



GUIDELINES AND RECOMMENDATIONS
on the Registry and Documentation of
FORCED DISAPPEARANCES



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Guidelines and Recommendations on the Registry and Documentation of Forced Disappearances

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Project

Political violence and management of human rights violation registries: circumstances, uses and effects of forced disappearance registry. Lessons from a comparative perspective in the Americas (sponsored by the Newton Fund)

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Traces of the memory of Jorge Verástegui, disappeared since January 24, 2009 in the city of Parras, Coahuila, Mexico.

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Traces of the memory of Antonia Espinoza, disappeared since February 11, 1977 in the city of Juárez. Chihuahua, Mexico.

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INTRODUCTION

This document formulates and systematizes a set of practical recommendations, suggestions, and guidelines that may prove valuable in the event of an emergency that necessitates the documentation and registry of forced or involuntary disappearances committed by the state, as well as forced disappearances committed by private parties in settings of political violence, state terrorism, internal conflicts or civil wars, including operations undertaken by armed forces, secret police, paramilitary, insurgents and organized crime. These recommendations arise from experience garnered with different registry systems of forced and non-voluntary disappearance of persons in violent episodes and armed conflicts in Latin America, although applicable in other contexts.¹

This text has been prepared in the framework of the project "Political Violence and human rights violation management: circumstances, uses and effects of forced disappearance registry. Lessons from a comparative perspective in the Americas." Scholars of Alberto Hurtado University, Ibero American University of Mexico City, Pontifical Javeriana University of Bogota and the University of London – Goldsmith College² participated in this project, which was sponsored by the Newton Fund.³ This investigation draws upon understanding generated by the project "Political Technologies of Memory: The genealogy of registry and denunciation devices of human rights violations committed by the military dictatorship,"⁴ also made possible by the Newton Fund and carried out by scholars of Alberto Hurtado University and Oxford University. The major empirical- theoretical outcomes of this project were described in the book *Resistance to Political Violence in Latin America: Documenting Atrocity*.⁵

¹ We are especially grateful for the people who agreed to be interviewed for this study, that was conducted in Chile, Colombia and Mexico, who shared their knowledge and lessons learned during many years working with registry and documentation systems of human rights associations, civil society organizations, universities and research centres, public and international entities. *Vid. Appendix: List of Interviews.*

² The investigation team is made up of Vikki Bell, Oriana Bernasconi, Cristina Gómez, Jaime Hernández-García, Jefferson Jaramillo, Elizabeth Lira, Marisol López, Mitzi Robles, Hugo Rojas, Ana María Risco, Jorge Ruiz and Marcela Ruiz, with collaboration from Daniela Mansilla, Juan René Maureira and Rodrigo Suárez.

³ Newton Jury Prize for the Americas (2018-2020).

⁴ Proyecto DPI20140048, CONICYT & Research Councils U.K., Newton Fund, Concurso de Apoyo al Desarrollo de Proyectos Internacionales de Investigación, Universidad Alberto Hurtado & University of Oxford, 2015-2018.

⁵ BERNASCONI, Oriana (ed.): *Resistance to Political Violence in Latin America: Documenting Atrocity* (London: Palgrave Macmillan, 2019), trans. *Documentar la atrocidad: Resistir el terrorismo de estado* (Santiago: Ediciones Universidad Alberto Hurtado, 2020).

I. CONTEXT AND REGULATORY BACKGROUND



Image intervened in duotone based on the photograph by ©Kena Lorenzini (1986). Protest of relatives of disappeared detainees at La Moneda Palace.

In recent times Latin America has been one of the regions where forced disappearance has been massive. For example, 80,000 forced disappearances occurred in Colombia between 1970 and August 2018 (although social organizations indicate that figure surpasses 120,000), more than 79,000 in Mexico, 40,000 during the armed conflict in Guatemala, 30,000 during Argentina's dictatorship (1976-1983), 1210 during the Chilean dictatorship, (1973-1990), and other countries.⁶ Due to its extreme cruelty, forced and involuntary disappearance is considered one of the most atrocious crimes, as this practice paralyzes and brings great anguish to both victims and their families as well as the communities they belong to.⁷ The person whose whereabouts are unknown is deprived of many rights.⁸ The vast majority lack any possibility of defending themselves and end the arbitrary detention or abduction, nor are they able to communicate with their loved ones.

In 1974 the Inter American Human Rights Commission was the first international body to repudiate the practice of forced disappearance, in the context of what was happening in Chile during the dictatorship headed by General Augusto Pinochet.⁹ In recent decades the international community has defined the concept of forced disappearance by approving universally applicable instruments, noting that it is regarded as a crime against humanity if its practice is systematic or widespread.¹⁰

⁶ In Mexico the figure reflects the fact that the term "disappeared" refers to all episodes in which the person is not found, even when the absence is caused by private individuals. What prevails here is the lack of adequate investigations to cover the different crimes like abduction, human trafficking, etc. It is important to clearly differentiate when the case involves forced or involuntary disappearance and when it pertains to another type of crime. In Mexico two periods stand out: 1968-1977 and 2006-2018. In Chile, however, the figure results from a detailed judicial and registry procedure that we did not find in other countries, such as Mexico. In Chile, unlike Colombia and Mexico, the practice of forced disappearance was precisely conducted, targeting social leaders and activists. In contrast, in the other two countries the practice was installed in a different manner and is carried out by perpetrators who do not necessarily have acquiescence from the state. *Vid. Database of the Observatorio de Memoria y Conflicto del Centro Nacional de Memoria Histórica (CNMH)*, available at: <http://centredememoriahistorica.gov.co/observatorio/bases-de-datos/>; COMISIÓN NACIONAL DE BÚSQUEDA DE PERSONAS: *Búsqueda, identificación y registro de personas desaparecidas* (Gobierno de México, 2020); COMISIÓN PARA EL ESCLARECIMIENTO HISTÓRICO: *Guatemala, memoria del silencio* (Guatemala, 1999), available at: http://biblio3.url.edu.gt/Libros/memoria_del_silencio/indice.pdf, p. 73; GÖRAL, Özgür Sevgi; İŞIK, Ayhan; KAYA, Özlem: *The Unspoken Truth: Enforced Disappearances* (İstanbul: Truth Justice Memory Center), p. 12; ROJAS, Hugo; SUÁREZ, Rodrigo: "Análisis socio-jurídico de los registros sobre detenidas/os desaparecidas/os en Chile", *Encuentro Internacional sobre Procesos de Documentación de Desaparición y Desaparición Forzada de Personas. Perspectivas Comparadas: México, Chile y Colombia* (Universidad Iberoamericana de México, 12 September 2019), slide 3.

⁷ SFERRAZZA, Pietro: "La definición de la desaparición forzada en el derecho internacional", *Ius et Praxis*, Year 25, N. 1, 2019, p. 131; CITRONI, Gabriella; SCOVAZZI, Tullio: "Recent developments in International Law to combat enforced disappearances", *Revista Internacional de Direito e Cidadania*, 3, 2009, p. 89; OFICINA DEL ALTO COMISIONADO DE NACIONES UNIDAS PARA LOS DERECHOS HUMANOS: "Desapariciones forzadas o involuntarias", Folleto informativo 6, /Rev.3, s.d.

⁸ VITKAUSKAITÉ-MEURICE, Dalia; ŽILINSKAS, Justinas: "The Concept of Enforced Disappearances in International Law", *Jurisprudence*, 2(120), 2010, p. 198-200.

⁹ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS: *Report on the Human Rights Situation in Chile* (doc. OEA/Ser.L/V/II.34 doc.21, 25 October 1974).

