned the lack of medical facilities are being intimidated by governments. People in third world countries like India, China, Philippines, Bangladesh, Indonesia, Pakistan and many others in Asia are dying not only due to COVID-19 virus but also due to the economic impact that these mindless lockdowns are having on the poor and the middle class. Job losses have become a routine in many countries. Amidst this harsh economic slowdown, we are witnessing how the section of the populations in these countries, which was already victimized, has further become vulnerable. Families of the disappeared, who after being traumatized by the disappearance of their loved ones and having faced economic hardships due to their victimization, are now facing aggravated situation of extreme poverty and lack of opportunities. These economic hardships will further make it difficult for the families of the disappeared to pursue their struggle against enforced disappearances, as the priority for them now is to find resources to survive.

Many countries are trying to use the COVID-19 lockdown as an opportunity to inflict more violence on people and victimize them through the imposition of regressive laws, change in rules, harassment of human rights defenders and taking several other unpopular measures which otherwise States would be careful in taking.
In this issue of THE VOICE, the Asian Federation Against Involuntary Disappearances decided to bring into focus the impact of COVID-19 on the families of the disappeared, on the human rights defenders and the overall impact on the civil and political rights. AFAD invited experts like Ms. Houria Es-Slami, honorable member of the UN Working Group on Enforced or Involuntary Disappearances, to write for this issue of The Voice. Her insights are very useful for the readers.

For contributions for this issue of The VOICE we invited to write various members of International Coalition Against Enforced Disappearances (ICAED) and human rights activists who have vast experience of working on various human rights issues and AFAD member organisations. We have tried to capture the perspectives from Latin America and Eastern Europe through the write-ups of friends from these regions.

There are many informative articles by the contributors and we are quite hopeful that this issue of The VOICE will serve to further document and disseminate the lives and struggle of the families of the disappeared and human rights defenders amidst the difficulties faced during this pandemic. The struggle of the families of the disappeared documented in these articles help us to re-discover hope amidst hopelessness, from which we learn that we are not only fighting the incurable coronavirus, but also the virus of violence of authoritarian regimes, which is far more lethal. We are certain that this virus of violence will be triumphed by our struggles and love for the cause of truth and justice.

Khurram Parvez
Chairperson
ENFORCED DISAPPEARANCES & THE "NEW NORMAL".
The Effects of COVID 19 on Relatives of Disappeared Persons and their Struggle

By Ewoud Plate, Footwork Consultancy, Amsterdam

INTRODUCTION

The virus COVID 19 has caused a pandemic that has now spread to all countries of Asia and of the world. The responses by authorities to the spread of the disease and the reactions to those responses by people are causing unprecedented confusion, social and political conflict as well as a deep economic crisis.

Most Asian countries have dense populations, with many people living in poverty or precarious conditions. The health infrastructure is not equipped to deal with the number of patients in need. The lockdowns have impacted the economy, leaving many in the impossibility of working, of securing their income and access basic necessities and services.

The countermeasures to the spread of COVID-19 have already had disastrous effects on many vulnerable groups (including elderly, migrant workers, disabled, daily wagers, poor, women and children, persons with other health conditions and many more). COVID has affected many other persons who depend for their income on informal labour agreements, daily wages, or on conditions like their own mobility, that of their clients or others affected by COVID rules or lockdowns.

While affecting nearly anybody on the planet, the crisis is having very specific effects on relatives of disappeared persons and on their organisations. AFAD decided to research and document all the effects of trends and changes brought about by COVID on these families of disappeared persons. This paper is going to focus exclusively on them and their organisations. It will show that the effects of COVID on these families are both serious and very particular to this specific group.

Organisations will have prepare themselves for this "new normal" in various ways.

A first brainstorm session joined by AFAD members and its campaign team mapped out four categories of trends and risks of the "New Normal" of the struggle against enforced disappearances:

- The protection of human rights deteriorates fast, causing new violations and risks of enforced disappearances.
- All state efforts on the clarification of cases, investigations in criminal procedures, efforts for compensation of victims of ED, on memorialization, and on prevention of enforced disappearances have been put on hold.
- Relatives of disappeared persons are affected twice as hard by the pandemic than other citizens.
- Their national associations and regional federation in Asia have to adapt their activities to the new conditions.
On the 24th of March, the President signed a COVID-19 law that provides the administration funding and broad emergency powers to address the situation. One of the provisions of the law is criminalization of spreading of false information about the corona virus with up to two months in prison. This law has been used to punish those who have been critical of the government's response to epidemic. The National Bureau of Investigation on the 4th of April summoned 17 persons for allegedly spreading false information that could "endanger public order". Philippines law enforcement agencies might be using this health emergency as a pretext to suppress legitimate criticism.

Public information about COVID is unreliable.
Information about the spread of COVID has been manipulated and unreliable from the very outset of the outbreak. Citizens distrust the authorities, and these feelings have been fuelled by the downplaying of the scope of the contagion in the first weeks of the pandemic.

Special COVID laws, State of emergency, temporary extensions of powers to the executive.
Many countries passed special laws, often giving emergency powers to the executive to address the COVID situation. In various countries, the law was used to silence dissent and stifle freedom of expression - or used for political gains during this pandemic. Lockdowns have served to suppress mass protests and to silence dissent or criticism on how the government is handling the pandemic.

Other legislation affecting rights and freedoms.
Governments took advantage of the poor communications and of the impossibility for opposition groups to protest to pass unpopular legislation. A new anti-terror law has been passed in the Philippines; the special status of Jammu and Kashmir enjoyed under the Indian Constitution has been revoked and there are many other examples.

Police brutality, arbitrary arrests and discrimination
1: Many incidents and changes in the political context have already been noticed by AFAD and its members and published in a note that AFAD compiled in May this year.

2: In Laos the figures all point to the fact that information about the spread of COVID-19 may be deliberately concealed. In February, Health Minister Terawan Putranto rejected Harvard University's calculation that questioned his claim that there were no COVID-19 cases in Indonesia. Putranto reiterated the importance of "praying" to prevent the virus.

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4: It is interesting to note that while India enforced lockdown from the 25th of March, it was enforced in Kashmir valley from the 19th of March in view of one corona positive case. The government used its occupational forces and military apparatus to enforce the lockdown. Indian armed forces, especially the Central Reserve Police Force (CRPF) personnel were

* The protection of human rights deteriorates fast, causing new violations and risks of Enforced disappearances.

The COVID crisis must, of course, be understood as a part of the specific political context of Asian countries. Many of the national responses are reactions by regimes that were already or increasingly became untransparent and repressive. In many Asian countries COVID measures have speeded up a process of deterioration of the human rights situation.

THE MAIN COMPONENTS OF THIS ACCELERATION ARE:
AFAD and other human rights organisations took note of many incidents of police brutality in enforcing the lockdown measures in different Asian countries. In the Philippines a curfew imposed to contain the corona virus has been used to punish people indiscriminately. Some Asian countries show discrimination in enforcing COVID rules, or some groups may be falsely accused of spreading the virus. Some anti-COVID measures, as for example forced cremation of persons deceased due to Corona infection are culturally unacceptable for Muslim families in Sri Lanka.

**Surveillance tools**

Governments are adopting new surveillance tools in response to this pandemic. Seeking real-time location data from mobile providers or deploying facial recognition and other emerging technologies is becoming popular and may slowly become a norm and may give rise to surveillance states that threaten basic values of democracy and human rights.

5: According to Human Rights Watch, on April 5, volunteers in the village of Pandacaqui, in Pampanga province stopped and detained three LGBT people outside after curfew, two of whom explained they were running an errand for their grandmother. A village official accused them of looking for illicit sex and, as punishment, publicly humiliated them by ordering them to kiss, dance, and do push-ups on live video broadcast on social media. They were identified by name and the videos of their punishment went viral, adding to their embarrassment.

On April 1, Duterte delivered a national address ordering shooting of violators of the COVID curfew. He stated: "My orders to the police and military … if there is trouble or the situation arises where your life is on the line, shoot them dead," he announced. "Understand? Dead. I'll send you to the grave. Don’t test the government." In his warning, Duterte called out the human rights group Kadamay, which he accused of instigating a protest against the government’s lockdown.

The speech followed weeks of criticism of the government's handling of the coronavirus pandemic. Two days later, a 63-year-old farmer was shot dead in Mindanao after reportedly refusing to wear a face mask. The police reported that the man had been drunk and attacked the health workers and the police with a scythe.

6: South Korea deployed extensive digital surveillance technologies in fighting coronavirus and it worked: the country has contact-traced thousands of potential patients to test and isolate them before they could unwittingly infect others. The combination of aggressive tracking and early testing allowed the country to flatten the curve and curtail the fatality rate to a third of the global equivalent. Its success shows that countries with comparable capacities can and should adopt apposite surveillance strategies for infectious disease outbreaks, with an eye to minimizing potential privacy costs.

South Korea’s tracking strategy relies heavily on its digital infrastructure. Authorities access a wide range of data - smartphone location history, credit card transactions, immigration records, and CCTV footage - of confirmed patients to compile meticulous logs of their travels and contacts. South Korea attributes much of its success in containing COVID-19 to its digital surveillance.

But the use of this digital data points of the fact that there is a massive breach of individual privacy and surveillance practices are so widespread that even minute details of individual lives are available with the government and can be used/misused in any possible way.
Silencing criticism, political opposition and human rights defenders

There are strong suspicions that quarantine laws are used to suppress protest movements, to silence opposition and to crack down on human rights defenders. Freedom of speech and expression have been curtailed with the arguments that rumors and misinformation about COVID have to be stopped. Yet state agencies too often resort to disproportionate measures. Many persons have been punished for simply criticizing the Government’s response to the crisis.

Risks of new Enforced Disappearances

The silence, the control of movements on the street, relatively poor checks and balances of most State actors create conditions for new disappearances. AFAD members mention the alleged disappearance of a Journalist in Pakistan and of another person in that country. A fish vendor was apprehended in the Philippines by policemen asking for his quarantine pass. As the man did not have that document issued by the village authorities where he was questioned as he was a resident from another village, he was detained. When he surfaced after a week of undisclosed detention, he revealed that he met other detainees whose families were not informed of their detention either. It has been difficult to verify these allegations but it seems there are other cases of “forced quarantines”. (When no information is given to relatives, these privations of liberty can be seen as the start of enforced disappearances).

The situation in prisons and detention centres flagged by AFAD members in Korea is more than ever worrying. Prisons tend to be over-crowded, ill-ventilated, and are likely to become super-spreaders of the virus. There is also less transparency and control on what is happening within detention centres, which creates higher risks for torture and enforced disappearances. The solution of releasing prisoners due to the incapacity to ensure their health would be a serious setback for victims of crimes and create a new factor of impunity.

In this regard, the National Human Rights Commission (NHRC) called for new guidelines on pandemic surveillance. It claimed that the logs of patient travels and contacts were “unnecessarily specific,” causing psychological injury to the patients and discouraging self-reporting among those with symptoms.

7: [country x] reports that surveillance has been used to monitor activities of human rights defenders and organizations as well as pro-independence political leaders, this severity in surveillance could impact the freedoms of the people.

8: The Bangladesh government has used the Digital Security Act, of 2018 to silence those that have expressed concern about response of the government to the COVID - 19 epidemic. Laos has a history of curtailment of freedom of expression, association and peaceful assembly. The State exercises strict controls over media and civil society. The citizens do not ask questions since there is a fear of serious reprisals. Indonesian authorities are using the country’s long-abused criminal defamation laws to crack down on public criticism of the government’s response to the outbreak. The National Police have charged 51 people under criminal defamation laws for allegedly spreading “fake news” about the coronavirus. They include five people who had allegedly spread false information on their social media accounts. The Police has also blocked 38 social media
Change of behaviour of the international community

COVID 19 and the economic downfall will have a strong influence on political stability within countries and regions. AFAD is deeply concerned about the ground that democracy, human rights protection and the rule of law are losing in many Asian countries. COVID will most certainly also perturb the role and position of international organisations and weigh on diplomatic relations between countries. Support and funding for human rights and advocacy programmes by bilateral, institutional donors may be reduced or converted to focus more or exclusively on humanitarian action, etc... Many of these developments have not yet fully unfolded, but they are likely to cause a lot of turmoil that needs to be monitored very carefully.

* All State efforts on the clarification of cases, investigations in criminal procedures, efforts for compensation of victims of ED, on memorialization, and on prevention of enforced disappearances have been put on hold.

Most work on disappearance cases has stopped at the beginning of the pandemic in all Asian countries. The Commission of Inquiry on Enforced Disappearances (COIED) In Pakistan has temporarily suspended its work in the wake of COVID-19 without any notice to the families of the disappeared about the on-going cases. The same happened to cases pending before the High Court of Pakistan. None of the AFAD members could report any progress on the clarification of cases, on cases pending in courts, on compensation schemes or actions to preserve the memory of the disappeared. Neither was there any progress illustrating the will of Asian countries to progress in implementation of the standards of the International Convention for the Protection of all Persons from Enforced Disappearance.

* Relatives of disappeared persons are now victims of multiple curses.

Livelihood/economic needs

For most people COVID has replaced other concerns to become a main priority. To relatives of disappeared persons it merely comes as an additional calamity to endure beside the more permanent suffering of the unexplainable absence of a disappeared loved one. That suffering was there before the virus started and it will remain after that. There is no vaccine for it. COVID affects persons who are already dealing with terrible suffering. The humanitarian and health crisis is therefore likely to hit them harder, possibly differently, or simply require too much from them in terms of resilience.
To begin with, COVID 19 is causing an unprecedented economic crisis. Many people can't work, and lose their income. Yet families of disappeared persons already faced economic precarity before the pandemic. They are now increasingly turning to AFAD and to its member organisations for economic support. The disappeared person was often the breadwinner of a family. The disappearance leaves the other parent often too affected, or too preoccupied by the search or by judicial processes to focus on work. Finding employment is often an issue for them too.
The education of children now requires children to connect to internet with computers which poor families do not have nor could they afford internet connection. Online teaching modules have to be purchased. All these costs cause an extra burden to families of disappeared persons. In rural areas, online lessons are not possible. The education of children now obliges parents to improvise other solutions that cost time, resources and energy.
Other situations were signalled to AFAD of relatives asking for medicines that they could not afford.

Needs for Psychosocial support
Apart from their livelihood, relatives of disappeared persons have needs for psychosocial assistance. This need was there before COVID and will persist after. Yet it has been exacerbated by the pandemic.
COVID has generated loneliness. Visits of family, friends or neighbours were difficult during periods of lockdown, if not fully forbidden. The lack of social ties and regular connections with other family members, or with other members of their associations have reinforced the feeling of isolation of the relatives of disappeared persons. Staff of AFAD members found it difficult to connect to the relatives once the pandemic started.
Due to the threat of Corona, other persons are also less available or empathic. Many persons now consider themselves as victims. They are victims of COVID in some way or another, and are, understandably, less concerned with the worries of other people. COVID, as a scourge, has some features in common with disappearances: information is scarce and unreliable, the danger invisible. The spreading leaves everyone with yet another feeling of powerlessness. The superposition of both curses may cause defeatism or trigger depression among relatives of disappeared persons. A symptom of this impact on mental health may be the many complaints that relatives sent to the associations, as they had no other persons to share their frustration with. (For example, the WhatsApp group shared by many relatives in Pakistan became a forum for many complaints and negativity).
Being able to protest at least gives relatives a means to respond. The struggle gives a meaning to the pain. In a way, participating in advocacy and campaign activities has on them an empowering and thus therapeutic effect. The lockdown fully jeopardized that possibility, and relatives have felt more helpless and hopeless since the start of the pandemic due to the circumstance that they had nowhere to go.
Despite quarantine laws, gatherings are still possible in certain countries (with masks and social distancing). Advocacy actions targeting media have been less successful. Journalists, often valuable allies of relatives organisations, also suffered from lockdown rules and poor flow of information. Another trend is that media are only interested in subjects that can be linked to COVID 19.

