



Tom Lantos Human Rights Commission

Enforced Disappearance in Latin America: Taking Stock

Thursday, October 1, 2020

10:00 – 11:30 a.m.

Webcast

As prepared for delivery

Good morning and welcome to our virtual Tom Lantos Human Rights Commission hearing on enforced disappearance in Latin America.

Today's hearing will provide a civil society perspective on the progress that we've seen and the challenges that remain in responding to enforced disappearance, recognized in the Rome Statute as a crime against humanity.

The crime of enforced disappearance has three elements:

- Someone is deprived of liberty – detained, arrested, or abducted;
- The deprivation of liberty is at the hands of government agents or people acting with the authorization, support or acquiescence of a government or a state; and
- Authorities refuse to acknowledge or conceal the whereabouts of the person, so that they are removed from the protection of the law.

Enforced disappearance has occurred across time in many different contexts all around the world. In recent years this Commission has received reports about forced disappearances in Syria, China, the Philippines, Turkey and Nicaragua, to name just a few.

But its systematic and massive use in Latin America as a strategy of political repression in the 1970s and 1980s is what put enforced disappearance on the global agenda – even leading to the emergence of “to be disappeared” as a new use of an old verb.

While we still do not know for sure how many people were forcibly disappeared in the region during that era, estimates are in the tens of thousands, at the hands of notoriously brutal regimes in Argentina, Chile, Brazil, Peru, Colombia, El Salvador and Guatemala, among others.

Each disappeared person left behind parents, siblings, partners, friends and colleagues. The collective pain is and has always been enormous. And for those whose whereabouts are still unknown, that pain continues through today.

In January 2017, I traveled to El Salvador with a group of U.S. citizens whose relatives remain missing – “disappeared” – from the Salvadoran civil war. The Jesuit-run University of Central America held a conference on the disappeared, inviting relatives of the missing to attend, be present and speak. The auditorium was packed – people sitting in the aisles, standing room only – and everyone had a photo of their missing loved ones. Many of those holding photos were young people. They weren’t even born yet when their missing relative was disappeared. But now they were taking up the vigil, the search because their parents or grandparents had passed away or couldn’t travel to San Salvador to attend the conference.

And I realized that this is a wound that never heals. It is pain, an emptiness that is passed down through the generations. These families will never know peace until they know the truth – find out what happened to their family member, the story behind his or her disappearance, and if they’re lucky, find their remains, give them a proper and dignified burial, and find some closure.

This reality is one reason the hearing today is focused on Latin America.

The second reason is that many of the most innovative and influential responses to enforced disappearance have come from Latin America, due to the unceasing efforts of victims’ associations and human rights organizations.

Latin Americans led the fight to define enforced disappearance and recognize it as a distinct crime. They have been at the forefront of efforts to develop new law – domestic, regional and international – to penalize enforced disappearance and include this grave crime under the jurisdiction of the International Criminal Court. Their unceasing pursuit of legal accountability has driven the progressive development of international and domestic jurisprudence.

Just as important have been the strategies to find and identify the remains of victims, to remember and honor them, to provide psychosocial support for the survivors, to demand access to information and insist on the truth of what happened for the benefit of families and for society as a whole.

Many of these efforts have been led by women, often mothers, forced to confront something no parent should have to bear. And as I saw in El Salvador, as the children of the disappeared have grown up, they have become advocates as well.

But with all the progress that has been made, the work to ensure the rights of past victims of enforced disappearance is not done. And the practice has continued into the present day.

Many Members of Congress have followed with deep concern the disappearance of 43 students from a rural school in Ayotzinapa in Mexico in 2014. Recently, partial remains of two of the students were identified. But, in spite of the best efforts of many including the Inter-American Human Rights Commission, all the other students are still disappeared.

And this is one case. Last July, Mexican officials revised their estimate of the number of missing and forcibly disappeared persons in the country to more than 73,000.

Only 1,500 of these persons were disappeared during the “dirty war” era. Most of the other cases occurred since 2006 with the escalation of violence related to drug trafficking and the Mexican government’s militarized response.

So we have convened this hearing to take stock of where things stand in the fight for the rights of victims of enforced disappearance, and to ask what more we in Congress can do to support initiatives in Latin America – those that address the legacy of the past as well as efforts to end any continued involvement by the region’s governments with this terrible abuse.

In the past Congress has authorized funding for technical and forensic assistance and training, DNA databases, truth commissions, search commissions, and civil society engagement in accountability processes. I have directly led efforts to support CONABÚSQUEDA, El Salvador’s search commission.

We in Congress have also called on the Trump Administration to release documents relevant to solving cases of enforced disappearances, including in my case, documents related to the El Mozote massacre.

I believe all this support, which has often been in response to specific country situations, has been important and worthwhile.

The question today is what more we can and should be doing. If we could step up our efforts, if we could design a U.S. policy to respond in a comprehensive way to the crime of enforced disappearance in Latin America, what would that look like?

I look forward to hearing the recommendations of our witnesses on this human rights issue that is so close to the heart of surviving family members, so important for their hopes, and so important for reconciliation throughout the region.

I will now introduce the witnesses. Without objection your statements will be included in the record.