¹⁰ Article 5 of the *International Convention for the Protection of All Persons against Forced Disappearances*, states: The generalized or systematic practice of Forced Disappearance comprises a crime against humanity, as defined by applicable international law and encompasses the effects foreseen by applicable international law" (our emphasis). Likewise, the *Declaration on the Protection of All Persons against Forced Disappearance* indicates that the systematic practice of forced disappearance is a crime against humanity. For more information, see AGUILAR, Gonzalo: "El reconocimiento jurisprudencial de la tortura y de la desaparición forzada de personas como normas imperativas de derecho internacional público", *Ius et Praxis*, 12, 1, 2006, pp. 117-154; VERMEULEN, Marthe Lot: *Enforced Disappearance Determining State Responsibility under the International Convention for the Protection of All Persons from Enforced Disappearance*. Doctoral thesis, Universiteit Utrecht, 2012.

The Preamble to the Declaration on the Protection of all Persons from Enforced Disappearance (DPED), adopted by the United Nations General Assembly in 1992, states that forced disappearance is committed when "a person is arrested, detained or transferred against his/her will, or when deprived of freedom in some form by governmental agents of any sector or level, organized groups, or by private parties who act on behalf of the government or with its direct or indirect support, authorization or its consent, and that subsequently refuse to reveal the destination or whereabouts of those persons or to acknowledge that they have been deprived of freedom, denying them protection accorded by law."

On December 20, 2006 the United Nations General Assembly further elaborated that concept by adopting the International Convention for the Protection of all Persons from Enforced Disappearances (ICPPED). Its Article 2 stipulates that forced disappearance is understood to be "the arrest, the detention, the abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty, or by concealment of the fate or whereabouts of the disappeared person, which place such person outside the protection of the law." For the purposes of this investigation, the Convention's Article 3 is also particularly pertinent, as it states: "Each State Party shall take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorization, support, or acquiescence of the State and to bring those responsible to justice."¹¹

The Inter American system operates as complementary and subsidiary to internal human rights protection that State members must implement to protect everyone under their respective sovereignty and jurisdiction.¹² Article II of the Inter-American Convention on Forced Disappearance of Persons (ICFDP), adopted by member States of the Organization of American States at Belém do Pará (1994), defines forced disappearance as "the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees." The Inter American

¹¹ Disappearances committed by private parties or that are involuntary have been reported repeatedly by the Working Group on Forced or Involuntary Disappearances and the Commission on Forced Disappearances of the United Nations as disappearances that require attention in Mexico and other Latin American countries. *Vid.* HUHLE, Rainer: *La desaparición forzada en México: Una mirada des los organismos del sistema de Naciones Unidas* (Oficina en México del Alto Comisionado de las Naciones Unidas para los Derechos Humanos y Comisión Nacional de los Derechos Humanos, 2nd ed., 2019).

¹² In the Americas, we note the recent publication of *Desaparición Forzada en el Sistema Interamericano de Derechos Humanos. Balance, impacto y desafíos*, edited by Juana Ibáñez, Rogelio Flores and Jorge Padilla (Instituto Interamericano de Derechos Humanos, 2020).

Human Rights Court has repeatedly condemned different Latin American States for acts of forced disappearance, invoking the American Convention on Human Rights (1969) and the *Inter American Convention on Enforced Disappearance of persons*.¹³

In accordance with the Rome Statute, adopted in 1998 that created the International Criminal Court, the forced or involuntary disappearance of persons is conceived as permanent or ongoing crime that is an affront against humanity, and therefore, comes under universal prosecution, not subject to statutes of limitation, nor amnesty provisions, as stipulated by international criminal law.¹⁴

Recently the international community has reached a consensus that represent significant progress in preventing and fighting against the practice of forced and involuntary disappearances. To verify compliance with the International Convention of 2006, the Working Group on Forced or Involuntary Disappearances and the Commission against Forced Disappearances meet in the Office of the United Nations High Commissioner for Human Rights. The Working Group consists of five expert members, while the Commission is formed by ten independent and impartial experts.¹⁵ These entities have established standards and criteria that member States must respect.

In 2019 the Commission published its Guiding Principles for the Search for Disappeared Persons. According to Principle 11, the search for disappeared persons should employ available information in the most appropriate manner possible. Its clause 3 sets forth the following: "Relevant data gathered during a search should be entered diligently and promptly into the register of disappeared persons so that they are available for other searches. The experience gained during the search processes should also be recorded, analysed and preserved." Its number 4 goes on to state: "Registers and databases should be maintained even after the search has ended, when the person has been located, identified

¹³ INTER-AMERICAN COURT OF HUMAN RIGHTS (IACtHR): *Case Velásquez Rodríguez v. Honduras* (judgment of 29 July 1988); IACtHR: *Case Bámaca Velásquez v. Guatemala* (judgment of 25 November 2000); IACtHR: *Case Blake v. Guatemala* (judgment of 24 January 1998); IACtHR: *Case Masacre de Mapiripán v. Colombia* (judgment of 15 September 2005); IACtHR: *Case Masacres de Ituango v. Colombia* (judgment of 1 July 2006); IACtHR: *Case Chumbipuma Aguirre and others (Barrios Altos) v. Peru* (judgment of 14 March 2001); IACtHR: *Case Tiu Tojín v. Guatemala* (judgment of 26 November 2008); IACtHR: *Case Heliodoro Portugal v. Panama* (judgment of 12 August 2008); IACtHR: *Case Trujillo Oroza v. Bolivia* (judgment of 27 February 2002); IACtHR: *Case Gómez Palomino v. Peru* (judgment of 22 November 2005); IACtHR: *Case Blanco Romero and others v. Venezuela* (judgment of 28 November 2005); IACtHR: *Case Goiburú and others v. Paraguay* (judgment of 22 September 2006); IACtHR: *Case Masacre de Pueblo Bello v. Colombia* (judgment of 31 January 2006); IACtHR: *Case Benavides Cevallos v. Ecuador* (judgment of 19 June 1998); IACtHR: *Case El Caracazo v. Venezuela* (judgment of 26 November 2002); IACtHR: *Case 19 Comerciantes v. Colombia* (judgment of 5 July 2004); IACtHR: *Case Molina Theissen v. Guatemala* (judgment of 3 July 2004), among other judgments.