International lobbying efforts have been attempted online by AFAD, but lobby visits to Geneva to attend meetings of the Human Rights Council, of the Committee on Enforced Disappearances or of the Working Group on Enforced and Involuntary Disappearances have all been cancelled. These changing needs have been hard to address in practice as most organisation staff and employees were struggling to deal with the issues of working from home. Monitoring work and many communication lines have been hindered by limitations of Internet access, power cuts at irregular times, unavailable services, etc.

The good news is that organisations of relatives are also adapting fast to the new situation. FIND in partnership with other human rights organizations sustains human rights campaigns onlines webinars have become the new normal. AFAD itself says it is able to surmount the challenges. Most staff members work from home, yet communications are frequent, for example between the campaign officers. They now have bi-monthly meetings. Plans are now reviewed almost on a daily basis.

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The crisis situation has also triggered a more intensive networking with other allies in civil society. There is a natural tendency among civil society organizations (CSOs) to band together in challenging times. New coalitions have been established, as for example in the Philippines, the Movement Against the Terror Act (MATA) and VALOR-19, a group of lawyers and law students committed to the rule of law and responding the people’s most urgent legal questions in the time of COVID-19. AFAD may explore options to connect to other rights movements. The Black Lives Matter movement demonstrated that COVID 19 also offers favourable conditions for building up powerful international networks for human rights and against discrimination.

(Preliminary) Conclusions

• A first (and the safest) conclusion is that the moment is premature for all too categoric conclusions. It is hard to oversee all the dimensions of a crisis when one is still caught in the middle of it. Yet the trends identified by AFAD’s brainstorm session clearly demand to be monitored, researched and documented with much more accuracy.

• COVID is certainly affecting relatives very seriously as they were already vulnerable prior to the outbreak of the virus. Yet this vulnerability may not be very visible for the community of humanitarian organisations or for their donors. AFAD surely has a role to play in monitoring and documenting the socio-economic needs of the relatives, and in raising awareness about this situation.

• Awareness and evidence about the effect of COVID on the situation of relatives could also be raised by targeting media or the international community. Other human rights NGOs can be of great help to spread that message and evidence.

• AFAD’s members will then be in a good position to reach out to relatives and address their most basic needs. AFAD should certainly continue with formulating projects to support the most in need among the relatives.

• AFAD should seek to continue its human rights monitoring, and try to document all incidents that may confirm the risks of new disappearances occurring in the silence of the lockdown.

• For its advocacy, AFAD may seek to mobilize broader support through networking efforts. Not all trends are counterproductive. Broad opposition against the current deterioration of human rights protection in Asia may help in the struggle against enforced disappearances. More and louder voices are heard for reform of the global economy, as to create less inequalities and less damage to the planet. Never let a good crisis go to waste. There may be some new opportunities to seize to stop the crime of enforced disappearance of ever becoming part of the “New Normal”!
COVID is claiming lives on all continents now, in particular of elderly persons. This means that more older relatives of disappeared persons may also pass away in the coming time. Sadly, they will pass away without knowing the truth about the disappearance or their child, brother sister or spouse, or without obtaining justice or redress. Associations of relatives of disappeared persons consider the sad reality as a challenge to work more rigorously to attain justice for the disappeared and their families.

As an additional blow, families have been very disappointed during the lockdown by the fact that they did not receive any information about the pending cases. The Commission of Inquiry in Pakistan froze all its work on about 2000 cases, without taking the effort of warning the relatives. Cases in High Court were also put on hold. This has put tremendous psychological pressure on the families who are not able to seek answers to their questions.

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* National associations and regional federation of relatives of disappeared persons in Asia have to adapt their activities to the new conditions.

Many of the limiting hurdles cited in the foregoing paragraphs have had an effect on associations of relatives. Their associations would have liked to do more on their mission to connect relatives. FIND: "Traditionally-commemorated events were source of psychosocial support to the families of the disappeared. Yet, these regular activities could not be held".

Bigger and more pressing livelihood needs of relatives have been noticed by AFAD and its members. Organisations like, for example KontraS, find it difficult to meet the expectations of the families of disappeared who are suffering economic hardships. Therefore more projects allowing to address the economic situation of their members need to be formulated and funds need to be secured. In Indonesia some initiatives in cooperation with artists managed to raise public donations. As of this writing, in the Philippines, children of the disappeared of school age have not resumed their schooling, creating new burdens. Sri Lanka confirms the need for projects to assist families with the education of their children.

As all progress on cases on governmental side was interrupted, there has been less or no opportunity at all for the associations to assist their members in seeking truth, justice and redress. The lockdown caused delays in all processes and generated quite some frustrations among relatives. In turn, this difficult situation has demanded quite some energy from staff members of the associations to handle the disappointment of the relatives in a tactful way. The mental health of the own staff may be an aspect that requires attention.

As all progress on cases on governmental side was interrupted, there has been less or no opportunity at all for the associations to assist their members in seeking truth, justice and redress. The lockdown caused delays in all processes and generated quite some frustrations among relatives. In turn, this difficult situation has demanded quite some energy from staff members of the associations to handle the disappointment of the relatives in a tactful way. The mental health of the own staff may be an aspect that requires attention.

The louder call for direct assistance to address livelihood and everyday subsistence needs does not lead to a shift in the work of organisations. Next to this kind of attention AFAD is still focusing on its advocacy goals for new legislation and measures for truth justice and redress.
In the USA it was the combination of COVID 19 exacerbating the differences between racial groups -economic injustice and discrimination leading to unemployment between racial groups in combination with very mixed messages from elites - that lit the fire. The frustration of many people, anonymity (masks) that allowed to participate in protest rallies and the fact people had the time to do so were also important factors.

Amsterdam, August 2020

Call to all AFAD members:

The findings contained in this article were collected during a short brainstorm session among a few persons from AFAD member organizations, its Secretary General and its Regional Campaign Officer. AFAD intends to research the effects of COVID on Disappearances and on relatives of disappeared persons in a much more detailed way in the coming months. For that research AFAD intends to use questionnaires and conduct interviews as to gather detailed specific information from each Asian country, from other organisations in other parts of the world and from various experts and key respondents. Direct reactions, comments, and examples illustrating the trends signalled in this article are welcome:
Since the beginning of the year 2020, the world has been living, to the rhythm of the spread of the Coronavirus, paving the way mainly to precariousness in which vulnerable populations are living. The elderly, women, children, LGBTQ communities, migrants and displaced persons, people living in extreme poverty, prisoners and others have found themselves at the forefront of the risk of being infected by COVID-19 and bearing with the pandemic with all its health, social and economic spillovers.

Special procedures mandate holders have issued numerous communications on this subject, alerting and calling on States to take the necessary protective measures as well as to meet their international obligations in terms of human rights protection and public policies based on the human rights approach. The pandemic has brought to the fore, yet again, the importance for States to pursue public policies based on the principles of non-discrimination, participation, empowerment and accountability.

Although the coronavirus does not discriminate as to who are to be infected, the impact and effects are felt differently by its victims, depending on their social and economic conditions and their access to adequate health and social protection.

The world has observed how the pandemic hits primarily seniors the hardest, but also people living in vulnerable housing conditions with lack of drinking water and improper sanitation. Also, violence against women has been exacerbated, particularly at home, marginalized children have been unable to continue their education through new technologies, with confinement causing school closures worldwide. In the absence of social protection and alternatives or institutional support, people with unstable jobs found themselves overnight without activities which, albeit insecure, enabled them to meet their needs. Prison populations have suffered the full impact of the pandemic, aggravated by inadequate prison conditions that in some areas have already made the persons deprived of liberty suffer from a lack of access to medical care.

In addition, the pandemic has put freedom of expression to the test. Human rights defenders, who have been at the forefront of exposing inequalities and inefficiencies in public policies, have been the target of human rights violations in some States.

Social and economic inequalities have increased further as a result of the pandemic, which has also further widened the protection gap due to limited access to remedies, both nationally and internationally.

Despite the pandemic, the practice of enforced disappearance by some States has continued, posing great difficulties for families and NGOs supporting them to report and document cases.

On the other hand, the search for the disappeared has been discontinued in some States due to the pandemic. Families awaiting the results of the searches and investigations were deprived of all forms of communication, support and assistance during this period, even though the searches require specific actions that do not violate health protection measures.

In other countries, the risk of harm by Covid-19 threatens the lives of people already victims of enforced disappearance, who are in illegal places or even in regular prisons, without any legal protection and access to care. Not being registered regularly and without any contact with their families and lawyers, the victims face deplorable conditions that increase the risk of harm by Covid-19 in the absence of sufficient health protection measures. They should be registered and have access to protection measures and care in case of harm and access to humanitarian assistance. The High Commissioner for Human Rights, Ms. Michelle Bachelet, called on governments to release detainees without legal grounds for detention.

Relatives and families of missing persons continue to suffer. The pandemic should not make us forget this suffering and therefore searches should not be postponed sine die at the expense of the victims and their families. The obligation to search for the fate and whereabouts of victims is a continuous obligation of States and should not be discontinued on the pretext of priority.

Moreover, the quarantines have deprived people, intentionally or unintentionally, of any contact with their families or relatives. In some cases, families did not know the whereabouts or fate of their relatives and their actions were limited due to confinement and health restrictions. As some families were already in vulnerable living conditions and psychological suffering, their precarious conditions and suffering worsened. Some States also took the opportunity provided by Covid-19 and the states of emergency declared on their territories to evade their legal obligations. Others have carried out acts of enforced disappearance by taking advantage of the protection gap, in a context where the means of redress and reporting are limited due to restrictions on the right of movement and contact with NGOs or with national and international protection bodies.

On the other hand, human rights defenders, including those supporting the families of the disappeared or documenting cases of enforced disappearance, face restrictions, harassment, intimidation and threats aggravated by the risks of detention in the context of Covid-19, based on their actions on social media, as these remained the only means of action or prevention against human rights violations.

Some States considered it appropriate to "postpone" their human rights obligations in order to devote themselves to managing the pandemic crisis. Should governments be reminded of their obligations to support the families of victims and vulnerable populations more than under normal circumstances?

Moreover, persons who have died as a result of Covid-19 should not be systematically cremated or buried without the agreement of the families, without the possibility for them to identify the remains and without allowing them to bury their loved ones according to their cultural or religious rituals and to mourn them in conditions that preserve dignity and psychological peace. The death should be registered in accordance with the standards in force and with the participation of families and relatives.

Finally, it is essential to pay tribute to the relatives of victims, NGOs and human rights defenders who, despite the lockdown and states of emergency, difficult conditions and restrictions imposed by some governments, have continued to document cases of enforced disappearance, follow up on cases already registered and demonstrate great vigilance and resilience.
Scores of pro-independence and pro-India political leaders and workers continue to remain in preventive detention under the repressive Public Safety Act (PSA) and remain lodged in various jails of India and J&K. The condition of many of these detainees was reported to be deteriorating as many of them have severe health ailments including Covid-19 infections.

Parvaiz Matta,
Campaign Officer,
Association of Parents of Disappeared Persons (APDP), Jammu & Kashmir

The global COVID-19 pandemic has badly affected the conflict ridden Indian administered Jammu and Kashmir (J&K) as between March 18 to August 5, 2020, nearly 23000 people were infected and 426 persons died from the virus. The entire J&K continues to reel under lockdown and siege which started last year on August 5, 2019 after the special constitutional status (guaranteed under Article 370 of the Indian Constitution) of the region was abrogated unilaterally by the Government of India. To prevent the spread of the corona virus in J&K, the government imposed COVID-19 lockdown from March 19, 2020. However, Kashmir was already under siege, communication blockade, media gag and suspension of civil liberties that had begun on August 5, 2019. The yearlong lockdown has severely impacted the daily life, economy and business in J&K.

The human rights situation remains appalling in Indian administered J&K as the region continues to witness unabated violence. With New Delhi’s constant repressive and authoritarian rule accompanied by intense militarization, in the first six months of 2020, 229 killings in different violence related incidents were recorded in J&K, which included killing of 32 civilians, 143 armed militants and 54 personnel of police and armed forces. Besides killings, nearly 50 civilian properties were destroyed and scores of properties were vandalized and by armed forces during the various encounters with militants. Allegations of robbing and stealing of valuable items from the houses of civilians during encounters was also reported. Further, around 15 cases of disappearances and missing persons were reported during the first six months of 2020, which indicates that the practice of disappearances continues in Kashmir.

Since August 2019, the intense militarization continues to have deteriorating impact over routine life in J&K. The armed forces continue to enjoy impunity. Throughout the first half of 2020, the overall situation across Kashmir is alarming and there is no end to violence and repressive policies. There appears to be complete state of lawlessness in Indian administered J&K.

Continued Detentions
Scores of pro-independence and pro-India political leaders and workers continue to remain in preventive detention under the repressive Public Safety Act (PSA) and remain lodged in various jails of India and J&K. The condition of many of these detainees was reported to be deteriorating as many of them have severe health ailments including Covid-19 infections.
LIMITED INTERNET CONNECTIVITY

Amid the ongoing global pandemic, internet services continue to be restricted in J&K. The unfettered internet access is crucial for information, communication, education, and business. Covid-19 has led to a situation where 4G internet services in the valley are essentially required for the management of health and medical care and the education sector. The services should have been provided by the State to ensure updated knowledge and information sharing on the global scientific developments on Covid-19, but the slow 2G speed of the internet acts as an obstruction in obtaining the latest information/updates about Covid-19.

Doctors have complained that the lack of internet was hurting the Covid-19 response. "It is a new virus - research, studies, guidelines and updates are changing every other day," said one doctor. "The internet helps doctors to keep a tab on developments around the world, but we cannot access video lectures or other information in the absence of high-speed internet."

During the lockdown, for Kashmiris it is almost impossible to consult a doctor over video-calls, order medicines and other essentials through e-commerce. Moreover, students in Kashmir are unable to continue their education online or prepare for examinations at 2G internet speed.

There continues to be restriction on the use of social media and also one of the reasons of reducing the internet speed to 2G is intended to prevent people from sharing information and details in the form of videos about the ongoing worsening situation of human rights in Kashmir. Intense surveillance, monitoring and screening of all e-communications including mobile phone tapping by the well-equipped Special Cyber Police, which through the use of sophisticated technology have kept every Kashmiri under stringent surveillance. The cyber police are at large to intimidate and threaten people with stern action, if anything related to Kashmir’s reality and human rights situation is disseminated and shared online. Invariable militaristic eye on Kashmiris has curtailed their freedom of speech and expression and even the rights to life and liberty.
IMPACT OF COVID-19 ON THE FAMILIES OF THE DISAPPEARED

During the Covid-19 pandemic followed by lockdown and restrictions, the problems of the families of disappeared persons have increased manifold as the families on one side could not earn their livelihood and on the other side they could neither search for their disappeared loved ones nor could they access justice by pursuing their cases in the courts for legal interventions. Further, due to the lockdown the socio-economic condition of families worsened to a great extent as there is no alternate source of income to the families of disappeared. Many of the families exhausted their miniscule savings and were left with nothing to manage their daily survival needs during these difficult times. To some extent, the Association of Parents of Disappeared Persons (APDP) endeavored to provide all possible support to the families in urgent need of essential supplies including food and other daily needs during the ongoing Covid-19 crisis in J&K. Despite the worsening socioeconomic condition of the families of disappeared during the pandemic, the government as usual did not establish any policy to help or support the destitute families of disappeared persons. Furthermore, lack of relief, rehabilitation, financial assistance, health aid and malpractices in the ongoing distribution of relief has further aggravated the situation.

After the disbanding of the State Human Rights Commission (SHRC) in September 2019 by the Government of India subsequent to the abrogation of Article 370 of the Indian constitution, APDP could not file any fresh complaints as no alternate mechanism of human rights exists in the region. Even the government is yet to clarify its stance about the fate of thousands of complaints/petitions that were pending before the disbanded SHRC for decades together. The victim families largely believe that the winding up of SHRC is a clear message to the thousands of victimized families that the repressive Bharatiya Janata Party (BJP) government intends to escape the responsibility and accountability concerning ongoing human rights violations including enforced disappearances perpetrated by armed forces in Indian administered J&K. The families of disappeared were planning to file various petitions before the J&K High Court asking the government about the closure of the SHRC and the fate of thousands of cases which were pending before the SHRC, but due to Covid-19 and closure of courts during the lockdown, none of the families could approach the High Court to file such petitions.

The government continues to be indifferent to establish a policy or plan for providing any comprehensive relief or rehabilitation to the families of disappeared persons who besides economic problems have been undergoing severe psychosocial tribulations.
HOPES FOR THE FUTURE

In spite of the Covid-19 lockdown and degenerating situation, constant communication and coordination among the APDP leaders and members has contributed to the reinforcement of the resolve and strength of the association during the pandemic. There has been a regular phonic monitoring of the situation of each member family of the association. The members of APDP strongly believe that the struggle against disappearances would succeed only if the families of disappeared would remain united and will put in their best efforts in the struggle against enforced disappearance.

Since the siege and Covid-19 lockdown in Indian administered J&K, APDP executives from their respective native districts organized series of one-on-one meetings with many member families of the disappeared and deliberated on evolving strategies for the effective advocacy and campaign against enforced disappearances amid the alarming situation of human rights, Covid-19 and imposition of dictatorial policy by the Indian State in J&K.

Few small group interactive meetings at the community level were also held by APDP. With the help of these meeting the executive members strived to identify challenges and issues faced by member families and also apprised the members about ongoing advocacy efforts made by APDP at the local level and by the Asian Federation against Involuntary Disappearances (AFAD) at the regional level. Further, during the district level interactions special focus was given to the issues confronted by the women relatives of the disappeared persons. Moreover, during these meetings, ongoing socioeconomic condition and need of each member family is discussed and closely monitored. Accordingly, many deserving families are being supported with food kits and modest monetary assistance for fulfilling their daily basic needs. The member families robustly believe and are hopeful that the determined and stronger network would help in the sustainable struggle for truth, justice and reparations for thousands of victims of enforced disappearances in Kashmir.

The member families avowed that they will continue their fight against enforced or involuntary disappearance during the ongoing crisis situation of human rights as well as the Covid-19 pandemic. The member families express that they will carry on with online social media advocacy and campaigns for mobilizing global community in the struggle against the crime of enforced disappearance and will urge the government of India to act and investigate into the cases of disappearances without further delay and deferring.
Despite the distressing impact of Covid-19, there is no respite in raids by the police and military agencies to arrest youth from all across Kashmir valley, mostly from South Kashmir. The youth are picked up on the pretext of mobilizing people in "anti-national activities", creating law and order problems and assisting militants. Subsequent to arrests, torture continues to be used by the armed forces in Kashmir to intimidate, threaten, and punish the civilian population.

**INTIMIDATION OF JOURNALISTS & MEDIA GAGS**

Ongoing developments in Kashmir include a severe state crackdown on Kashmiri journalists, rising policing powers and enhanced curfew measures in the midst of this global pandemic. These actions suggest that the Indian government may be exploiting the pandemic to accelerate its settler-colonial ambitions in the disputed territory. At this time, when all of India’s resources, energy and attention should have been placed on protecting its own citizens and providing access to critical healthcare, India continues to be busy in committing affronts to democracy and human rights in J&K by imitating its close ally Israel in order to begin its settler-colonial project in the region. In the midst of a pandemic and lockdown, on March 31, the Indian State introduced a new domicile law for J&K. This is one of the many legislative changes set by India following the unilateral abrogation of Article 370 in August 2019. The domicile law paves the way for demographic flooding in Kashmir, which will allow non-Kashmiris to obtain property, apply for government jobs and impact the outcomes of a future referendum on Kashmir's political future should it be held. Demographic flooding as a colonial strategy has been used by Israel along the West Bank as well as by China in the Xinjiang autonomous region. Due to these persistent amendments in laws and introduction of new rules and laws people in Kashmir are very much frightened about their security and future. The Indian State's heavy-handed tactics in the region have given its military and paramilitary a free hand to deal with dissenting voices. Any Kashmiri who attempts to raise a voice against the injustices perpetrated by the government and its military structures has to face harassment, illegal detention and filing of false cases against them. The government has created an atmosphere of extreme fear on the ground under which people feel isolated, chained and awaits help from the global community.

In June 2020, the government announced a new media policy in J&K that empowers the authorities to decide what is "fake news, plagiarism and unethical or anti-national activities" and to take punitive action against media outlets, journalists, and editors for any violations. The policy contains vague and overbroad provisions that are open to abuse and could unnecessarily restrict and penalize legally protected freedom of speech and freedom of press. Media continues to be at the receiving end with the pressure, intimidation and harassment from the authorities, with several incidents of beating and thrashing of journalists reported doing the pandemic. Besides physical assaults, few Kashmir based journalists were also booked under stringent laws and cases were filed against them amid the ongoing lockdown.
Since January 2020, nearly 15 cases of disappearances or persons missing were recorded by APDP. Regarding majority of these reported cases, the military and police agencies have claimed that these missing youth might have joined militant ranks, but no credible evidence has been produced by any of the security agencies to prove their claims. However, the families of these victims have registered reports with the concerned police stations and the search for the said missing youth continues. The victimized families are apprehensive about the safety of their missing loved ones and have been requesting the authorities to locate these youth, but so far there has been no development regarding tracing their whereabouts. Nonetheless, there are apprehensions among a few of the families that their youth might have joined militant groups. Due to the Covid-19 lockdown and siege all across Kashmir the families of recently disappeared persons could not search their loved ones properly.

Additionally, due to surveillance and restrictions, the researchers of APDP could not travel to remote areas of the region to collect the detailed case testimonies of the families of missing youth for documentation and for processing these cases for legal intervention. Due to the ongoing COVID-19 lockdown and the continued siege across Kashmir, families of disappeared persons could not organize any public programs or activities and could not meet or engage with their counterparts. Further, the pandemic also impacted the process of seeking legal intervention into the cases of HR violations, particularly the cases of disappearances as the court remained shut during the lockdown. Moreover, the progress into the cases sub-judice before the court could not be monitored or ascertained.

The struggle of families of disappeared towards advocacy and campaign was also affected by the Covid-19 restrictions. The families of the recently disappeared victims could not seek legal intervention because of the distressing Covid-19 and human rights situation in Kashmir. The pandemic has colossal impact on the lives of the many underprivileged and impoverished families of disappeared persons. Covid-19 has devastating impact on a number of families including the family of Tahira Begum (husband disappeared), Aliffuddin Tass (two sons disappeared), Mukhadam Hussain (husband and son disappeared), etc. These families have no means of livelihood and presently are unable to make ends meet. The families are supported by the APDP leadership through various efforts and endeavors during lockdown.

The phenomenon of enforced disappearance has been alarming across India. To evade any global accountability over the relentless practice of enforced disappearance, the Indian State continues to temporize in enacting a local legislation criminalizing the practice of enforced or involuntary disappearance. Amid continued unaccountability and impunity, the government continues to boost the morale of the armed forces resulting in the unabated violence against innocent civilians which can be interminable. Furthermore, the Indian State maintains its reluctance to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which it signed in 2007.
Introduction

Enforced disappearances continue to occur in Bangladesh, even during this COVID-19 pandemic, targeting political activists and individuals who are critical of the government’s response to the pandemic. According to Odhikar, at least 13 people have become victims of enforced disappearance from January to June 2020. Regrettably, the government repeatedly denies the existence of enforced disappearances in the country. There are evidence that the members of law enforcement agencies are involved in cases of enforced disappearance and the UN Special Procedures and Treaty Bodies have expressed their concerns over the government’s failure to disclose information regarding arbitrary detention and disappearances.

As elsewhere in the world, the Coronavirus pandemic (COVID-19) in Bangladesh has completely changed life. The entire country went into ‘forced holiday’, which shattered livelihood and businesses across the country. The government of Bangladesh has declared 'holidays' and imposed restrictions on movement since 26 March 2020, to prevent the spread of the Coronavirus in the country. However, lack of proper planning and access to accurate information on the COVID-19 pandemic, apparent medical crisis and corruption in the distribution of relief have exacerbated the matter. The COVID-19 pandemic has not only affected public health, but also the economic and social life of the people of Bangladesh, in particular the poor and marginalized people and the families of the disappeared.

Impact of COVID-19 on the families of the disappeared

The restrictions imposed in the country and the focus on the COVID-19 response have hampered gathering of information on disappearances. Restrictions on mobility are making it harder for the families to live with dignity and to get access to or receive information concerning the whereabouts of their loved ones. The number of reported cases of enforced disappearance since the beginning of the pandemic is a minimum estimate and we know that disappearances continue and the possibility of victims or survivors being identified and accounted for is remote. The economic hardship caused by COVID-19 will have a detrimental impact on the mental, social and physical well-being of the families of the disappeared; and on their ability to search for their missing loved ones.

Even under normal circumstances, families searching for information face many obstacles. Harassment, intimidation, threats by the security forces coupled with difficult socio-economic conditions are key challenges in trying to find disappeared persons. Many family members, who were interviewed during this pandemic, face numerous challenges, which have only become worse due to the state-imposed 'holidays'. Since a large majority of the disappeared victims were known to be the breadwinners for their families, the families have been living in miserable conditions due to economic crisis. These precarious financial circumstances and difficulties in finding a safe and secure environment during the pandemic further undermine their ability to seek remedy.
The psychological impact of COVID-19 on the families of the disappeared is devastating. Each family has a unique experience of what has happened and is happening. Everyone has a different way of dealing with and managing the situation, and moving forward as a result of this pandemic. The pandemic, the fear of contracting the virus and the restrictions on movement have all added to the mental anxiety and depression. Methods to reduce psychological effects of having a loved one disappear, including post-traumatic stress, fears, anger, frustration are even such as counseling and providing emergency assistance and financial support are even more distant.

**Endless suffering of the victim-families**

The families of the disappeared have been deprived of practically all their basic rights and have suffered financially and socially. This situation has worsened during the COVID-19 crisis. They are unable to lead a normal life; they are unable to afford food, medication, education - the basic elements that are required to live a human life and not mere existence. They do not receive any support or emergency relief from the government. They are broken, both financially and mentally, they are unable to share their sorrows with anyone and they suffer quietly. The deplorable situation of the families highlight the psychosocial-socio-economic impacts of the pandemic. The following case studies clearly illustrate the helpless and difficult life the victim-families live in these challenging times.

**Case study-1:** Ansar Ali (chauffeur of disappeared BNP leader Ilias Ali) was disappeared with Ilias Ali on 17 April 2012. When Ansar left for work on that fateful day, neither he nor his wife Mukhta or two year old daughter Chadni would have thought it would be the last time they would see him. Ansar Ali’s wife is currently living in Sylhet with her daughter who is studying in Class V of Shahjalal Jamea Madrasa for Women. Mukhta is a vaccinator of the Sylhet City Corporation earning a minimum wage. She is a single mother living by herself, struggling to pay rent, utilities, tuition fees and many other bills. She tries her best to check up on her mother-in-law, who lives alone and suffers ill health, every once in a while. Ilias Ali’s wife provides a monthly stipend of 7000 Taka to Mukhta and Chadni which still falls short of the monthly needs of the family.

**Case study-2:** On 11 December 2013, some men in plain clothes, claiming to be members of the law enforcement agency picked up Selim Reza Pintu from his house. Pintu used to provide his family of three brothers and a sister with money. Since he was taken away, the members of the family have been facing immense pressure both psychologically and financially. It got worse during the state-imposed holidays due to the COVID-19 pandemic. One of Pintu’s brothers used to run a small business and support the family. Due to COVID-19, the business was closed and there is no actual source of income for the family. It has become extremely difficult for them to afford food and healthcare during this crisis. This has broken them down mentally as they are not getting any support from anyone. The court case to find Pintu is on hold, as the court said that the case will proceed only if they get any further information about the victim. The family had been hoping that the case would reopen if the law enforcement agencies get information about Pintu, but due to the COVID-19 ‘holiday’ the situation remains uncertain.

**Case study-3:** Tariqul Islam Tara was taken from his friend’s home at Pallabi, Dhaka by the Detective Branch of Police on 13 August 2012. He left behind his wife and son. Since then his wife has been staying in her parent’s house. Her father used to sell seasonal fruits from a cart. During the COVID-19 pandemic her father was robbed. The money that he had for buying his goods was taken away. Her sister used to work random small jobs but that too was stopped due to the pandemic. Tara’s wife Baby, planned to sell clothes outside the school of her son but that did not happen as well as the schools are closed due to the pandemic. At this moment the family is facing a crucial time, it is becoming hard for them to afford the basic necessities of life. Due to this crisis, it is becoming tough for her to continue her son’s studies. She hopes that this pandemic ends soon so that they can get back to normal life and earn some money so that she can give her son a better future.
Case study-4: On 5 December 2013, Adnan Chowdhury was taken from his home by RAB, saying that they would return him to his family the next morning. Adnan was the only son of his parents; and he supported the family financially. They were trying to overcome their financial crisis but due to the COVID-19 pandemic, they are not being able to lead a normal life. Due to the shock of having lost their only son, the father has become bedridden; there is no one to support the family. It is becoming difficult for them to afford food. They fear that if things continue like this, they will be unable to survive. They hope that the COVID-19 crisis will end as soon as possible so that they can at least find ways to survive.

Case study-5: On 2 December 2013, Mohammad Zahirul Islam went to buy flowers in Shahabag when the Detective Branch of Police took him away. The parents of the disappeared Zahirul Islam are in mental agony over the last seven years, not knowing where he is. Their financial situation is getting worse day by day in the COVID-19 crisis, as their son who was supposed to earn for them became a victim of enforced disappearance. They had to leave Dhaka due to their adverse financial condition.