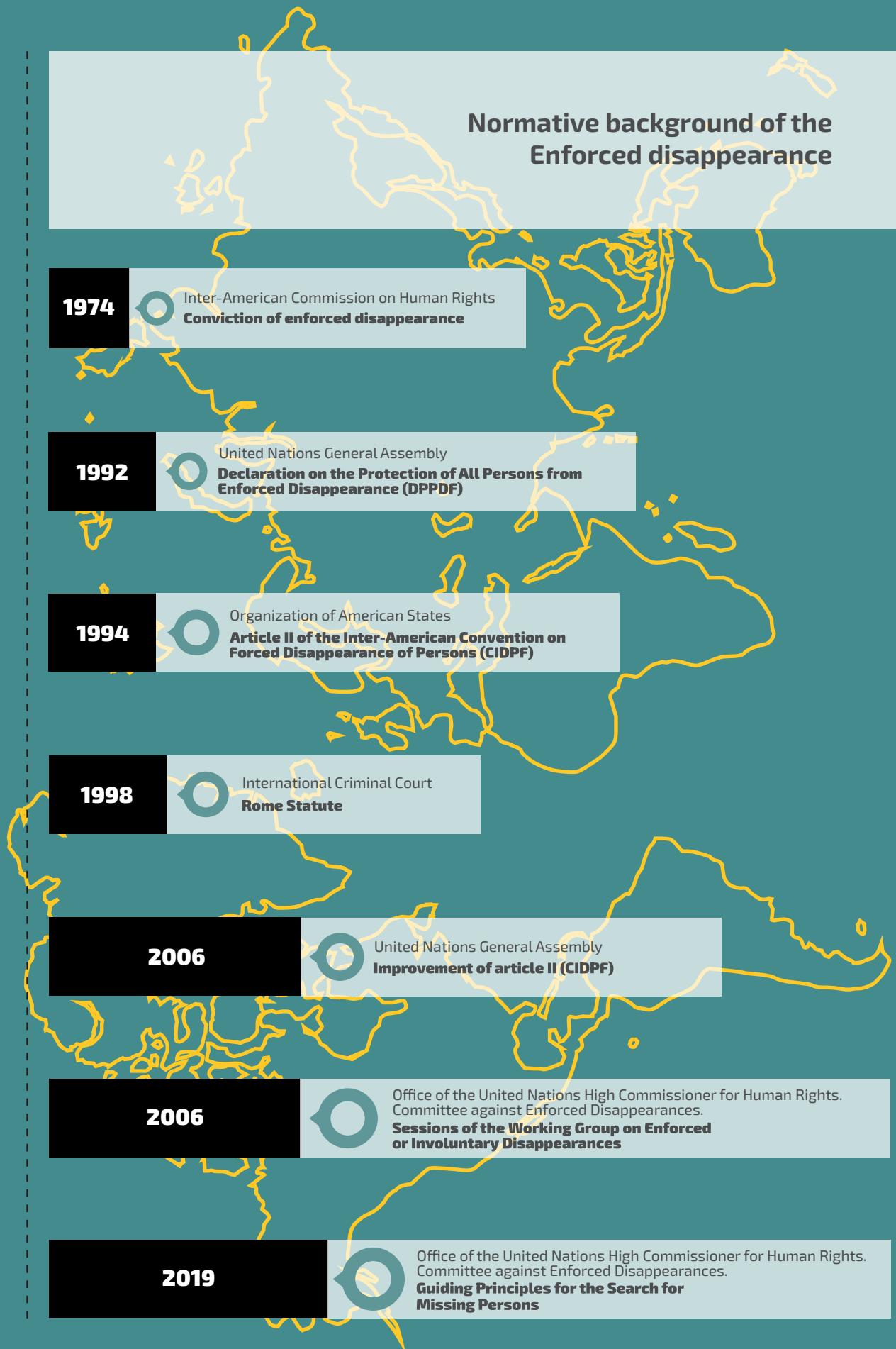
¹⁴ Mexican law includes a specific penal type that punishes disappearance caused by private parties. Article 34 of the General Law on Forced Disappearance and Disappearance committed by Private Parties and the National Person Search System (published by the Diario Oficial, the Mexican congressional record, on 17 November 2017) states: "A person who deprives another person of liberty with the intent to conceal the victim or his/her fate or whereabouts commits the crime of disappearance committed by private parties. Whoever commits this crime shall be sentenced to twenty-five to fifty years in prison and four thousand to eight thousand days' fine."

¹⁵ More information about work methods of the Comité contra las Desapariciones Forzadas at: <https://www.ohchr.org/EN/HRBodies/CED/Pages/WorkingMethods.aspx>.

and placed under the protection of the law or when his or her remains have been handed over or identity restored. The information and documentation related to completed search processes should be preserved in archives to which the search authorities should have access."

At the moment forced disappearances are committed, the establishment of opportune and adequate registry systems may contribute to the following: 1) Visibilizing human rights violations before officials and public opinion, as a social control mechanism that may diminish the violence. 2) By reporting that the person's whereabouts or fate is unknown, the registry system can help search for the person and clarify the circumstances of the disappearance. Organized citizenry may be able to exert pressure to free the person who has been abducted or arbitrarily deprived of liberty. 3) Forced disappearances commonly occur outside the bounds of law, in open violation of principles that underpin a constitutional state, therefore it would not be unusual for the disappearances to be denied. The organization of a registry is an active way of fighting against official negationism, their accomplices and collaborators. 4) Accurate documentation is an elemental necessity for conducting intelligence analysis and identifying repressive activity patterns. It also enables advocates to become aware of the geography of the abuses, as the characteristics of human rights violations may differ in different territories and places.

During an armed conflict, civil war, totalitarian or authoritarian regime, or in a generalized socio-political context in which forced or involuntary disappearances occur, registry systems may also be useful, particularly for transitional justice processes, by: 1) Incorporating evidence, material proof and documents in investigations undertaken by courts, that seek criminal and civil law sanctions against the perpetrators of disappearances. 2) Opening instances for articulating the voices of the victims' family members, to enable them to show the rest of society their version of the facts. 3) Providing support for search processes for the persons who are abducted. 4) If the victim dies, the documentation can facilitate identification of skeletal remains and the unmarked graves where they have been buried. 5) The visibilization of testimony, contents and explanations that reflect the great diversity of territories, communities, and lives affected can be a valuable resource for trans-generational transmission of memory and organizing commemorative activities. 6) It fosters reflection, discussion and comprehension by citizens of the causes and consequences of forced disappearances, as well as adoption of guarantees of non-repetition, to ensure that such atrocities Never Again occur.



II.