Case study-6: Iftekhar Ahmed Dinar’s family is currently living from hand to mouth. Dinar was disappeared eight years ago. Dinar’s father was a physician, who retired as the Director of Sylhet Health Division in 2007. Due to his inability to get his pension from the government, he has become both financially and physically very weak. He has been suffering from heart disease and pneumonia and needs medical and clinical assistance regularly. Even in his advanced age, he used to work as a medical officer at an agency in Sylhet before the outbreak of the Coronavirus. He has not been able to go to work or provide economic assistance to the family during the countrywide ‘holiday’ due to COVID-19 pandemic.

Case study-7: Juned was a diehard activist belonging to the BNP’s student wing and Dinar’s most trusted friend. He was also disappeared along with Dinar from the entrance of a hotel in Dhaka. His father died in April 2017 while his mother has been suffering from cancer for the last three years. She needs regular chemotherapy and radiotherapy which is a heavy financial burden on the family. Juned’s younger brother has recently joined human rights work. He is a local stamp vendor in the city of Sylhet who is hardly making any financial progress in his or his family’s life. His stamp selling business is on hold during the COVID-19 crisis. The family is now hard pressed as all their savings have been spent on food and treatment for his mother.

Concerns of the families in accessing justice
All the families of the disappeared interviewed have expressed their fears and concerns on the journey to justice as the courts are still closed and higher court proceedings take place online. The COVID-19 has severely affected the judicial activities that might have affected the cases of the victim-families. Neither of the families mentioned above see any future in terms of judicial or administrative assistance to find their loved ones, nor do they find any medical or financial assistance from the government for their wellbeing. All of them have tried to find justice but failed. Although the present may not seem very bright for victim families under the authoritarian regime, they are hopeful that they will see a change after the restoration of democracy and rule of law.

Hopes for the future
Despite the adverse situation due to the COVID-19 pandemic, the families of the disappeared remained united and committed to help each other whatever the consequences. They believe their strong bonding in a network is vital to fight against injustice. During the International Week of the Disappeared, the families demanded the return of their loved ones through video messages on social media. The children of the victims of enforced disappearances participated in an art exhibition by painting pictures of their disappeared fathers. They all deserve to know the fate of their loved ones. They all deserve justice.
Some years ago, in Geneva, I met with S. African Prof. Christof Heyns, the then UN Special Rapporteur on Extra judicial Executions. He stated to me at the beginning of our meeting, "Without [civil society] activism, there would be no human rights". This was an extraordinary admission, and a powerful endorsement, for the critical role people's organizations and civil society play in shaping the international discussion on all rights based issues.

I am writing this article while attending, virtually, RightsCon 2020, a global meeting on human rights in the digital age with civil society participants from almost 100 countries. Almost all the participants reported that governments around the planet, but in particular in Asia, are using the period of the pandemic to accrue yet more power over people's lives through the implementation of new invasive and restrictive laws, frequently justified by the public health emergency. These new laws, even if initially used to assist public health efforts will be difficult to roll back, are often vaguely worded, allowing for arbitrary interpretation by officials. This is particularly important within the Asian region where instead of rule of law, authoritarian governments tend to rule by law, and where it is still the case that enforced or involuntary disappearances continue to occur within the Asian region.

These concerns were acknowledged by six UN Special Rapporteurs attending the RightsCon conference, who on 30th July jointly issued a statement that "COVID-19 has made us even more reliant on digital technologies and the space they create for civic engagement. With the closing of civic space and restrictions on offline media, access to universal, open, affordable, secure, and stable Internet is vital to prevent abuses, to continue to promote and protect human rights and urgently increase access to information". They added that, "States continue to leverage digital technologies to quell dissent, engage in unlawful surveillance, and strip individuals of their capacity for collective action, both online and off. We are deeply concerned that such patterns of abuse have accelerated under the exigencies of the global pandemic."

It is vitally important for citizen's groups to continue to push governments on human rights measures such as ratifying or acceding to the International Convention for the Protection of All Persons from Enforced Disappearance, but additionally on the full implementation of the Convention, which will otherwise be implemented reluctantly and half-heartedly. Push back from the authorities is likely to increase through use of defamation laws, fake news laws, cyber monitoring and digital harassment to counter citizen action. Technology has allowed citizens to organize with unprecedented reach, and to rapidly respond to outrages perpetrated by state actors and to scale up actions at unprecedented speed in a way which simply wasn't available to them in the past. Governments in the region have been swift to
One form these restrictions are now taking are internet shutdowns. As one of the participants at RightsCon noted, "Once a State undertakes an internet shutdown, it is likely to do so again." Prior to the pandemic, this has already been the lived experience in China whose citizens live behind its 'Great Firewall' and throughout South Asia, in particular in Bangladesh, India, Myanmar and Pakistan. In Indian administered Kashmir, citizens suffered under a complete internet shutdown for 175 days prior to the pandemic, and then with a very limited access with almost unusable speeds, along with physical restrictions justified by the pandemic but clearly timed to political events. These internet restrictions have also created difficulties for health care professionals struggling to download medical guidelines at the beginning of the pandemic in Srinagar. The Federally Administered Tribal Area in Pakistan has been without the internet since June 2016 which has affected their ability to access information during the pandemic. Rohingya refugees in refugee camps in Bangladesh have demanded that the Bangladeshi government allow access to the internet and SIM cards to enable them to access information about the pandemic. The military in Myanmar halted internet access for large sections of Rakhine and Chin states prior to the pandemic, but have maintained it since.

While internet monitoring and harassment is likely to only increase, governments continue to rely on physical threats to civil society. The most widespread instances of enforced disappearances and digital control are occurring today in Asia’s most populous country, China. China has instituted a form of disappearance which it calls Residential Surveillance in a Designated Location (RSDL). Under RSDL, Chinese authorities bypass normal legal processes provided for by criminal law to contain and control captured citizens incommunicado at undisclosed locations for up to six months. No trial, no lawyer and not compatible with international law. Several well known cases of citizen journalists seized during the early phase of the pandemic for reporting on the situation, and whose reporting was incompatible with the state narrative have yet to be seen again. However the instance of ongoing enforced disappearance involving massive numbers of its Uyghur citizens from the Xinjiang Province is certainly the most widespread use of the atrocity anywhere in the world.

In June 2020 Wanchalearm Satsaksit, a critic of the military government in Thailand who was living in exile in Cambodia was seized by armed men in front of his home and no further knowledge of his whereabouts is available. In March 2020, a Bangladeshi editor and photojournalist Shafiqul Islam Kajol who was reporting a government scandal disappeared and his fate remains unknown despite an international campaign by rights activists to find him.

Unanswerable state power will not bode well for the search for justice for family members of the disappeared. However, at this juncture, each and every progressive sector of society finds itself under threat, and the future struggle for rights must be intersectoral in manifestation and intersectional in approach. Civil society groups will have to find common cause with other rights based movements in order to create a space where human rights and justice prevail, instead of seeing the struggle within a single issue focus as has been the norm to date.
Governments will begin to use technology to target opponents with increased frequency. Often the data accessed by the authorities which will be used against activists are held not by the governments themselves, but by private companies. Most of those data, citizens have given away freely to such companies as Facebook, Yahoo or Google. All of these companies offer a service, supposedly free, but actually in order to harvest our data, which is their product. Basically you are the product of these 'services'. And all these corporate entities have a track record of handing over data to governments that have used them to harass, arrest, prosecute, imprison or disappear people based on who they have had contact with, where they have been or what they have written online.

Activists need to increase their level of digital literacy in the very near future. At a minimum, don’t use yahoo or google for your email which are highly compromised. Secure alternatives are available and should be used.

Mr. Clément Nyaletsossi Voule, Special Rapporteur on the right to peaceful assembly and association; Ms. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism; Ms. Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions; Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of expression; Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders; Ms. Fionnuala D. Ni Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism


Dina has always firmly believed that her family is fortunate. While her father, community organizer Daniel Cruz, is a desaparecido three times over - he was disappeared in 1997, 2000, and 2004 - he was found alive each time. This is largely due to the tireless efforts of his wife, Lea, who benefitted from being part of the mass movement herself. With each attempt to search for Daniel, she knew the right persons and organizations to approach. With their help, her husband was successfully located thrice.

However, as expected, the Cruz family’s calvary did not end with Daniel’s homecoming. Daniel was understandably traumatized after having experienced relentless psychological torture in the hands of his captors. It took time before he was able to overcome this trauma enough to try applying for a job. When he finally did, he found that it was next to impossible for him to be employed because of the trumped-up charges that were filed against him. He could not get clearance from the National Bureau of Investigation (NBI), which is a standard requirement for employment.

After Daniel’s first disappearance, Lea had to sell the house they were having built in order to post bail. After his last disappearance, what with Daniel’s difficulty in finding a regular job, they still have yet to start building a new house. Dina and her younger brother Gabriel were still studying, while their older brother James already had a family of his own.

Both Dina and Gabriel have always excelled academically. Dina gained admission to a private university and started pursuing her dream to become an architect. However, with all the materials the course required, Architecture proved to be too expensive. Dina decided to sacrifice her dream and shift to Political Science in order to lighten the burden her studies were making on her parents. She also got educational assistance from an organization that helped Lea search for Daniel and of which they are both members, the Families of Victims of Involuntary Disappearance (FIND). This setup was fine until the time Gabriel graduated from high school and entered university. With two of them in university, their combined education expenses reached the point where Dina again chose to sacrifice, this time dropping out of university altogether to find a job instead and help Gabriel finish his studies.

Fast forward some years and Dina has found work with a cruise line. Her diligence and intelligence led to her promotion for which she was amply compensated. Dina was earning enough to send money to her parents regularly and still put away savings for herself, just as regularly. Gabriel has graduated from university and is employed in a reputable business process outsourcing company. He still lives with Daniel and Lea but is now able to contribute to the household income. Things were finally looking up. That is, until the Corona Virus Disease-19 or COVID-19 pandemic struck.
For some time, Dina and her colleagues were in limbo aboard a cruise ship. But as governments started to close their borders one after the other to contain the spread of the pandemic, the cruise line's management finally decided to send their staff home. Dina was grateful for the management's decision to pay them for the time they spent in the ship even if they weren't working and for shouldering the costs of her transportation back to the Philippines as well as her stay in a hotel for the mandatory two-week self-quarantine. She would need every peso she could save because not only did she suddenly find herself unemployed, but Gabriel would also fall very sick.

It started with a lump on Gabriel's neck. They were hesitant to bring him to the hospital for fear of getting infected with the Corona virus. However, as days passed the lump grew bigger and they decided to take the risk of getting him examined in a hospital. This was not an easy task. A number of hospitals refused them as they were occupied with COVID-19 patients. Even after one finally admitted Gabriel, the situation brought about by the pandemic caused one problem after another. It turned out that Gabriel had to undergo an operation to remove the growth on his neck and there were no doctors available to perform the surgery. Aside from the usual scans, he also had to go through additional tests to clear him of COVID-19, making the process and his stay in the hospital even longer. When he was at last scheduled for surgery, they hit yet another roadblock: Gabriel needed blood donors whose blood type matched his. The problem was, people were afraid to go out of their houses, much less travel to a hospital to donate blood. Worse, not all of the few who were willing to could do so because at the time, only one person per household could avail of a quarantine pass that allows an individual to go out of the house. Thankfully, albeit delayed, the operation was eventually performed successfully. But by the time Gabriel was discharged from the hospital, the hospital bills had more than maxed out the health insurance provided by the company he works for and the Cruz family had to shell out some PhP80,000.00 (USD1,620.00) out-of-pocket.

Gabriel would discover that recovery is much worse than the actual surgery. He was in pain and had lost a lot of weight because he had difficulty eating. He had to be brought back to the hospital several times because the abscess in his neck, which also causes him to have fever to the point of getting chills, had to be drained. The procedure was expensive and while they were able to afford the first three with the help of Dina's last paycheck, they were eventually forced to just have the doctor make an incision on Gabriel's neck so a drain can be inserted and the actual draining be performed at home. While this saved them money especially since it was expected that there would be abscess for months, it had also caused much more pain for Gabriel.
As of this writing, Dina has yet to find a job. She, Daniel, and Lea take turns watching over and taking care of Gabriel, who has yet to recover. He has developed difficulty in breathing and tuberculosis along with pneumonia, necessitating his hospitalization once again. It breaks Dina’s heart to see her brother in near-constant pain and weak to the point that he cannot stand up on his own. Her heartbreak is compounded by the anxiety brought about by not having a source of income.

Epilogue: Four days after this article was submitted, Gabriel passed away.

As if Dina’s abrupt joblessness and Gabriel’s illness were not enough, COVID-19 dealt yet another blow to the Cruz family. James, who lives with his family in a different district, witnessed an altercation between his neighbors. He tried to break up the fight, for which he was arrested and brought straight to jail. He was charged with direct assault. The bail was first set at PhP12,000.00 (USD243.00) then was raised to PhP36,000.00 (USD729.00). Again, Lea immediately got in touch with human rights defenders and organizations she knew can help with her son’s release. The pandemic and the limitations on movement that it forced upon people complicated and impeded the legal assistance for James. The district where he lives happens to have one of the highest numbers of COVID-19 cases. This made matters even worse, as the strict quarantine measures meant that his family could not visit him as often as they wanted. It also hampered securing documents that would facilitate his release. James was forced to stay in jail for at least two weeks. He was released after posting bail in the amount of PhP16,000.00 (USD324.00) following the approval of their motion for reduction of bail.

As of this writing, Dina has yet to find a job. She, Daniel, and Lea take turns watching over and taking care of Gabriel, who has yet to recover. He has developed difficulty in breathing and tuberculosis along with pneumonia, necessitating his hospitalization once again. It breaks Dina’s heart to see her brother in near-constant pain and weak to the point that he cannot stand up on his own. Her heartbreak is compounded by the anxiety brought about by not having a source of income.

Still, Dina’s faith remains unwavering. She is certain that they will overcome, that this too shall pass. She and her family have been through and triumphed over much worse. She knows that all they have to do is to keep doing what they have always done: boldly persevere, even against seemingly insurmountable odds. This is why despite being blindsided by the havoc COVID-19 wreaked upon her family, Dina continues to firmly believe that her family is fortunate. After all, fortune favors the bold.

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STRUGGLE OF THE FAMILIES OF THE DISAPPEARED IN SRI LANKA DURING THE CORONAVIRUS PANDEMIC

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Impacts of COVID 19 on Sri Lanka
As the pearl of the Indian Ocean, Sri Lanka has unique cultural and geographical features which attract countless tourists from all around the world to visit the country. Although tourism is one of the main income sources of Sri Lanka, it became the main source of COVID contagion in the country. The first Sri Lankan infected by COVID in March 2020 was a tourist guide who had contact with a group of Italians.

According to the data provided by Sri Lanka Health Promotion Bureau, total COVID confirmed cases are 2061, deaths 11 and recovered and discharged 1827 in July 02nd of 2020. Sri Lankan government has been taking various precautions such as self-quarantine, social distancing and nationwide curfews and implementing vigorous laws to contain the COVID spread.