METHODOLOGY

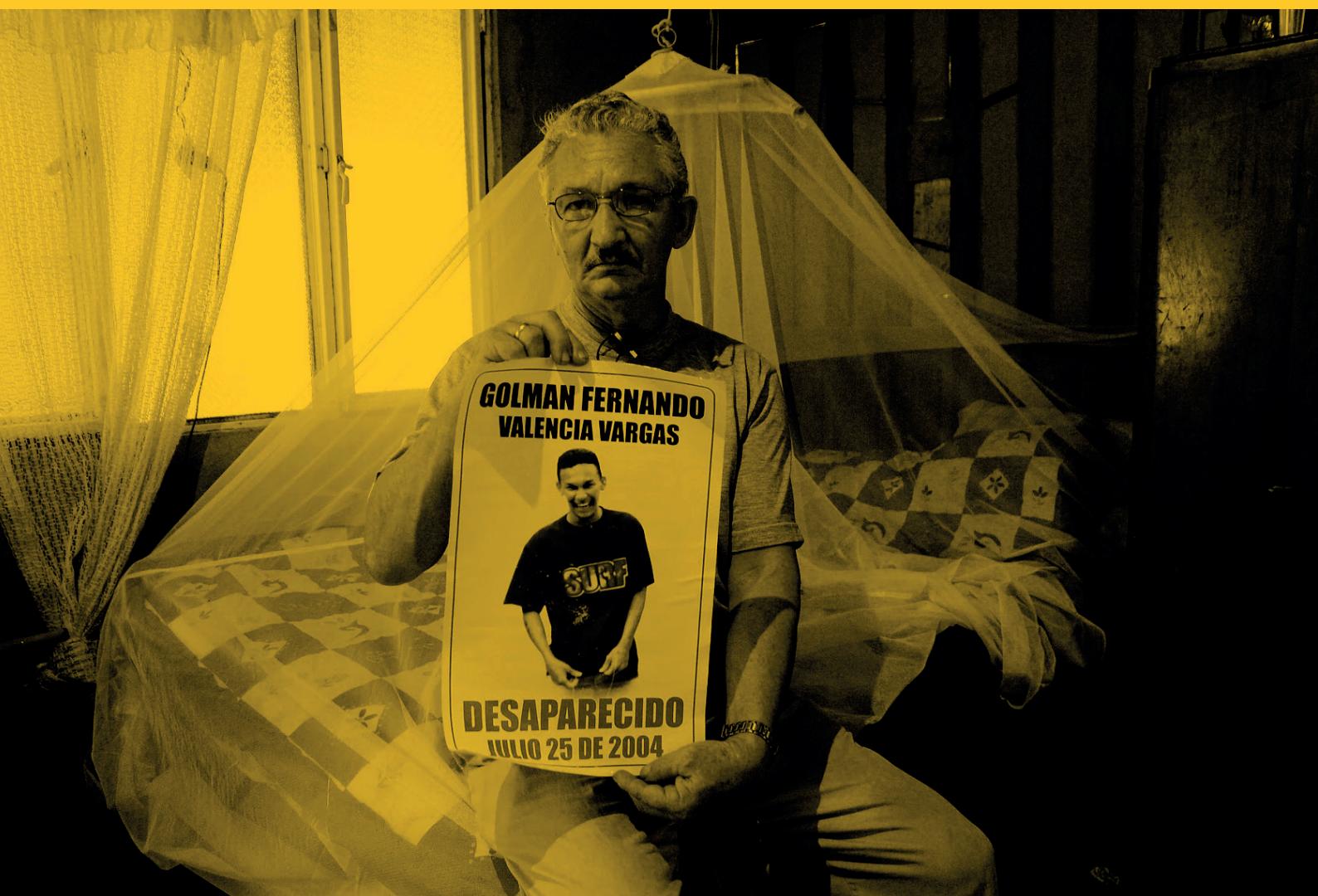


Image intervened in duotone based on the photograph by ©José Luis Rodríguez. Project *What fear left us*.

As part of this project, during the first half of 2018 and the second half of 2019, fieldwork was conducted in Chile, Colombia and Mexico. Thirty-six people (26 women and 10 men), all experienced in human rights archival and documentation work, were interviewed: 22 were civil society organization staff,¹⁶ 10 worked at public institutions,¹⁷ 3 at universities,¹⁸ and one at an international agency.¹⁹

We sought to interview an equal number of respondents in the three countries: 12 in Chile, 11 in Colombia, 13 in Mexico. In-depth and semi-structured interviews enabled us to pay attention to the perceptions and suggestions of victims, civil society leaders, coordinators of forced disappearance registry systems, and professionals and employees of human rights organizations and public and international agencies. All respondents granted consent, authorizing that their names and the institutions they work with be mentioned in this document.

The interviews were transcribed during the first half of 2020, and in the following months were analysed on the basis of Grounded Theory.²⁰ The identities of the persons interviewed, the institutions they work in, the dates of the meetings, countries, and interview codes can all be found in the Appendix to this document.

Also, during 2018 and 2019, visits were made and work meetings held with various human rights institutions in order to learn about their involuntary disappearance registry and documentation experiences. Thus, in Santiago, Chile, we visited the Documentation and Archival Centre of the Vicaría de

¹⁶ A dónde van los desaparecidos, Artículo 19, Centro de Derechos Humanos Miguel Agustín Pro Juárez A.C., Centro de Investigación y Educación Popular, Colectivo Sociojurídico Orlando Fals Borda, Colectivo Mujeres Rastreadoras de Tumaco, Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Corporación Jurídica Libertad, Data Cívica, Elementa, Equipo Mexicano de Antropología Forense, Grupo de Investigación en Antropología Social y Forense, Londres 38 - Espacio de Memorias, and the Movimiento Nacional de Víctimas de Crímenes de Estado.

¹⁷ Museo de la Memoria y los Derechos Humanos, Centro Nacional de Memoria Histórica de Colombia, Programa de Reparación y Atención Integral de Salud (PRAIS, Reparation and Integral Health Care Program) y Servicio Médico Legal de Chile.

¹⁸ Facultad Latinoamericana de Ciencias Sociales and Universidad Iberoamericana of Mexico City.

¹⁹ Office of the United Nations High Commissioner on Human Rights.

²⁰ GLASER, Barney; STRAUSS, Anselm: *The Discovery of Grounded Theory: Strategies for Qualitative Research* (Chicago: Aldine Publishing, 1967); CHARMAZ, Kathy: *Constructing Grounded Theory: A practical guide through qualitative analysis* (Thousand Oaks, CA: Sage Publications, 2006); STRAUSS, Anselm: *Qualitative analysis for social scientists* (Cambridge: Cambridge University Press, 1987); STRAUSS, Anselm; CORBIN, Juliet: *Basics of Qualitative Research: Grounded Theory Procedures and Techniques* (Newbury Park, CA: Sage Publications, 1990). Grounded Theory contributes greater understanding of the meanings and subjectivities of people, while also emphasizing the discovery of theoretical conceptions based on data gathered. Interview content was codified by paragraph (micro-analysis), and then reduce the significant codes (focalized codification) as much as possible, which are introduced as main categories. The codification facilitated a more substantial analysis and interpretation of data compiled in the interviews.

la Solidaridad, the Museum of Memory and Human Rights, and Londres 38 Espacio de Memorias. In Mexico City project investigators visited the Museo Memorial del '68 and Casa Morelos 8; and in Bogota, they met with the Centro de Memoria, Paz y Reconciliación.

On the basis of information obtained from primary sources compiles in this investigation and the review of specialized literature on forced disappearance registries, during the last quarter of 2020 the research team held workshops that enabled the formulation of guidelines and recommendations for improving documentation and registry systems on violations to basic rights, identifying priorities and ordering them in terms of importance and usefulness.

Given that the respondents' opinions have been considered for formulating these suggestions, we briefly cite their explanations or affirmations word for word.²¹

²¹ In the following section we will quote (or mention) specific segments of interviews that gave rise to our own reflections as investigation team when drafting the recommendations and guidelines for building and applying registry systems on forced or involuntary disappearances. Any errors or inaccuracies are the sole responsibility of the investigation team.



III.

RECOMMENDATIONS AND GUIDELINES



Image intervened in duotone based on the photograph by ©José Luis Rodríguez. Project *What fear left us*. registration of woman in urban areas of Colombia.

In this section we present several practical recommendations, arising from our fieldwork and the investigation team's internal discussion, that may be useful in various contexts of political violence or armed conflicts, for creating, applying, evaluating, transferring, and make the most of a modern registry and documentation system related to forced or involuntary disappearances of persons. The guidelines presented below focus on ten areas, corresponding to the core issues most frequently mentioned by respondents of the three countries and the analysis sessions. The ten thematic areas are:

- 1) Planning and conceptualization,
- 2) Victim and citizen participation,
- 3) Collaboration and networking,
- 4) Defining contents,
- 5) Use of new technologies,
- 6) Protection and security,
- 7) Access to information,
- 8) Dissemination and educational uses of the information,
- 9) Training, and
- 10) Reflection and lessons learned.

1. PLANNING AND CONCEPTUALIZATION

When facing an emergency that implies having to immediately address the troubling and unexpected situation of forced or involuntary disappearance of persons, it is understandable that efforts will ensue to registrar facts in the heat of the moment. Sometimes, such laudable impulses –led by relatives, members of a group and activists seeking to halt the violence – may be intuitive or resulting from an improvisation that may become less operative in the future. Since registry, documentation and archival work must not only be timely but also efficient, past experiences confirm that it is advisable to embark on a planning process to reach agreements on what the aim is, what the motives and rationales for an endeavour of such scope, as well as the methodologies that will be undertaken and employed.²²

It is important to distinguish between registry systems created by the state and those developed by civil society. Registry design and planning depends on who generates them and the objectives sought. These considerations will influence the following aspects: 1) the system's complexity, 2) whether the primary focus is searching for disappeared people while alive or not, and 3) responsibility of the institutions or persons who generate the information.