The COVID 19 pandemic has an adverse impact on Sri Lankan economy. Manufactures, service industries and Sri Lankan tourism are heavily affected and as the result of these many people lost their jobs. This economic crisis has huge negative impact on the vulnerable group of the society such as families of the disappeared.

Human Rights Violations during the Pandemic
On 26th of March, 2020 the President of Sri Lanka pardoned a soldier who was sentenced to death for killing eight civilians including three children during the civil war. Human right activists accused the government of taking advantage of the chaos caused by the COVID 19 pandemic to free a wartime ally accused of atrocities. The pardoned soldier, former staff Sgt. Sunil Ratnayake, was sentenced to death in 2015 for blindfolding eight civilians from Tamil ethnic group, slitting their throats and dumping their bodies into a sewer in the year 2000. This absolution is another example of the failure of Sri Lankan government to fulfil its international human rights obligations to provide meaningful accountability for violations of human rights. The President assigned the army chief Gen. Shavendra Silva, who heads the National Operation Centre to lead Sri Lanka’s COVID-19 response. Silva faces credible allegations of war crimes during the final months of Sri Lanka’s long civil war. Due to this leadership, the minority people fear rights violations especially the Tamil and Muslim communities who feel that they will have more restrictions while performing their day to day activities like traveling and engaging in religious practices.

Sri Lanka used the pandemic situation as a pretext to curtail free expression. Sri Lankan Inspector General has ordered police to arrest those who ‘criticize’ officials involved in the corona virus response, or those that share ‘fake or malicious messages’ about the pandemic. For instance, the police visited an Inter University Student Federation (IUSF) member Shihan Hansaka’s house in Maharagama to question him about a Facebook post he wrote questioning the government. However since Shihan was not at home at the time, the Police had attempted to arrest his elder brother instead. IUSF in a statement mentioned that this attempt was made after he had criticized the government’s decision to appoint Basil Rajapakse as the head of the Presidential Task Force handling the Covid-19 situation.

During the curfew, the number of physical attacks, arrests, verbal threats and hate speech related incidents were high. Most of alleged perpetrators were either police or military and most of the victims belong to minorities. Human rights activists and civil society were unable to fight against these human rights violations due to the strict curfew order. They tried to seek justice through online petitions.
The families of the disappeared had hoped to get news of their loved ones being alive and that they would get justice from their government. But after the Presidential election in 2019, these families lost their hope and trust in the government. Ten years after the end of the communal war against the separatist Liberation Tigers of Tamil Elam (LTTE), Sri Lankan President Gotabhaya Rajapakse has admitted that more than 20,000 missing persons during and after the war are "actually dead." He was speaking to the UN Resident Coordinator for Sri Lanka Hanna Singer at the Presidential Secretariat on January 17, 2020. He also said "about 4,000 soldiers are listed as disappeared, but actually they all are dead from the fighting and their bodies are not recovered."

The Office of The Missing Persons (OMP) was established under the commitments made to the UN Human Rights Council in 2015 by the previous government. In February 2020, Sri Lanka's government announced it was backing out of commitments made to the UN Human Rights Council in 2015. This announcement made the families of the disappeared to think there are possibilities to demolish the OMP by the new government. With the landslide victory of the incumbent Sri Lanka People's Freedom coalition which has openly said that it is not supportive of the issue of enforced disappearance, there is a strong possibility that the Office of the Missing Persons may be abolished or disempowered. This will have a huge negative impact on the families of the disappeared.

The situation of the families of the disappeared worsened owing to the crisis caused by the COVID-19 pandemic. These families have been suffering financially during the curfew period imposed to control the spread of the virus. Most of these families' breadwinners are the persons who were disappeared during the civil war and JVP riots. Before the pandemic struck, these families used to have several sources of livelihood such as fishing, farming, small entrepreneurship ventures to lead their day to day life, which the curfew halted making it difficult for them to make ends meet.

The Families of Disappeared (FOD) successfully lobbied the OMP to provide support to these families who are now receiving Rs.6000 interim relief per month. Government provided the interim relief for only two months during the curfew period and they stopped providing the relief after the curfew was lifted. The OMP has urged the Sri Lanka government to ensure that families of the missing and disappeared are included as beneficiaries for rations and other state assistance schemes to ease the difficulties of the pandemic. A letter addressed to Sri Lanka’s President, Prime Minister and Chairman of the Presidential Task Force was sent out by the OMP Chairman, Saliya Pieris on 7th of April, 2020 which highlighted the threat posed by COVID-19 in Sri Lanka and acknowledged how the measures taken to manage the virus have "created difficulties, particularly for the more vulnerable sections of Sri Lankan society." The letter detailed the necessity to include the families of the missing and disappeared in relief measures due them being an "extremely vulnerable" group.

But the unfortunate reality is still the government hasn't taken any measures to fulfill the recommendations which were specified in the letter and the families of the disappeared are not prioritized in the distribution of the relief. As a vulnerable group, the families of the disappeared suffer physically and mentally during this Coronavirus pandemic.
Champika was 12 years old in 1989. She was in Grade 7. On September 16th that year, as Champika’s family were asleep near midnight, a group clad in army uniforms surrounded their house and took her 45-year-old father and two brothers, aged 16 and 14, outside the house. Her mother was taken to the kitchen. Champika, her two sisters aged 11 and 9, and seven-year-old brother were in a room sleeping together. The next thing they knew, some clothes and other items were thrown over them and petrol poured on them. When someone tried to set them on fire, somebody else shouted, “Do not do any harm to the small ones, they do not know anything!” That same person told her to run away with her mother and the little ones. As Champika tried to leave through the backdoor with her mother and younger siblings, someone knocked her down and squeezed her neck with his leg. Again, the same person intervened shouting, “Do you not all have children? Do not do anything to them, the big ones are with us, let the little ones go!” They all ran and ran for about four to five hours in the jungle until they reached a small mountain in Dahanagama. At around 4:00 in the morning, they noticed that one of the younger sisters was missing. Champika then left by herself and went back to their place to inquire about her sister. On her way back she saw the dead bodies slaughtered and burnt, including a young person she personally knew from the next village and had been working with them in their Chena for about three years. Champika found one of her brothers and tried to keep him on her lap as his neck was cut open. The pain of seeing her brother in that state was so unbearable that Champika started to knock her head unconsciously on a rock repeatedly. She fainted with blood coming out of her head. Fortunately, neighbors saw her and took her to the hospital where she was treated for about a month. Champika spiraled into a deep depression. For around four months they were forced to spend every night in the jungle with an uncle and his son and three daughters as a safety measure.

Their house, as well as that of their uncle were set on fire with their belongings on that tragic day when her father and older brothers were disappeared. A few months later, as Champika reached puberty, her uncle decided to build a small hut where they can all live. “We cannot keep this girl in the open according to our culture,” he said.

That was how they started rebuilding their lives. They used to have approximately four acres of land and about 25 buffaloes. However, all these and everything that remained in their houses after being burnt were taken away by force by her relatives. Champika could not sit for GCE (O/L). Her mother who was then 41 years old could not support their family with the income she earned by doing odd jobs. Champika decided to go to the Middle East. She became the breadwinner and was able to send her brothers and sisters to school.

She got married in 1999 but later divorced her husband who spent the money she sent from the Middle East on women, liquor and ganja. Today she is living with a companion and has one son and two daughters.

How has the COVID-19 lockdown affected Champika’s family?

With her earnings Champika bought land for her brother and two sisters supported them in building their houses as well. She also bought land for herself where she had three small shop rooms (boutiques) built. Champika started a small eatery with a dress sale center and was just managing. However, her business had to be closed during the curfew and now they are facing a lot of difficulties.

As an alternate source of income, Champika began to explore cultivation. Unfortunately, her water pump broke down during the curfew so she had to put her cultivation endeavors on hold. She has sought help from NGOs and civil society organizations in her area to help her repair the water pump.
Hopes for the future

Although Champika has gone through and continues to go through a lot of difficulties in her life, she has always been willing to help other families of the disappeared in her district and steadfastly fights for justice for her father and two brothers. Champika first met the Families of the Disappeared (FOD), an NGO which supports the families of the disappeared to get relief and justice, in February 2020. She commits to support the activities of FOD. After the curfew was lifted in June, FOD helped Champika financially to restart her businesses and jumpstart her cultivation. She has now started her cultivation and she believes that she can earn a decent income for her family. Even if she is busy, Champika dedicates time to organizing the families of the disappeared in Kurunagala district. And despite the fact that she faces financial difficulties, she promises to work as a volunteer to organize the families of the disappeared in Kurunagala in the future.

She believes that if all family members of the disappeared maintain a close relationship with each other and stand united, justice will certainly be achieved one day.

1: https://hpb.health.gov.lk/covid19-dashboard/
2: Repression of Dissent in Sri Lanka before and during curfew, p-26
   accessed on 28.07.2020
3: Sri Lankan president declares wartime missing persons dead
   Accessed on 26.06.2020
4: Ensure families of disappeared included in COVID-19 relief measures – OMP
   “https://www.tamilguardian.com/content/ensure-families-disappeared-
   included-covid-19-relief-measures-omp”
   Accessed on 26.06.2020
Marginalized and discriminated against, political activists and dissenters find it hard to get employed in government or even in the private sector. In order to survive, they and their families link up with the human rights community in carrying out personal or small group ventures.

Consequently, family members of the disappeared lobby daily to make their demands heard. However, despite the effort, the judicial processes grind so slow - punctuated by appeals, appeals - that they last for years, 20, 30, 40, 50 or even more (in Colombia). Hence, they must get organized to find time to take care of other family members and tend to their small business ventures which they engage in to survive.

The relatives of the disappeared in Peru mostly come from rural areas, Quechua speakers or from the jungle area speaking their native languages. This situation greatly hinders communication in accessing justice in the Courts where hearings are held particularly in the Capital of the Republic.

THE FAMILY OF THE DISAPPEARED AMID COVID-19

If in normal times, the relatives of the disappeared constitute the marginalized sectors, amid the COVID-19 pandemic, they have been pushed further from the center and their tragedies have multiplied:

To contain the pandemic, courts were closed as mandatory social isolation was decreed. Hearings of cases filed by the relatives of the disappeared have been stalled. The judiciary could not keep up with the technological advances of digitization to hold virtual hearings.

Although this situation is understandable, it is tragicomic - not to say surprising - as obligatory social isolation led to releases of powerful people involved in serious cases of corruption and organized crime. In Peru many of the leaders of criminal organizations like the "White Necks of the Port" were released, allegedly to decongest jails to prevent the spread of COVID-19 among inmates. However, this situation is unfair and prejudicial to the family members of the disappeared who persisted in requesting the courts to continue hearing their cases. What they found were closed doors and with notices that said "all personnel quarantined".

When all spaces are closed, the family members can hardly sell their produce to help them augment their daily household budget. For the State, however, only who lack economic support are considered vulnerable. Those who seek truth and justice full-time and long to find their missing kin alive or even dead and give them a decent burial are excluded from Social Bonds benefits.

One of the pillars of the family members is the organization that they have formed to make common cause in their demands and claims. For this purpose they held provincial, regional and national meetings. These afforded them opportunities to advocate and place their demands on the public agenda in alliances with political, social and cultural leaders. With the pandemic, this organizational link has been paralyzed because group meetings are prohibited as a preventive health measure. Other organizations have reestablished their interpersonal links through digital media especially in large cities. However, the families of the disappeared do not have access to the internet nor do they own and use laptops, let alone the links that are made especially by platforms such as Zoom. As previously mentioned, many of the relatives of the disappeared come from the rural, high Andean and Amazon areas. This emergency has caused organizational problems and reduces advocacy work in the justice system.
Disturbing news were released in China in late December 2019 about a strange virus causing deaths. It was the mysterious Coronavirus that was the emerging in the Asian continent. This deadly virus quickly spread throughout Italy, Spain, France, Germany, all of Europe and with the same speed was transported to America.

Between February and March 2020, 16 Latin American countries began to suffer the same devastation: Peru, Chile, Argentina, Bolivia, Paraguay, Brazil, Ecuador, Colombia, Panama, Guatemala, Honduras, Nicaragua, Costa Rica, the Dominican Republic, Mexico, Venezuela, El Salvador and Uruguay.

The World Health Organization (WHO) declared the outbreak of the Coronavirus as a pandemic, causing fear and even panic in the Latin American region. Governments responded by decreeing social confinement and the closure of borders in their respective jurisdictions.

COVID-19 exposed the deficiencies, inequities and social gaps in Latin America: inadequate healthcare, high levels of inequality between disadvantaged sectors of extreme poverty and overbearing economic oligarchs, high unemployment rates, lack of decent housing, and other basic social services, dysfunctional justice system, and rampant corruption in both the public and private sectors.

Lamentably, pharmaceuticals, medical clinics and other allied businesses are raking in huge profits in the midst of this crisis with death tolls increasing daily.

IDENTITY OF FAMILY MEMBERS OF VICTIMS OF FORCED DISAPPEARANCES

This modest discourse seeks to underscore the following characteristics of family members of the disappeared:

* Disappeared persons are normally citizens who have questioned the system. Rulers take extreme measures to suppress their dissent by disappearing them in an effort to silence their voices. This shows little or no tolerance on the part of States to allow interplay of different political and ideological positions. Young people are persecuted, trade unionists are harassed, human rights defenders are considered anti-system. On many occasions the State stigmatizes those who oppose the dominant powers.

* Family members individually or collectively defy the repressive system to ensure that the memory and honor of their loved ones are vindicated. Women, like the members of The Mothers of Plaza de Mayo in Argentina, ASFADDES in Colombia, ANFASEP in Ayacucho-Peru, among others take lead roles in the fight for justice. They risk being labeled socialists, communists or leftists, terrorists, extremists, etc.
Finally, it is necessary to mention that mental health is one of the great problems that affects the relatives of the disappeared. Confined to their homes, they think again of their loved ones and of the events that occurred at the time of their disappearance and their frustration over their inability to continue looking for them, not getting justice, and their hopes being diminished. The permanent information of deaths that are spread across the continent and in the world through the media generates a greater drama, destabilizing their emotional state. There is no telephone or Internet line that the State provides to this sector of citizens to alleviate or mitigate their suffering amid the health crisis that threatens their own safety. In this pandemic, health protection has become a central element and unfortunately despite the fact that the State has plunged the families of the disappeared into permanent torture, now it does not even provide basic insurance to protect them against COVID-19. When a family member wants to apply for insurance, they put thousands of bureaucratic obstacles and if they manage, after so many crossroads, the illnesses that often afflict them, are not covered by the health system. In Peru it is said to be a “salute to the flag”.

PANDEMIC AND HUMAN RIGHTS IN THE AMERICAS: IACHR

To close this article I want to add the text of the Inter-American Commission on Human Rights, issued in Resolution No. 1/10 called "Pandemic and Human Rights in the Americas":

The Americas is the most unequal region on the planet, characterized by deep social gaps in which poverty and extreme poverty constitute a transversal problem for all the States of the region; as well as the lack or precariousness of access to drinking water and sanitation; food insecurity, situations of environmental contamination and the lack of houses or adequate habitat. To which are added high rates of labor and work informality and precarious income that affect a large number of people in the region and make the socio-economic impact of COVID-19 even more worrying. All this makes it difficult or impossible for millions of people to take basic preventive measures against the disease, particularly when it affects groups in situations of special vulnerability.