Consequently, the public officials in charge of the registry system might generate a single registry system of disappeared persons, as well as a protocol or rules for obtaining information that may be public; include categories that distinguish between forced disappearances, involuntary disappearances, human trafficking, abduction, deprivation of liberty, etc.; or not to eliminate entries of persons located from the public registry; have a privacy notice that specifies the purposes of the information gathered, and include an open field for a narrative that describes how the disappearance took place. In the case of registries that are created by civil society or organizations, we recommend entering information about the disappeared persons on spreadsheets which will help adequately organize the data; include simple information and avoid registry sheets with too many fields, and develop or seek guidance for developing a privacy notice that specifies the organization's purposes in gathering information about disappeared persons.²³

²² Interview with Mónica Meltis (Data Civica), 9 September 2019, § 59.

²³ The points mentioned were developed on the basis of observations made by the Human Rights Program of the Universidad Iberoamericana of Mexico City and Data Cívica, as part of the biases both organizations identified in official and non-official disappearance registries.

After defining the mission, vision, and strategic objectives, it will be possible to construct a plan of action with timelines, differentiating between short-term, medium, and long-term. It is a good idea for the staff in charge of document management take time to think about the overall approach that makes sense for the tasks outlined for planning, and that they understand how the registry system may contribute to halting the violence, as well as the often complex transitional justice process.²⁴ In this light, we recommend that from its inception, the registry system should be seen as potentially useful to the different dimensions that comprise the corpus of transitional justice, contributing to the tasks of seeking truth, justice, memory, reparation and establishing non-repetition guarantees.²⁵

Another significant aspect to bear in mind during the stage of designing the documentation system is to consider that its immediate purpose is to support search efforts of disappeared persons, who are hoped to be released and found alive. As Tatiana Bahamón, of the Centro de Investigación y Educación Popular, notes: "the idea regarding forced disappearance [registries] is that they be mechanisms for searching for living persons, not just mechanisms for finding corpses or mass graves to identify bodies."²⁶

Documental work of this nature clearly goes against the mainstream. It will have to overcome a number of challenges that would be good to identify beforehand, if possible, during the planning stage and, although very early on, define lines of action to help eliminate, refute, or mitigate such obstacles, completely or partially. Some of the foreseeable difficulties concern adequate human resources, funding, and technologies. However, it is also important to keep in mind that the demands from people and communities affected by disappearances of people need accompaniment and counselling that may increase over time; therefore, it is preferable to develop contingency plans.²⁷ Furthermore, predictably, the repressive entities will not cooperate with the search for disappeared people and are likely to disregard denunciations, which calls for exploring mechanism to prevent the destruction of evidence that must be preserved in order to clarify the facts.

²⁴ ROJAS, Hugo; PASCUAL, Tomás: "El tránsito de la justicia transicional", in DE VIVANCO, Lucero; JOHANSSON, María Teresa (eds.): *Pasados Contemporáneos. Acercamientos interdisciplinarios a los derechos humanos y las memorias en Perú y América Latina* (Madrid / Frankfurt am Main: Iberoamericana / Vervuert, 2019), p. 75-93.

²⁵ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 34; interview with Mónica Meltis (Data Cívica), 9 September 2019, § 56.

²⁶ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 30.

²⁷ Interview with Mónica Meltis (Data Cívica), 9 September 2019, § 15.

One difficulty faced by entities that register forced disappearances is the "lack of a common language," among all the interested parties, particularly, the documentation and search teams. To prevent confusing language that might cause the loss of valuable information, it is advisable that interviews build a "conceptual framework" that specifies terms and registry categories to be used in the data banks.²⁸

Having operational definitions not only prevents confusion in the organizations in charge of such registries, but also compels greater attention to the quality of the information entered in the data banks. Considering the lessons learned in Latin America, standardizing the language fosters the creation of similar data entry systems among all the organizations that work together or participate in generating a collectively constructed and shared registry system.²⁹ A common language should not be conceived for the exclusive use of those who operate or articulate the action of data registration; rather, they may also be shared with academics, journalists, non-governmental organizations, international agencies, and other actors interested in ending forced disappearance.³⁰ It may even be appropriate for the conceptual frameworks to be made available to the public.³¹ Circulation of registries at the local, regional and national levels is facilitated if it is developed on the basis of basic conceptualizations,³² as this will contribute to identifying the scope and distribution of the episodes.

The nature of the activities associated with the actions of registry and searching for disappeared persons requires the understanding that this is an interdisciplinary task. This implies an additional effort to design work methodologies that can be used by persons of different levels of education and training.³³ In this light, we recommend building a set of tools that can facilitate the collective registry tasks, such as developing manuals,³⁴ protocols, work flow plans, fact sheet analysis, life history form sheets,³⁵ etc. Obviously the data sheets must include basic information for creating a data bank, such as the person's name, identification number, date of disappearance, place the disappearance took place, or last known whereabouts, sex, race, ethnicity, age, address, occupation, family members, contact information, etc.³⁶

²⁸ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 10.

²⁹ *Id.*, § 33 and 76.

³⁰ Interview with Roxana Enríquez (Equipo Mexicano de Antropología Forense), 10 September 2019, § 32.

³¹ Interview with Erika Parrado (Centro de Investigación y Educación Popular), 12 September 2019, § 7.

³² *Id.*, § 33 and 76.

³³ Interview with Roxana Enríquez (Equipo Mexicano de Antropología Forense), 10 September 2019, § 32.

³⁴ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 10.

³⁵ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 53.

³⁶ Interview with Mónica Meltis (Data Cívica), 9 September 2019, § 51.

The task of developing conceptual frameworks can benefit from recent advancement in literature concerning international human rights law,³⁷ and, in particular, in the sphere of the Inter American human rights law.³⁸ For example, many rulings handed down by the Inter American Human Rights Court have defined concepts and the radius of application of legal regulations that enshrine fundamental rights. It is advisable that the design of a documentation model dialogue with guidelines and categories provided by the judicial culture arena, as many cases may eventually reach the courts, in which case copies of the registries would become documental or material evidence for court case files.

As the registry work advances, staff in charge of filling out the information are likely to become aware that the forms or protocols need certain adjustments. For example, initially sexual violence may not have been considered a category, but after gaining greater familiarity with the characteristics of the crimes, the need to include it may become evident. Thus, it is important that the data bank design allow for corrections and adjustments, to adapt it to new circumstances or information.³⁹ The entity in charge of documentation must constantly ask itself what is being registered, how it is registered, and at what cost.⁴⁰ On site experiences point to the importance that the organization that registers disappearances be open to exploring possibilities for improving or expanding the work to other geographic areas or to include other types of crimes. In fact, in this issue a rigid application of previously approved methodologies is impractical.

As may be observed, these recommendations strive to endow organizational firmness to the institution that coordinates or carries out registry activities. An organic structure and ongoing funding sources are essential elements in this regard; otherwise, the work will be fragile or unstable, and, become vulnerable, as described subsequently.

³⁷ Interview with Lucía Chávez (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos), 9 September 2019, § 32.

³⁸ IBÁÑEZ, Juana, FLORES, Rogelio, PADILLA, Jorge (eds.): *Desaparición Forzada en el Sistema Interamericano de Derechos Humanos. Balance, impacto y desafíos* (Instituto Interamericano de Derechos Humanos, 2020).

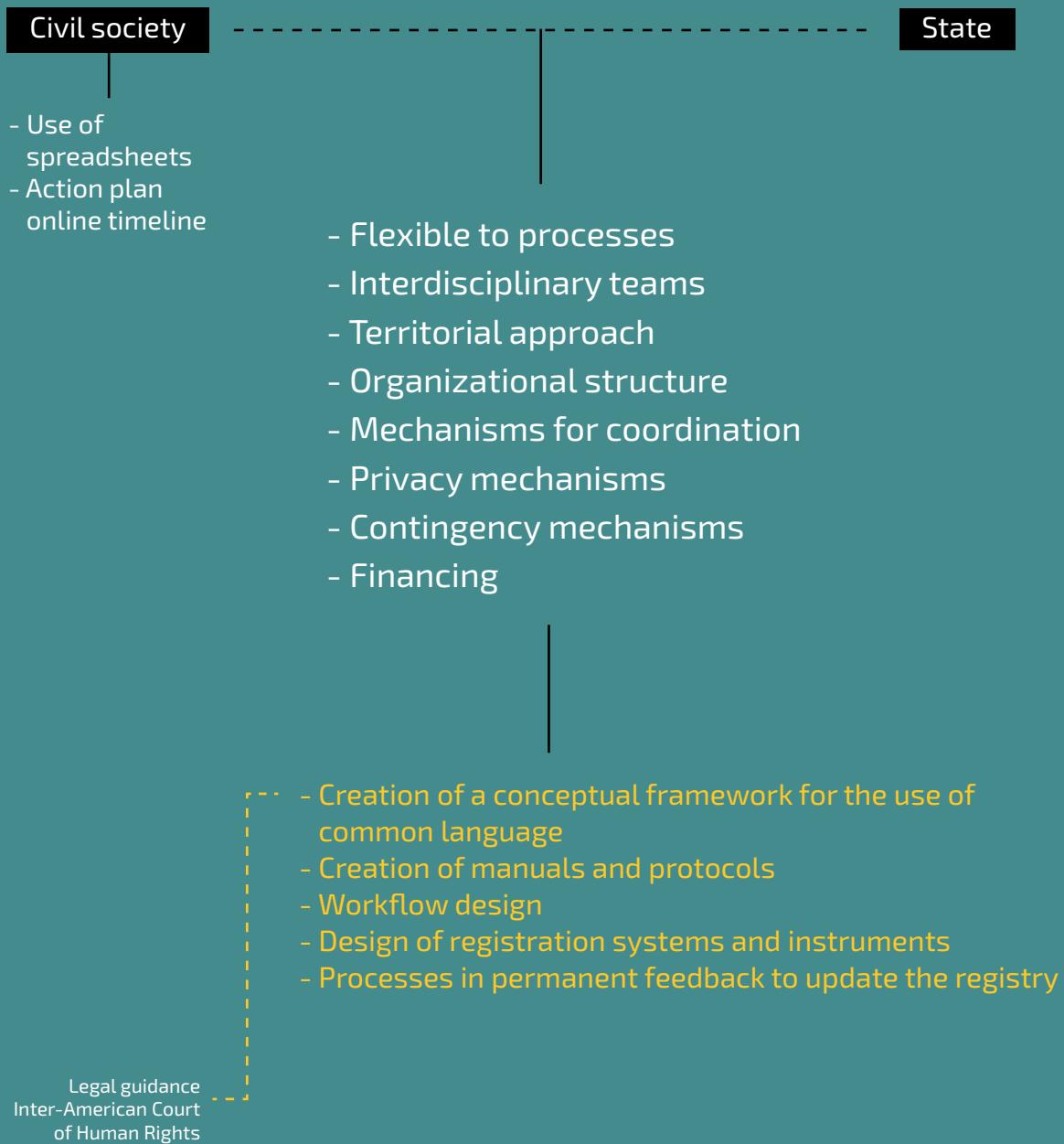
³⁹ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 91-92.

⁴⁰ Interview with Mónica Meltis (Data Cívica), 9 September 2019, § 55.

RECORD

record
document
file

Stop violence
Contribute to Transitional Justice processes
Avoid destruction of traces and evidence



2. PARTICIPATION OF VICTIMS AND CITIZENS

The interviews conducted as part of this investigation convince us of the vital importance that victimized persons and their families play an active role both in designing as well as implementing and assessing the programs that seek to register human rights violations.⁴¹ Their participation is important in the recovery of their dignity and that the rest of society treats them with the respect they deserve. In this regard, Erika Hennings (Londres 38, Espacio de Memorias) notes:

... the participation of relatives and victim-witnesses in these search and investigation processes has been very active, very protagonistic, in the sense that they demand to take part in it, not just an object for questioning, in the sense of inquiring about what is issued, and seeking [...] what needs to be done, but also take active part in these processes [...] of investigation, of searching; because without them and without these people I think it would not have been possible to advance as much as we have.⁴²

A registry system must not remain entirely in the hands of experts and professionals who work behind closed doors. Quite the contrary, only with civil society involvement will it be possible to generate and ensure a vibrant registry system in the future. Citizens who possess valuable information must have the conditions to enable them to provide it, and thus contribute to the joint construction of a common and shared data bank.⁴³

To ensure such participation, it is advisable that registry system coordinators bear in mind that it must be a flexible model, and it must respect the heterogeneity of people, territories, and communities affected or that wish to participate in this ambitious collective work. Recognition of the diversity of knowhow and experiences, forming symmetric relationships between them, and the ability to translate from some to others are key to the creation, maintenance, and appropriation of these registry systems. Consequently, the tools generated by the registry model must ensure certain margin of flexibility

⁴¹ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 66; Interview with Erika Hennings (Londres 38, Espacio de Memorias), 19 January 2020, § 142.

⁴² Interview with Erika Hennings (Londres 38, Espacio de Memorias), 22 November 2019, § 103.

⁴³ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 82.

that convene citizens to collaborate with a social project.⁴⁴ The experiences of registry system in the three countries studied here indicate that the active role of civil society in registering and denouncing atrocities can contribute to lessening the violence, strengthening the social fabric, and bring create a culture of respect, solidarity and peace, with the capacity to cope with fear, social disintegration, and immobility.

⁴⁴ Interview with Mónica Meltis (Elementa), 9 September 2019, § 18 and 59.

3. COLLABORATION AND NETWORKING

The commitment and cooperation from all persons and entities concerned about ending disappearances is fundamental to the creation of an integral registry system, as well as, to the extent possible, locating the persons who are alive or their skeletal remains, in the case of deaths.⁴⁵ As Roxana Enríquez, a professional from the Mexican Forensic Anthropology Team, expressed it, "this work is one that [necessarily] has to be done together."⁴⁶

The articulation of networking must encourage cooperation by victims or their relatives in all processes related to the work. That cooperation is fitting because most of the information entered as part of the registry pertains to them. For that reason, too, it is advisable that copies be made of the original materials provided by the persons affected – for example, digitalization and backing up information – and then returning the documents to them. Mónica Meltis, of Data Cívica, in this regard, stated:

This information is not ours. The information belongs to the groups and the relatives who are recovering information. We administer, manage, protect, and store it but if there is something we must always remember, it is that this information is not ours.⁴⁷

To encourage collaborative work with grassroots organizations, we recommend fostering dialogue and reaching agreements as to how the information will be registered, as the imposition of a preconceived model could be counterproductive to the idea of cooperative efforts. According to Mónica Meltis, it is important to be cognizant of the specific characteristics and needs of each working group that is gathering information in the respective territories, and adapt registry tools and incorporate the data, together with them.⁴⁸ With this in mind, we recommend prudence, accompanying the human rights organizations or communities that are engaged in documentation work, and intervene in their processes only with their consent and openness to change. Any imposition may produce rejection or resistance and, most

⁴⁵ Interview with Adriana Muro (Elementa), 9 September 2019, § 76; interview with Erika Parrado (Centro de Investigación y Educación Popular), 12 September 2019, § 20; interview with María Luisa Ortiz (Museo de la Memoria y los Derechos Humanos), 22 November 2019, § 51.

⁴⁶ Interview with Roxana Enríquez (Equipo Mexicano de Antropología Forense), 10 September 2019, § 24.