IN MEMORY OF THE CITIZENS OF THE WORLD THAT WE NEED

On the 30th of August, INTERNATIONAL DAY OF THE DISAPPEARED, despite the difficulties that we face worldwide, I want to extend a hug to the organizations of all the continents that are fighting for justice, to achieve a free life, in solidarity and where all voices are heard without discrimination of any kind.

THE MISSING ARE NOT OF THE PAST, THEY ARE OF THE PRESENT!

Consequently, the daily life of a family member of the disappeared passes between going to the corridors of the justice system daily to make their demands heard and despite the effort, the slowness of the cases goes beyond 20, 30, 40, 50 years or more (Colombia’s case) between each instance, appeals, cassations, appeals, etc. But then they must be made between work, the attention of other family members and the small entrepreneurial businesses they carry out to survive.
Uzma's ran pillar to post getting the cases of her disappeared sons registered in the police station, requesting and writing letters to all the higher authorities for tracing her sons, got the cases filed in the Sindh High court Karachi as well as in the Commission of Inquiry but to no avail. Uzma's struggle continued for six years without a break, during which she became affiliated with DHR.

Uzma along with her aged father, the only male member left in her family, was involved in the monthly activities of Defence of Human Rights. She actively participated in protests, consultation meetings, conferences and press briefings. Uzma mentioned that while participating in the protests she felt some sense of empowerment, that she is not alone in this, and that she is standing with other mothers, wives suffering from the same grief.

The case of Uzma's two sons was progressing well in the Sindh High Court as the judges ordered the authorities to find the disappeared brothers at once. The judges said that the two brothers cannot disappear from the face of the earth just like that. These strong remarks gave hope and courage to Uzma's long struggle. She could see justice being served to her. The advent of 2020 was on one hand giving her hopes and on another despair, Uzma hoped to be reunited with her sons as the case in the High Court moved aggressively upon monthly basis. The hearings in the commission and Joint Action Forum as well as in the office of the Provincial task force, kept her busy and she became more and more hopeful.

Suddenly the world was struck by the pandemic Covid-19, and it affected Pakistan in February, but quickly cases started growing creating panic and fear across Pakistan. Uzma too was horrified and just couldn't settle down with the fact that all the hearings and efforts for the release and tracing of her sons went into limbo.

During the first few weeks of the lockdown due to the pandemic, Uzma kept calling the members of Defence of Human Rights in search of answers. She kept asking us about the reopening date of her cases. The fact that her case was going so strong made her even more devastated due to the impact of Covid-19. She called, visited and shouted in the offices of the Commission and the lawyer to get her sons back but they were helpless in the pandemic. The Commission of Inquiry was shut down for an indefinite period, without informing the families of the victims. Every effort had come to a standstill, every step frozen. There were lockdowns for months and months, starting from March to June 2020. Finally the lockdown eased, but the emergency of COVID-19 became a greater threat.

Uzma collapsed and went into severe depression. She had no hope left, no diversion, not much work to keep her occupied. All she could think of was the abduction of her sons and all that followed. It was like a dark night which is never going to end, a long tunnel which has no light at the far end. It was living in extreme sunlight and scorching heat without a slightest shade or relaxation. Anyone in Uzma's shoes would have collapsed and given up hope, she was no exception in such painful and devastating circumstances.
Uzma Shezadi, a 54-year-old mother of a disappeared, was taking psychosocial counselling sessions so as to feel better and get prepared to take the agonies of her life head on. Ten years back, she had a comfortable and happy life in a middle class household of Karachi Korangi Town with her husband and two teenaged sons. Her husband was mostly unwell but she was a working woman and was happy to assist the family financially.

Uzma Shezadi means an “honorable Princess” in English and her parents would have wished for a princess-like life for their daughter. Uzma was beautiful, lively and eager to get an education but she was married off at a young age to Shafeeq Ahmed, without completing her education. Today she has drifted away from her happy family life to an isolated life that she survives through psychological sessions to help with her pain and grief. Here is the story of how grief became Uzma’s life partner.

One ill-fated day her husband decided to separate from her and move to Lahore, another city of Pakistan. She bore this shock bravely and came to terms with the harsh reality in which she was raising her two teenage sons as a single mother. Talha and Maaz were happy naughty kids who kept her occupied and happy - far from any kind of depression or regrets. The boys were growing up fast and getting an education, and soon became young men who were eager to help their mother and take up the household burden.

Talha, after doing intermediate education, started working in a security company as a security guard at the young age of 22 years. Maaz at 24 however, was doing a diploma in Automobiles while looking for a job. In the afternoon of 6th April 2014, Talha called Maaz sounding frightened and saying that a double cabin high roof van was following him and had tried to capture him. He was afraid of returning to his home alone so he asked for the elder brother to come and pick him up. Before Maaz could reach the security company’s office, the same white van with black glasses and armed security personnel inside had abducted Maaz.

Talha, now called his mother, who rushed to the security company’s office and found Talha in a terrified condition. Uzma was totally shattered and shocked after Maaz mysteriously disappeared. Desperately in an attempt to save Talha, she took him to the airport and bought a ticket for Lahore, so that she could send Talha away to his father and save him. At the airport only half an hour short of boarding, an ASF guard at the airport took Talha in the control room for some query and after one hour and a half he took Talha away in a double cabin high roof van without any explanation to his mother.
One fine morning Uzma received a call from the DHR office telling her the possibility of psychosocial counselling online, and via whatsapp call in order to help her out of the post-traumatic stress she was sinking in. As Uzma was the one seeking help in the dark times of Covid-19, she agreed and the sessions started during the lockdown. The doctor was a trained and kind psychologist who let Uzma speak and tell each and every detail of her suffering, pain, fear and anger at the lost hope for the disappeared sons. She told the doctor how she felt to kill herself and end the pain and agony. Gradually after months and hours of intense sessions Uzma’s hope and interest in life resurfaced. She found her real self back, one that was resilient and courageous and brave enough to take every possible measure for the tracing of her sons.

Uzma finds her hope back once again and she is out in the field with a super will and iconic power of her courage, determined to find her sons. One day sooner or later justice will be served to Uzma Shehzadi—the honorable Princess.
COVID-19 AND ITS IMPACT ON CONFLICT VICTIMS IN NEPAL

By Bikash Basnet, Campaign Staff for AFAD, Advocacy Forum, Nepal Background

The Comprehensive Peace Agreement (CPA), signed between the Government of seven party alliance and the Nepal Communist Party (Maoist) in November 2006 formally ended Nepal’s ten-year (1996-2006) armed conflict and provided hope for peace and accountability in the country. Although the official record is yet to be established, the conflict resulted in nearly 20,000 deaths, and the whereabouts of more than 1,300 disappeared remain unknown. Thousands of people were displaced and tortured. To date, a lack of political will to ensure justice to victims and uphold rule of law and address the pervasive culture of impunity have stalled Nepal’s transitional justice (TJ) process. Though two TJ mechanisms exist and have gathered more than 65,000 complaints, they have failed to dig out the truth and prosecute those responsible in even a single case. Because of continuous lies and acts of duplicity by the government and the political leadership, victims are deeply betrayed and the TJ process has been plunged into a quagmire.

COVID-19 and TJ process in Nepal

During the lockdown period, the Supreme Court on April 26, 2020 rejected the Government's plea registered in 2015 seeking a review of its previous verdict against amnesties for grave conflict-era crimes. This can be taken as a step forward in securing truth, justice, and reparations for victims, and restoring their faith in the rule of law. The Supreme Court in 2015 had issued a landmark ruling in which it ordered the Government to revise the Enforced Disappearance Enquiry, Truth and Reconciliation Commission Act-2014 as it failed to adhere to the principles of transitional justice and international practices.

After a long delay, the Government organized one-day consultation programs in all provinces on January 13, 2020 where victims and other stakeholders participated. However, the victims were informed only three days prior to the consultation so there was not enough time for them to prepare. The consultations were held in such a way that participants had only about three minutes to speak. Thus, the consultations were criticized by victims and civil society as "fake consultations" calling on the Government to organize follow-up meetings at the district level to ensure broad and effective participation of the victims.

On March 16, 2020, five UN special rapporteurs wrote to Nepal Government expressing concern over conflict victims' complaints, asking the Government to explain how the consultations ensured broad and effective participation of all victims and whether their views were accurately represented. Responding to the communication, the Permanent Mission of Nepal in Geneva stated its commitment to resolve issues related to TJ based on victims' concerns; the Supreme Court's directive order of 2015; commitments and obligations of Nepal arising from being a party to various international instruments; and the related provisions enshrined in the Constitution of Nepal. The response sent by Nepal Government looked less like an acknowledgement of the victims' discontent but rather as defensive, stating it actually aimed to continue consultations but "the outbreak of the Covid-19 pandemic has considerably affected the process." It seems like Covid-19 has become a veil for the Government to hide its willingness to do something genuine and concrete regarding TJ.
The light of victims during COVID-19 pandemic

The lockdown imposed by the Government of Nepal from March 24, 2020 to deal with Covid-19 pandemic has adversely affected the lives of conflict victims in Nepal. Particularly, conflict victims who are daily wage earners are the hardest hit economically as they were out of work making it difficult for them to manage basic day to day needs like food and medicines. Media and AF field staff have reported that victims from poor economic background and women and disabled conflict victims are more affected by the lockdown. Victims and civil societies have been urging the Government, particularly local level agencies, to incorporate the needs and demands of conflict victims in their relief measures for Covid-19.

Adding insult to injury, the Government is using COVID-19 as an excuse to delay and derail access to justice even more. Victims have repeatedly expressed grievance as their concerns have not been taken seriously by authorities in recent days. Moreover, conflict victims and their concerns have not been in the priority of the National Human Rights Commission (NHRC) during these difficult times. Nevertheless, the victims and civil societies commemorated the International Week of Disappeared in the last week of May 2020 despite the lockdown to show their solidarity in continuing the fight for justice of those subjected to enforced disappearances.

It is an undeniable fact that Covid-19 has affected almost all countries in the world. Those who are below the line of poverty and whose lives depend on daily wages are hit harder by the pandemic. Conflict victims in Nepal are also not spared from the adverse effects of COVID-19. It has become one more hurdle for victims in their already stalled battle for justice. Victims and civil societies have been urging the government to address their concerns regarding TJ for years now. This pandemic should be the time, when Government should be paying more attention to those concerns, and particularly women and disabled victims should be provided relief and special protection measures. Victims' basic needs, such as food, medicine, healthcare, should be addressed along with special focus on their psychosocial needs. Conflict victims, their concerns, and TJ more generally should not be left behind in this time of pandemic.

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Fifty-two years old Gita Godiya’s husband Dhaniram Godiya was forcefully disappeared for [months/years?] by the then Royal Nepal Army (RNA) during the conflict. Since then, she has been managing her expenses for living life from a little tea shop she runs in a mobile cart. Due to the lockdown, her shop is closed, leaving her and her family without a single grain of rice. She says the relief she got from the local government (Ward office) did not even last for 10 days. She asks with tears in her eyes "Who will understand the pain of victims like us? With hope of getting truth and justice, Gita Godiya with assistance from AF lodged complaints in 2017 with the disappearance commission. To date, she has not received any response from the commission.

Kamala Panta’s husband Rukum Singh Kuwar was one of the victims of enforced disappearance during the conflict. After her husband's disappearance, who was the breadwinner of the family, Kamala faced lots of hardships to manage her family. She was running a small shop but with the lockdown, her only source of income stopped. Being a cancer patient she needs to take medicines regularly. She could not even afford to buy medicine because of lack of income. AF arranged a recommendation letter from Khajura Rural Municipality because of which she was able to get free medicines worth NPR 10,000 from Sushil Koirala Cancer Hospital.
The death of Sushila Oli, mother of Deepa Oli on May 5, 2020, during the time of lockdown, is devastating.

Sushila Oli, mother of Deepa, had a happy family - a husband, two sons and two daughters. While her family life was going smooth, Maoist armed conflict was at its peak in the country in which her 15 years old daughter Deepa was forced to be affiliated with a Maoist cultural program. By the time Deepa was 16, she was forced to be a Maoist cadre. On August 22, 2003, while Deepa was on duty as Maoist cadre, sipping tea at a local tea shop at Ramghat Bazar, security forces of the then RNA took her under control and kept her at their barracks. When Sushila and her husband heard that their daughter was taken by the Army while patrolling, and that the soldiers made her wear a hood to hide her identity, they started a search for their daughter. On October 26, 2003, they received Deepa’s letter addressed to them from the barracks which said “Till the day I write this letter, this hollow body of mine is fine but my inner soul is filled with sorrow and worries. After long interval, I am writing this letter with a shaking hand without any concern about my body. It is not certain if I will live or not, but still I am surviving in this selfish world hanging on to a tiny thread of hope. I have lost all hopes from life, life has become a curse for me but I cannot die either. Why don’t you come and meet me, mother and father? If I am your daughter, please come to meet me. If you do not come, you will not even see my face. I am in tiger’s captivity and I do not know when this tiger will eat me up. I am holding on with every last ounce of energy left in me. Mother, if you could, please inform Kamal brother and take me out of here.” Deepa further requested her mother in the letter, not to tell anything about the letter when she comes to meet her.

After receiving the letter, Sushila went to numerous places to plead for her daughter’s life. With a little hope that someday her daughter will return she started to go to the army barrack with some fruits but security guards at the gate of the barrack would tell her that her daughter was inside and doing fine but she was not allowed to meet anyone. So Sushila would leave the fruits that she brought for her daughter at the gate but after going there for many times, she discontinued going there as she thought that her daughter has been killed by the Army. Both she and her husband were exhausted worrying about their daughter. To add to her misery, on April 10, 2006, Sushila’s husband died. With three children, two sons and one daughter; she could not manage their livelihood. During these tough times, she was on the verge of losing her mind. Because of immense pain, she suffered from mental illness. With the death of their father and a mother suffering from mental illness, three little children were devastated.

Sushila went through lots of hardships to make free her daughter from the Army’s control. She pleaded for assistance from government and national and international organisations. Her dream of being reunited with her daughter was never fulfilled. After Sushila received her daughter’s letter from the barracks, she used to say that she could never tell if her daughter was still alive or already dead. Neither could she hope that her daughter was alive nor would she ever see her daughter’s dead body. Only a parent whose child has disappeared would understand how painful it is. Those who are running the country would never understand the pain.

As the country ended the conflict and entered a peace process, Sushila saw a ray of hope that she would know about her daughter’s situation. For that, she filed requests with the Local Peace Committee and the Truth and Reconciliation Commission, requesting they search for her daughter and prosecute those involved in her disappearance. Not only that, she went from village to village creating awareness among the people by encouraging them to fight for justice, making them aware of their right to know the whereabouts of their loved ones, uniting them together in conflict victims’ groups. Without even caring about her own life, she tirelessly participated in programs, submitted many memorandums to make sure that the voices of conflict victims were heard by the government.

Worries about her daughter and the exhaustion from the fight for justice took a toll on her and since October 2018, she had been bedridden due to paralysis. As time passed, her condition deteriorated and she could not speak anymore. She used to ask for her daughter’s picture, pointing towards it and used to cry holding the picture. Even though she could not speak, tears flowing down her cheeks clearly showed the immense love she had for her daughter. Till now, it is not known whether Sushila’s daughter who wrote letters to her from the barracks is still alive or has already been killed.
As Sushila’s family’s economic situation deteriorated and there was no source of income, she could no longer realize her life’s dream to send her two sons and one daughter to school. After Sushila got bedridden because of her illness, she was compelled to sell her land and house as there was no other economic source. Sushila kept on fighting to know the truth and whereabouts of her daughter for a long period of time. She left this earth without the world knowing what she really felt deep inside her heart and without getting any justice which she fought for her whole life. She left this world with truth and justice still eluding her. Today, there are thousands of victims who continue to fight and are still waiting for truth and justice for their loved ones.


6: https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25109


The problem of violent and involuntary disappearance is rather new, but quite worrisome in Georgia. This problem emerged at the beginning of the '90s and was generally connected with two conflict regions of Georgia, Abkhazia and the former South Ossetia, both disputed territories.

In 1991-1995, enforced disappearances were generally committed during military operations in the conflict areas. Afterwards enforced disappearances in the country were intertwined with the current political events.

In Georgia, an armed conflict between the Georgian military and the breakaway Abkhaz forces began in Abkhazia in summer 1992. A ceasefire remained in place between May 1994 and August 2008, and ended with a short war that broke out between Russia and Georgia over South Ossetia.

It should be noted that enforced disappearance and its consequent psychological and physical violence borne by the victim is an unfortunate trend in the political setting of various States.

Military operations 1991-1995

The armed conflict at the beginning of the 90s in the Tskhinvali region, the former South Ossetia, had numerous victims, hostages, prisoners of war, missing people and refugees. In the Tskhinvali conflict, there were 168 missing people but unfortunately not one had been found nor any of the victims’ whereabouts known to date.

In 2004, the situation became complicated again and the armed actions in the Tskhinvali region were resumed. There were new hostages, prisoners of war who were disappeared. Armed conflict in Abkhazia in 1992-93 took away lives of 1000 people, and about 2000 were disappeared. Of the disappeared, about 900 were soldiers and the rest were civilians. Some 200 people were found dead and reburied after the termination of military operations in Abkhazia, owing to the efforts of relatives of missing people and members of the State Commission on Search and Reburials of Missing People. Though the phenomenon of enforced disappearance continued in Abkhazia even after the termination of the armed conflict, it persisted generally in the Gali region of Abkhazia, where disappearances were routinely perpetrated mostly against ethnic Georgians.

Enforced disappearance during armed actions in 2008 Russian-Georgian war.

A coordination mechanism was established to clarify the fate and whereabouts of people unaccounted for during and after the 2008 Russian-Georgian war. During meetings of the said mechanism, an exchange and updating of lists of missing people took place. The first meeting that was held in February 2010 produced a preliminary list of 47 missing people. The geography of disappearance in Georgia isn't limited to any particular region. It is peculiar in the sense that it is a practice in armed conflict zones whether or not the Georgian government has jurisdiction.
The COVID-19 situation has challenged their resilience both mentally and physically. Usually, the condition of Paian’s wife improves if someone else visits her. Today, those visits are close to impossible. Before, Paian would take his wife for a walk in the park or to the house of a relative so that his wife’s heart could be comforted a little. But the pandemic put a stop to their walking habits because home was the safest place for them. Even when they go to the hospital, they have to be in a hurry because of the strict health protocols. The sadness arising from this lonely situation is compounded by the high cost of drugs necessary to treat lupus. Paian admitted that if he did not receive donations from other people, perhaps not all the medicines could be bought. Routine drug consumption is one of the mandatory things that lupus patients must do.

Paian also said that the pandemic situation became expensive as he had to support the internet for his grandchild who is studying at home. Moreover, his eldest son who has migrated to Papua has also been affected by the pandemic and his income has decreased. As an elderly person, he worries that his grandchildren will not get adequate online learning.

"Usually, in order not to be stressed, the two of us visit relatives, go to KontraS, or take a walk. But because corona is like this, besides the need for treatment, we are both at home. Moreover, we are elderly who are susceptible to infection, plus my wife has lupus," said Paian.

Paian said that his wife’s health had continued to decline since Ucok was declared missing. Damaris felt that she was too tired of reporting here and there, from the National Human Rights Commission to the police. "When someone said Ucok was in the Kepulauan Seribu, we immediately went there and found nothing," said Paian.

Damaris explained that the search for her son was so intense that she went to the shamans who were known to have the ability to search for missing people. "I sinned because I believed in the supernatural."

Paian said that after struggling for 22 years, he now accepted that his son might never come home. However, he demanded the state to clarify the status of his son because until now his son’s name is still listed on the Family Card even though he has been physically absent from the family.
In response to the Covid-19 pandemic, Georgia imposed quarantine measures that included the closing of special social service institutions such as free canteens for the elderly and socially vulnerable people. Due to the quarantine, many people were left without income. Most of the families of the disappeared who managed small and medium-sized businesses had to spend most of their income to provide for the basic necessities of the family. Due to the suspension of work, entrepreneurs could not pay any wages. The Georgian government decided to help those who were left without work with compensation. But since most were not officially registered as employees, they were unable to receive compensation. In fact, these people remained hungry.

Most of the population, including the families of the disappeared, did not have access to food and basic necessities. In addition, many have unpaid loans such as mortgages, utility bills, and other financial obligations. Especially vulnerable in the current situation to Coronaviruses are the elderly parents of the disappeared, who are lonely old people forced to serve themselves, buy their own food and medicine. With the worsening of the Covid-19 pandemic, government declared a state of emergency in the country. However, the work situation has not improved. The families of the disappeared are in an even more difficult economic situation. They have not received any compensation for the disappearance of their kin. They deserve care and support from government.

In Georgia the government is apathetic toward the issue of enforced disappearance. Impunity encourages the odious practice. To counter impunity, it is imperative for Georgia to accede to the International Convention for the Protection of All Persons from Enforced Disappearance and to criminalize the offense under domestic law. It is equally if not more important to mobilize all stakeholders to collectively fight against the evil that is enforced disappearance.

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COVID-19 and Enforced Disappearances in Georgia

By
Rimma Gelenava
Chairperson "Disarmament and Nonviolence" (Georgia)
"I am old, I am retired. Clarity of the status of my child is important if someday it is time for me to divide the inheritance to my offspring. If there is a child's name on the Family Card, then he should have the right to inheritance from me, but he cannot be asked for an autograph. Of course, this hampers other administrative processes," he explained.

The state should have a special policy for people who are forcibly disappeared like Ucok. So that the status of those left behind is clear: widow, widower, orphan, or a parent whose child died.

Regarding a law penalizing enforced disappearance, Paian admitted to being pessimistic as the officials who are suspected of being involved in enforced disappearances are now in the government. Therefore, his wish is only a bare minimum regarding the residence status of his child, instead of addressing other issues surrounding the punishment of the perpetrator.

Utomo Raharjo
Utomo Raharjo (75) also acknowledged the issue of impunity for perpetrators. He admitted that since his wife died, he was not as diligent as he used to be in fighting for justice for his son. He was convinced that his son would never come back again.

"My late wife was a true warrior. For 20 years she fought for her son's return until she died two years ago. Now in the 22nd year of his disappearance, I want to live gratefully to God alone for all that has happened in my life."

This retired civil servant told us that from the start he had let go of everything that had happened.

"When Bimo was declared missing, I as the head of the RT gathered the residents at home and explained that Bimo was one of the 13 people who disappeared in the 1998 incident. At that time I was ready for however the residents would respond to the news."

Amid the COVID-19 pandemic, he is increasingly reflecting on the meaning of life at an increasingly old age. On days before COVID, he usually kept busy life bringing his three grandchildren to school. However, since the COVID-19 pandemic, which caused schools to enforce a school from home policy, he has only kept his grandchildren at home to study. His son, who usually works as a tour guide in the Batu area, East Java, cannot work as usual because the tourism sector is one of the most affected businesses. In order for his daily finances to suffice for his family, his son started selling packaged rice which costs around Rp. 5000.00.

"I always thank God that at the age of 75 I am still healthy and fit. I do a lot of social and spiritual activities to always be happy."
**Nurhayati**

Nurhayati (54) experienced a similar difficulty. She owns a grocery store located in a residential alley. The pandemic made the shop very quiet because at the end of the alley there is always a portal that keeps people outside the complex from entering. People’s purchasing power is also very low. Restrictions on the mobility of residents also made her husband, who works as a motorbike taxi driver, earn less, such that they have difficulty providing for their family’s needs and paying for their children’s college education.

Nurhayati, the daughter of Bachtiar Effendy an enforced disappearances victim Tanjung Priok 1984 admits that the donations she receives from various institutions that assist victims’ families greatly help her family. Yet, everyday is a struggle.

"To pay for internet connection so that the children can study online from home is also very difficult," said Nur.

As a mother, she wants to sustain her son’s education until graduation, no matter how difficult the conditions are. She does not want her child to drop out of college. Her son’s college life reminds her of her youth. She was ecstatic when she came to know that the University of Indonesia accepted her application. But when the university learned that she was a victim of Tanjung Priok 1984, it canceled her status as an accepted student. Had the University of Indonesia not denied her admission, she could have gotten a better job, a better life, better opportunities for her family. She realized that it was not only her father who disappeared, but her chance to get a better life as well.

She resolves to fight until the end. She believes that the stigma she bears as a victim and her life's bitter struggles must not be inherited by her children.

**Syahar Banu**

Campaign Staff, KontraS, Indonesia.
Despite the national state of emergency and amid the COVID-19 pandemic, East Timorese victims’ families were determined to commemorate the 40th anniversary of the Marabia massacre.

by Sisto dos Santos
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Interviews by Carlito Da Costa
Translation from Tetum to English Odino Da Costa
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The incidences known as the ‘Marabia massacre’ occurred following an uprising of East Timorese resistance fighters against the occupying Indonesian forces on the 10th of June 1980, in and around the village of Marabia on the outskirts of Dili. In retaliation, the Indonesian security forces, including the notorious Indonesian military unit known as Komando Pasukan Sandhi Yudha (Kopassandha/Kopassus/Special Forces), launched violent attacks on civilians in the area. Hundreds of East Timorese were detained, interrogated, and tortured. The East Timorese Truth Commission (CAVR) found that in the weeks after the Marabia uprising, at least 120 people were killed or forcibly disappeared by the Indonesian security apparatus. The whereabouts of many victims are not yet known.

In the years since (and particularly after Timor-Leste obtained its independence from Indonesia) families of victims have come together in Marabia, on 10 June, to commemorate and mourn their lost loved ones. They gathered to remember and honor the East Timorese civilians and freedom fighters who suffered torture, were detained, exiled to Atauro Island, disappeared, or killed.

This year, there had been plans to hold a big event to commemorate the 40th anniversary of the uprising. However, in March a state of emergency was declared by the East Timorese government in response to the global COVID-19 pandemic, and the restrictions on movements and gatherings meant that the commemorative program could not go ahead as planned. The victims’ families obeyed the government's protocol to fight COVID-19, staying at home except when they needed to tend to their farms and vegetable gardens, and whenever they needed goods from the shops. Some coordinated with their friends to deliver necessities to their front door. Most East Timorese people complied with state guidelines such as physical distancing.

Nonetheless, knowledge of the global pandemic and the national regulations could not deter the families of victims from spontaneously coming to lay flowers and wreaths in memoriam at the memorial site in Marabia. Nothing could break the will of victims and their family members to pay homage by laying flowers, lighting candles, and requesting at Catholic mass prayers for the souls of the deceased or disappeared victims.

“Lele” Tereza de Carvalho: Profile of a survivor of the Marabia massacre

Tereza de Carvalho, known by her nom de guerre "Lele", was born on 13th May 1969, six years before the Indonesian military invasion of Timor-Leste. Lele was aged 11 when the Marabia uprising took place. As she explains, her nom de guerre "Lele" comes from the Tetum word "namlele", meaning to hover or oscillate, that which can't keep still or remain in one place—in her case, a person that couldn't be captured by the Indonesian military during the occupation.
Unfortunately, Lele’s father and older brother were not so lucky. They were among those forcibly disappeared in the violent retaliation that followed the Marabia uprising. Lele’s father, Domingos Agosto Leitão, and her brother, Paulo Agosto Leitão, were members of the East Timorese guerrilla forces that fought to resist the Indonesian military occupation. Both were declared missing after the Marabia incident. Their whereabouts are still not known, but it is presumed they were both killed.

What is known, Lele explained, is that Domingos was arrested on 11 June 1980 by HANSIP (Pertahanan Sipil - "Civil Defense”, village level security officers) in Abatulu in the Lakoto region of Marabia/Dare. After being arrested Domingos was taken to the Balide prison in Dili. His fate beyond the prison is unknown. The HANSIP forces also destroyed the contents of Domingos’ house and burned it down to the ground. This was an act of retaliation, as the Indonesian military had discovered that it was in Domingos’ house where the first meetings were held by those planning the 10 June 1980 uprisings in Becora, Fatunaba, Dare and Marabia.

After the Marabia uprising Lele’s brother Paulo Agosto Leitão fled into the forest in Abatulu. When unable to find Paulo, the Nanggala KOPASUS (Komando Pasukan Khusus - Special Forces Command of the Indonesian army) instead arrested his younger cousin João Manleu. Paulo realized that if he continued hiding in the forest as a guerilla fighter, his younger sisters and the rest of his family might all fall victim to Indonesian assaults. For that reason, in 1984 Paulo decided to save his family by returning to Dare. He was soon after arrested by Nanggala KOPASUS, who took him to the Balide prison where he was detained then disappeared.

Lele too was victimized by the Indonesian security forces. Within days of the Marabia uprising Nanggala KOPASUS began interrogating citizens, with the aim of discovering the whereabouts of the East Timorese guerrillas in the forest. Though she was only young, Lele was interrogated every afternoon when she returned home from school. The Indonesian forces wanted to know about her brother Paulo and the other resistance fighters. At that time, a priest, Mariano Soares, argued with the Nanggala that "This little kid doesn't know politics! You hold her and interrogate her for nothing. She's an innocent child". For three months the Nanggala continued to seek information about the whereabouts of the guerrilla fighters.

Because of the tense situation, Lele and her two younger sisters, Julieta and Isabel, along with their cousin Maria Aleixo, went to the residence of Bishop Carlos Filipe Ximenes Belo in Dili to ask for assistance. Bishop Belo advised them that he would speak with the Nanggala and the Red Cross, and sent the girls home. They felt relieved that the Bishop would intervene on their behalf and their lives would be protected. Soon after the Nanggala forces began to leave the Marabia/Dare area, perhaps through the Bishop’s efforts.

Lele, her two sisters (Julieta de Carvalho and Isabel de Carvalho), and their mother Maria Carvalho survived the bloody incidences in Marabia. But a few years after the uprising, Maria Carvalho passed away, leaving Lele and her sisters orphans.

Lele and her relatives have been fortunate to receive martyrs’ pensions from the state in recognition of the lost lives of Paulo Agosto Leitão and Domingos Agosto Leitão. Though Lele herself played a role in the East Timorese resistance, she has not yet received any financial recognition from the government, despite submitting her documents for application in 2003.