⁴⁷ Interview with Mónica Meltis (Data Cívica), 9 September 2019, § 60.

⁴⁸ *Id.*, § 18 and 51.

definitely, a distancing between the registry coordination team and the grassroots organizations.

As often is the case, in human rights-related work there are never sufficient resources or technical staff to carry out the planned activities in the time frame and manner called for. One way to make up for shortfalls related to routine tasks that can be easily performed is to create a network of volunteers, who are willing to take on various responsibilities in the areas of registry, information gathering, analysis, dissemination or follow-up.⁴⁹ Similarly, a great source of support can be internships, thesis researchers, or university students on work placements.

Just as on the domestic sphere there are clear benefits of forging agreements with universities, research centres, human rights organizations, and the mass communications media,⁵⁰ it is also advantageous to explore options of collaboration and support that may be available in other countries and international entities, such as the Commission Against Forced Disappearance, International Committee of the Red Cross, embassies,⁵¹ and the National Security Archive.⁵² According to Tatiana Bahamón, of the Centro de Investigación y Educación Popular, an adequate communications plan is a tool that should be considered when it comes to registry and dissemination:

The mass communications media are quickest for transmitting information. Initially, you organize a press conference, to provide a national and regional overview from the magazine's [Noche y Niebla] point of view, and analyse information: whether attacks on men and women community leaders are on the rise or have declined in recent years.⁵³

⁴⁹ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 60; interview with Rafael Tamayo (Museo Nacional de la Memoria de Colombia), 22 October 2019, § 17.

⁵⁰ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 72; interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 105; interview with Adriana Muro (Elementa), 9 September 2019, § 78.

⁵¹ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 105.

⁵² Interview with Mónica Meltis (Data Cívica), 9 September 2019, § 75. For example, the InterAmerican Human Rights Commission has recommended the following for the State of Mexico: "Improve the National Registry of Disappeared People as a single registry for disappearances and that enables registering a person as a victim of forced disappearance. A database should include personal information about the disappeared persons, pertinent personal information, mainly genetic and cell samples taken with consent from relatives of the disappeared persons, and genetic information and cell samples from the bodies of any unidentified person who was deprived of life. Such personal information must be protected on the Registry Website, according to international standards on access to information." COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS: *Situación de los Derechos Humanos en México* (OEA/Ser.L/V/II. Doc. 44/15, 31 December 2015), p. 233.

⁵³ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 105.

It is important to note that the role the state takes on can be decisive in building and operating an integral registry system on forced disappearances.⁵⁴ Government officials and guidelines of a given period of time may collaborate in generating and accessing information, or, to the contrary, they might become an obstacle that hinders the documentation and information dissemination tasks.⁵⁵

⁵⁴ Interview with María Luisa Ortiz (Museo de la Memoria y los Derechos Humanos), 22 November 2019, § 60.

⁵⁵ Interview with Erika Hennings (Londres 38, Espacio de Memorias), 22 November 2019, § 92; interview with Víctor Umpierrez (Servicio Médico Legal), 22 November 2019, § 175; interview with María Luisa Ortiz (Museo de la Memoria y los Derechos Humanos), 22 November 2019, § 77. One problem in the Colombian case has been the sub-registry of forced disappearances, therefore, one of the recommendations made regarding the search process was identifying the universe of disappeared victims and centralise that information "in a single database in order to overcome current sub-registries." COORDINACIÓN COLOMBIA EUROPA ESTADOS UNIDOS: *Recomendaciones y propuestas de las víctimas, organizaciones de derechos humanos y especializadas para la puesta en marcha de medidas urgentes humanitarias, el fortalecimiento institucional y la nueva Unidad de Búsqueda de Personas dadas por desaparecidas en el marco del comunicado 062 de La Habana*. Presentación a la Mesa de Conversaciones en La Habana, Cuba, 15 March 2016, p. 7. In Colombia it is important to note the registry of the Observatorio de Memoria y Conflicto, under the Centro Nacional de Memoria Histórica (the National Historic Memory Centre), the Unidad de Víctimas registry (known as RUV), the National Registry of Disappeared of the Instituto de Medicina Legal, and the information system of the General Attorney of the Nation (SPOA).

4. GENERATING CONTENT

When there is an urgent need to register information on the disappearance of persons, it is common practice that the emergent registry systems draw from information and narratives provided by relatives or persons close to the victims, in addition to witnesses or third parties who have knowledge of some of the facts of the case and are willing to provide that information.

I recall that people I interviewed from Nunca Mas told me: "We felt bad about going to the communities and asking people to fill out forms that registered information on the disappearances, torture, that type of thing, because we had hardly anything else to offer them, aside from creating another registry; and it subjected them to the ugly situation of having to remember very intense and very devastating experiences." [...] So, what happens after recording it? What happens next after counting the dead?⁵⁶

It is possible that arrests and disappearances subsequently become more generalized or massive. In this situation the registry systems are likely to become more complex and detailed, giving rise to the need for registering ever-more specific details. It is not unusual, then, that the type of content and devices added to the data banks be of multiple formats, including press accounts, forensic studies, court documents, management and administrative registries, statistical data, newspaper articles, etc. Moreover, over time and if resources permit, the data bank may increase not only in terms of the quantity of information but also the number of fields and variables to be registered in the various forms. María Luisa Ortiz, of the Museum of Memory and Human Rights, underscores that the creation of an integrated system calls for work of building the registry, in which different data banks converge. She notes:

The system must have the capacity to dialogue with everyone, to exchange information, and generate other connections in the future. Information about the victims, their identification, classification, history of the detention or of the repressive incident, all pre-mortem information, photographs, x-rays, anthropomorphic charts, post-mortem data, cemetery records, autopsies, court reports, identification processes, court case records, historical registries, update of all this information, detention centres or places where the victims were last seen or may have been [...], maps, special books, findings, inhumations [etc.].⁵⁷

⁵⁶ Interview with Erika Parrado (Centro de Investigación y Educación Popular), 12 September 2019, § 45.

⁵⁷ Interview with María Luisa Ortiz (Museo de la Memoria y los Derechos Humanos), 22 November 2019, § 62.

When asked what to register, the organization consulted for this study confirm the necessity of providing space to give voice to the victims. It would be counterproductive if the registry systems did not include the accounts from the victims themselves and their relatives. Adriana Arboleda, of Corporación Jurídica Libertad, explained that need as such:

[...] court information does not suffice; information produced by academia or press information or the communications media do not suffice, unless they are accompanied by the voice of the people who suffered directly from such circumstances.⁵⁸

Another central aspect related to registry content is the type of aggression committed. Ideally, the different types of crimes of which one has knowledge, should not be discounted. While the data bank may focus on a specific type of crime or abuse, but this should not lead registry managers to neglect the opportunity to document information that may interest other initiatives. Consequently, it is advisable that the system be designed so as to enable registry of different types of aggression or episodes of victimization. To illustrate this point, the *Colombia Nunca Más* data banks were updated to incorporate other types of crimes and aggressions:

At first, the data banks [...] were very focused on murders and massacres. Then we began to also significantly document forced disappearances, [...] as well as other types of crimes that occur less frequently that are regarded as not so serious, [...] withholding food, obviously all forms of sexual violence, the issue of assaults on organizational processes, social protest, the issue of persecution of critical thinking.⁵⁹

Our fieldwork substantiated the need to consider gender perspectives and ethnic diversity when generating registry content. For example, when women recount their life stories, different dimensions and more subtle facets of the experience of violence emerge.⁶⁰

In regards to damages inflicted upon the victims' relatives and communities, the registry system must be designed to enable clear identification of the different categories of damages, aiming to reflect the magnitude and intensity of the crimes and their repercussions in the lives of all the affected parties. For example, Adriana Arboleda (Corporación Jurídica Libertad) pointed out that there are many types or categories of damages that the victims can endure, all of which needs to be recorded:

⁵⁸ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 16.