In the somber ambiance of the commemoration of the massacre on 10 June 2020, the families of victims gathered in Marabia to pray, lay wreaths and light candles. While they felt strength in being reunited, they were sad to remember the bloody incident. The victims’ families recalled messages sent by the victims before they were killed or forcibly disappeared. As Lele recounted, when captured her father Domingos Agosto Leitao had called out to his relatives, “I’m begging you: look after my daughters”. Other information had been passed on to Lele by a friend of Domingos, Luis from Lakoto, who was detained together with him in the prison in Balide. After being released from prison in 1984, Luis disclosed to Lele’s family that in detention Domingos had been beaten and tortured until he was close to death. Bruises and bleeding wounds covered his body.

Lele also shared a message that she had received from her brother Paulo after his disappearance. Many years ago, Paulo came to Lele in a dream. He told her that their bodies had been thrown into the river so that they could not escape. The appearance of deceased loved ones in dreams has strong spiritual and cultural significance in Timor-Leste. Messages in dreams can provide answers to the questions and psychological needs of the families of those who were forcibly disappeared. Some feel the Timor-Leste government has not paid adequate attention to these aspects of cultural belief. More attention has been given to formalities than to the psychological, spiritual, and cultural needs of victims’ families.

Lele and others explained that every year surviving members of victims’ families must scatter flowers and light candles. In the absence of graves or knowledge of the final resting places of their loved ones, they carry these acts out at the memorial monument in Marabia. In doing so, they recognize and pay tribute to the lives and deaths of victims who were lost in the struggle for Timor-Leste’s freedom from the colonial occupation of Indonesian military.

Messages for authorities from the families of the disappeared

Over recent months East Timorese have faced a situation of political uncertainty, with raised tensions between national level political leaders. In one incident, members of parliament became physically aggressive towards one another in a parliamentary session, flipping over and damaging the table of the President of Parliament. There is an urgent need to take lessons from the nation’s history, so as to recognize the harms of violent acts and avoid repetition.

Victims’ families are still in a condition of trauma from the past conflict and hope the younger generation will maintain peace in Timor-Leste. The families of victims offer lessons to the next generation of East Timorese - to promote and strengthen peace and unity in the country. They are a reminder that national liberation was not achieved through the sacrifices of just one or two people, but by many, including victims who were killed or forcibly disappeared.
It has been forty long years since the Marabia massacre and victims’ families still lack certainty regarding the fate of the disappeared. Their psychological demands for truth, accountability, and justice have not been met. They don’t know whether the disappeared are still alive somewhere or were killed, and if killed, what happened to their bodies.

Were the bodies of the disappeared burned to ash? Or discarded in a remote area, their flesh and blood and bones eaten by wild animals? Or were the bodies tossed into rivers or the ocean, washed away forever? If the bodies of the disappeared were buried, then where are their graves? But if in fact the disappeared are still alive, then can they be brought back home safely?! These are the questions survivors ask, still crying out for truth and justice.

Enforced disappearance is considered a human rights violation and if committed massively or systematically, a crime against humanity. These criminal acts are not just past issues but are of ongoing significance whenever victims’ families remain in the dark concerning the whereabouts of their lost loved ones. In the name of truth and justice, the victims’ families have fundamental rights to know the fate of the disappeared. Therefore, the government of Timor-Leste should establish a commission in charge of searching for the victims of enforced disappearances during the Indonesian military occupation of Timor-Leste.

The families of victims of the assaults that followed the Marabia uprising call on the government to renovate the scene where the uprising began. Doing so would help dignify the people who were killed or disappeared in the retaliatory violence. It would also preserve the historical site for East Timorese youth and future generations to learn from. However, it must be acknowledged that the monument and statue at this historical site are not enough to meet the demands of victims’ families for accountability, truth, and justice.

To date reparations have not been paid to victims and their families. Some families of victims live in very vulnerable conditions and have not yet accessed social subsidies and welfare programs they are entitled to as East Timorese citizens. During the COVID-19 state of emergency, economic pressures on families were even greater as many normal livelihood generating activities were prohibited, movements were limited, and children had to be kept home from school. There was no specific government support for victims and victims’ families during the state of emergency. The local NGO Asosiasaun Chega ba ita (ACbit) provided whatever assistance it could render.

While they wait for the government to respond to their needs, families of the deceased and disappeared do what they can to obey cultural and spiritual obligations to their lost loved ones. Making pilgrimages to the graves of the deceased is important to East Timorese, but this is difficult for the families of the disappeared. Traditional practices, rituals, and prayers (including on significant days like the anniversary of the Marabia uprising) offer some relief to the victims’ families’ psychological burdens. But many of their hopes and needs remain unmet.
The world is in the midst of a crisis with the spread of the coronavirus disease (COVID-19); the virus has infected more than 11.5 billion people globally and led to nearly 540,000 deaths. Interestingly, there is one COVID-19 free country from the outbreak to date - the Democratic People’s Republic of Korea (DPRK, North Korea). Pyongyang has consistently reported zero COVID-19 case through its official state media and promoting it as a great achievement. Notwithstanding the government’s claim, contrary reports have continued. Even in early March, Daily NK’s sources in the country reported that at least 23 people had died of COVID-19 infections while another 82 were quarantined. The Chosun Ilbo, a leading daily newspaper in South Korea, recently reported that more than 500 North Koreans have died from COVID-19, and 390,000 were ordered to stay in quarantine. Robert Bruce Abrams, the commander of the United States Forces Korea, also publicly denied the North Korean government’s claim referring to his internal intel. Due to the North Korean government’s usual practice of denying foreign access to the country, there has been just rampant speculation.

Experts estimate that 86% of all infections were undocumented before the 23 January 2020 travel restrictions in China. These undocumented cases led to a rapid spread of the virus worldwide and containment of this virus will be particularly challenging. It is possible to assume that the virus could have spread in the DPRK before the North Korean government closed its border when news of coronavirus infections spreading outside of China surfaced in late January. Joo Seong-ha, a journalist from North Korea who defected to South Korea in 2002, however, viewed that it would be challenging to examine the exact situation in the DPRK due to the absolute lack of medical facilities and diagnostic kits available in the country. There are large disparities in access to healthcare in North Korea, associated with political and economic inequalities. Also, the regular spread of devastating infectious diseases, such as paratyphoid, typhoid and cholera, are so common that North Koreans are indifferent to contagious diseases, and COVID-19 is not an exception. Introducing increasing extrajudicial killing cases against the suspicious patients, journalist Joo also said that it would be difficult for the patients with COVID-19 symptoms to visit hospitals for the test. Citizens’ Alliance for North Korean Human Rights’ internal sources in the DPRK also shared similar insights; there are increasing number of patients with severe fever, but they are not diagnosed, and the government is simply implementing personal isolation and travel restrictions. If COVID-19 is widely yet silently spreading in the country without proper guidance, the virus will disproportionately impact the most vulnerable and marginalized who live in rural areas and do not have the knowledge to cope with the virus and the access to healthcare and sanitary goods. It is also worrisome that more than 10 million North Koreans are already suffering from “severe food shortages” according to a food security assessment by the UN Food and Agriculture Organization and the World Food Programme in 2019. The malnourished would be also extremely vulnerable to COVID-19.
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Putting aside the discussion on the opaque truth surrounding the spread of COVID-19 in the DPRK, it is clearly worrisome that the government’s responses to contain the virus has exacerbated an already extremely difficult human rights situation in the DPRK. Since closing its border in late January, North Korea has imposed increased restrictions on movement within the country and across borders. The containment measures have already badly hurt the North Korean economy with the significant drop of interactions with China. The Chinese government reported a 91 percent decline of the total trade in March 2020 compared with the same period in 2019. Decrease in imports of food and fertilizer worsened the already chronic food shortage in the DPRK as Secretary of State Mike Pompeo addressed the risk of a possible famine in the DPRK as Secretary of State Mike Pompeo addressed the risk of a possible famine in the DPRK as Secretary of State Mike Pompeo addressed the risk of a possible famine in the DPRK as Secretary of State Mike Pompeo addressed the risk of a possible famine in the DPRK. In June, Daily NK reported that the government even failed to provide rations to Pyongyang residents who are considered as the most privileged and loyal to the regime. It signals an alarming situation considering it never happened during even the country’s notorious famine period in the 1990s which led to approximately 3.5 million deaths. The government’s inability to cope with the financial crisis after COVID-19 leaves no other option for the citizens but to rely on Jangmadang (private black local markets). However, it remains unclear whether the markets could function enough to offset the shock posed by the virus under the government’s increased border security. The containment measures have already badly hurt the North Korean economy with the significant drop of interactions with China. The Chinese government reported a 91 percent decline of the total trade in March 2020 compared with the same period in 2019. Decrease in imports of food and fertilizer worsened the already chronic food shortage in the DPRK as Secretary of State Mike Pompeo addressed the risk of a possible famine in the DPRK. In June, Daily NK reported that the government even failed to provide rations to Pyongyang residents who are considered as the most privileged and loyal to the regime. It signals an alarming situation considering it never happened during even the country’s notorious famine period in the 1990s which led to approximately 3.5 million deaths. The government’s inability to cope with the financial crisis after COVID-19 leaves no other option for the citizens but to rely on Jangmadang (private black local markets). However, it remains unclear whether the markets could function enough to offset the shock posed by the virus under the government’s increased border security. The containment measures have already badly hurt the North Korean economy with the significant drop of interactions with China. The Chinese government reported a 91 percent decline of the total trade in March 2020 compared with the same period in 2019. Decrease in imports of food and fertilizer worsened the already chronic food shortage in the DPRK as Secretary of State Mike Pompeo addressed the risk of a possible famine in the DPRK.
Without satisfying the precondition and proper monitoring of aid distribution, all the foreign assistance coming into the DPRK could be used to strengthen the dictatorship and prolong the government's human right violations. It is possible that the aids will be used as propaganda tools and given to the loyal and vital ones to sustain the regime rather than the vulnerable citizens desperately needing assistance. Sharing his experience in persuading the Denmark government to send 3,200 tons of Feta cheese to the DPRK to support the malnourished children, Mr. Thae Yong-ho, who was once North Korea's deputy ambassador to the UK but defected to South Korea in 2016, disclosed in his book that the cheese was actually used to feed North Korean soldiers. According to Mr. Thae, the North Korean leader Kim Il-sung graciously awarded the cheese to soldiers as a "gift" whenever he visited military camps. It is disturbing to know that even the delivery costs for the aid were utilized as the North Korean Ministry of Foreign Affairs' budget for the domestic delivery was arranged by state-owned motor vehicles under the country's Communist system.
WE CARRY ON DESPITE THE DICTATORSHIP
WE WILL CONTINUE DESPITE THE PANDEMIC

Rejecting impunity is about building a future of peace, governance, human and sustainable development, and tangible enjoyment of all human rights for everybody. (Rodolfo Mattarollo, Night and Fog and other writings on human rights. Buenos Aires, Le Monde Diplomatique Editions. P. 129)

I am grateful for this opportunity to publish an article in "The Voice" magazine, thus adding a voice from Latin America to the ongoing struggle against the crime of enforced disappearance.

This struggle has always, and in all latitudes, found support but also enormous difficulties. I will try to summarize the various forms of support to the struggle against enforced disappearances in my country, the Argentine Republic, as well as the challenges we face.

Support for denouncing enforced disappearances and for the search of the disappeared, and for seeking criminal prosecution of the perpetrators:

- the strong Argentine human rights movement, which has denounced enforced disappearances and, when those accusations were understood by most of the population, have managed to achieve trials for crimes against humanity

- The trials for crimes against humanity started in 2003 and many of them ended with sentences of life imprisonment. As they are still being carried out, they are the highest evidence of the end of impunity

- FEDEFAM -Latin American Federation of Associations of Relatives of Detained Disappeared- constituted by Mothers of Plaza de Mayo Founding Line, Grandmothers of Plaza de Mayo and the Association of Relatives of Disappeared and Detained for Political Reasons, in Argentina. Many other Latin American associations belong to FEDEFAM. Since 1986 I have worked as volunteer in this Federation that was created in 1981

- Democratic governments have also supported this work, as they put human rights as State policy (2003-2015 and the present government)

- many Argentine and foreign individuals and groups, and also The organizations of the inter-American system for the defence of human rights, and those of the United Nations.
NONETHELESS, THERE ARE STILL STRONG CHALLENGES TO THE ACHIEVEMENT OF OUR OBJECTIVES:

- Authoritarian or dictatorial Argentine governments which perpetrated or covered up enforced disappearances.

- The existence of dictatorships in South and Central America, which operated together to cause enforced disappearances and to avoid accountability of those responsible.

- The practice of many years of the Armed and Security Forces that continue to violate the law even under democratic governments.

- Officials, including members of the justice system, government agents, as well as groups at the service of said agents who disdain the fact that Argentina has signed and ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

- In this year 2020 we have another big challenge: the COVID-19 pandemic.

In Argentina President Alberto Fernández is making a strong effort by means of a strict quarantine and a wide dissemination of the prevention against the pandemic in the media, and huge financial contributions are being provided monthly to 9 million people in marginalized neighborhoods. The security forces are not ready for a period of pandemic; on the contrary, they continue with old repressive practices that no democratic government is able to stop. Claiming they have to control the quarantine, some policemen pressure and torture young and poor people who break the quarantine (also done to other people). There is a list of names of young people murdered by the police during the last four months. Unfortunately there was also a young man, Facundo Astudillo Castro, who was last seen on April 30th when he was taken into a police van; since that moment nobody knows of his whereabouts. His mother immediately started the search for her son with the support of a lawyer and has criticized the prosecutor who has failed to clarify this disappearance. It is clear to her that Facundo’s disappearance -criminally labeled as "enforced disappearance"- has been perpetrated by State agents. Human rights organizations are in daily contact with her, and share her sadness over Facundo’s enforced disappearance.

The pandemic has also slowed the trials of crimes against humanity committed by civil and military perpetrators; some criminal hearings have ceased. Few courts disseminate their hearings by electronic means, and if disseminated they are very brief. However, there can always be a surprise: after many years of being denounced and searched, an Argentine repressor was detained in Brasil and extradited. He is Gonzalo "Spark" Sánchez, a fugitive since 2005 charged with more than 900 kidnappings committed during the last ecclesial-business-civic-military dictatorship (1976-1983).
Despite the pandemic, a group of investigators, police chiefs and a diplomat carried out a legal operation implementing precautionary measures against COVID-19, with the objective of bringing back the accused to Argentina to face national criminal justice, stop the fight against enforced disappearances. The individual was thoroughly bathed in disinfectant before entering the plane for the return flight. The surprise: a son of a detained disappeared married couple was part of the group - he was born in a clandestine prison, was given to a strange family, and in 2010 recovered his identity; he is a lawyer and an expert in the Defense area.

With the universal challenges caused by this pandemic, we the groups defending rights have to disseminate the work we do by virtual means. Nonetheless, we know and observe that the worst sides of society also emerge.

¡Nunca Más un detenido desaparecido!
¡Nunca Más un desaparecedor sin juicio y castigo!

¡Never again a detained disappeared!
¡Never again a perpetrator without trial and sentence!
Council Members

Individual Members

Executive Council