⁵⁹ *Id.*, § 31.

⁶⁰ Interview with Carolina Robledo (Grupo de Investigación en Antropología Social y Forense), 10 September 2019, § 64; interview with Volga de Pina (Facultad Latinoamericana de Ciencias Sociales, Mexico), 9 September 2019, § 42-44.

[...] one issue we discussed extensively about the data bank is damages, what damages are caused by different forms of aggression. There are personal damages that may be physical or psychosocial. There is the issue of spiritual damages, understanding spirituality beyond religion, as it relates to groups and ethnic peoples. There are also collective damages, political damages, damages to the democracy, damages to organizational processes, etc.⁶¹

It is also appropriate to consider that registries should not focus exclusively on individual cases, as there are also community processes and experiences whose information needs to be compiled collectively by the registry coordinators. Organizational experiences of persons affected by such crimes tend to emerge, galvanized by a shared affliction. The work of denunciation and demands for reparation and justice often are also tackled collectively, which renders territoriality and geography significant.

In addition to the information about the disappearance and the victim, it is important to record facts that gradually arise about the alleged perpetrators and those responsible for the episodes. To better understand the historical context of the socio-political processes related to the climate of violence, we suggest developing and updating a chart of the different parties involved. The flow chart should indicate victims and aggressors, but also all individuals who hold or held positions of authority or who have participated in local decision-making. In the future such charts will facilitate historical analysis of the circumstances experienced in the respective territory or locality.

Lastly, to ensure highest quality information, it is preferable to create beforehand a set of complementary systems to verify facts that are entered into the data bank.⁶² This means that the information must be cross-checked and corroborated through many different sources. The more reliable the facts, the less susceptible it will be to criticism on account of errors. By way of illustration, the Centro de Investigación y Educación Popular de Colombia (CINEP) "checks 21 national and regional newspapers every day and the information they find about cases of violence are cross-checked with information received from the

⁶¹ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 32.

⁶² Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 73; interview with Víctor Umpierrez (Servicio Médico Legal), 22 November 2019, § 37.

regions and entered in the database.⁶³ If the registry entries are exhaustive,⁶⁴ they may serve as elements of proof in criminal court cases and/or used by truth commissions, as occurred with files safeguarded by the Archive and Documentation Center Foundation of the Vicaría de la Solidaridad.⁶⁵

⁶³ Interview with Erika Parrado (Centro de Investigación y Educación Popular), 12 September 2019, § 11.

⁶⁴ Interview with María Luisa Ortiz (Museo de la Memoria y los Derechos Humanos), 22 November 2019, § 158.

⁶⁵ Interview with Erika Hennings (Londres 38, Espacio de Memorias), 22 November 2019, § 96–98; interview with Soledad Díaz (Museo de la Memoria y los Derechos Humanos), 8 January 2018, § 7; interview with Alejandra Ibarra (Museo de la Memoria y los Derechos Humanos), 8 January 2018, § 15. *Vid.* HAU, Boris; LESSA, Francesca; ROJAS, Hugo: "Registration of State violence as judicial evidence in human rights trials", in BERNASCONI, Oriana (ed.): *Political Violence Resistance in Latin America: Documenting Atrocity* (London: Palgrave Macmillan, 2019), p. 197–228; BELL, Vikki: "Documenting Dictatorship: Writing and Resistance in Chile's Vicaría de la Solidaridad", *Theory, Culture & Society*, Vol. 38, № 1, 2020, p. 53–78; ACCATINO, Daniela; BERNASCONI, Oriana; COLLINS, Cath: "Permanence et transposition des actes écrits qui ont dénoncé par la voie judiciaire les atrocités de la dictadure chilienne", *Langage et Société* (2021).

GENERATION OF CONTENTS

Voice of the victims

Individual and collective cases

Assaults

Information on alleged perpetrators and those responsible for the events

Field work

Stakeholder maps

Triangulation

5. USE OF NEW TECHNOLOGIES

The digital technologies that have been developed in recent decades are changing the ways human rights violations were recorded in the past. In this increasingly digital era, people can input databases from cell phones or other mobile devices,⁶⁶ without having to go to the offices or premises of the organizations in charge of registry systems. Thus, the new technologies enable the co-construction with citizens of databanks, instantly, by making available data input systems in online formats.⁶⁷ Mónica Meltis, for instance, emphasizes the advantages of these new mediums and devices:

In *Data Cívica*, and I personally, firmly believe that technology is an incredibly useful tool that can make life much easier for these people who have devoted all their time to thousands of efforts, accompanying families and victims, and who often have no possibility at all for systematizing this documentation.⁶⁸

These days, the costs of obtaining high-quality photographs or videos are becoming more and more reasonable, for example, through the use of cell phone cameras. Such recordings are substantial contributions to all dimensions of transitional justice, particularly, as elements of proof that can be employed in criminal cases before the courts.

Activists and registry managers increasingly turn to geo-referencing techniques that enable them to view the geographic location where the crimes were committed.⁶⁹ Such techniques can be complemented by cartography and maps that show the search routes and locations.⁷⁰ In geographic areas of difficult

⁶⁶ Interview with Mónica Meltis (*Data Cívica*), 9 September 2019, § 19.

⁶⁷ Interview with Rafael Tamayo (Museo Nacional de la Memoria de Colombia), 22 October 2019, § 62; interview with Mónica Meltis (*Data Cívica*), 9 September 2019, § 19–20.

⁶⁸ Interview with Mónica Meltis (*Data Cívica*), 9 September 2019, § 16.

⁶⁹ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 64; interview with Carolina Robledo (Grupo de Investigación en Antropología Social y Forense), 10 September 2019, § 59.

⁷⁰ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 73.

access it is even possible to use drones that obtain audiovisual recordings that otherwise would not have been so easily accessible or inexpensive.⁷¹

The transcription of audio recordings is a slow and costly process, as is well-known. Now organizations that wish to record life histories and narratives for posterity can make use of semi-automatic devices that transcribe audio or voice recordings.⁷² It is possible to program devices and robots to automatically systematize and add information that has been entered on databanks. Two platforms that are valuable for forced disappearance registry are Creative Commons and Omega.

The use of new technologies encompasses access to open-sources intelligence (OSINT) for documenting human rights violations. This implies generating methodologies and techniques that arise from open-source intelligence to facilitate the discovery, verification, storage, and endow meaning to information.⁷³

⁷¹ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 154.

⁷² Interview with Mónica Meltis (Data Cívica), 9 September 2019, § 20 and 22.

⁷³ Vid. HUMAN RIGHTS CENTER AT THE UNIVERSITY OF CALIFORNIA: *Berkeley Protocol on Digital Open Source Investigation* (New York and Geneva: United Nations & Human Rights Center at the University of California, 2020).

6. PROTECTION AND SECURITY

The foremost group whose safety and trust must be guaranteed are the victims.⁷⁴ Undeniably, fear and anguish are capable of immobilizing people affected by violence; consequently, bringing them together to participate in an initiative to co-construct human rights violation registries implies asking them to be willing to break the silence and taboos concerning events that they may not want to talk about or remember.⁷⁵ It is understandable that people who are persecuted are fearful of becoming targets of reprisal, in the event information is disclosed, particularly by repressive agents or agencies.⁷⁶ It is also important to bear in mind that many victims mistrust institutions, and despair at the meager possibilities for success.⁷⁷ We therefore recommend that the registry systems implement measures to protect victims and especially the sensitive information about them, who under no circumstances must be revealed.

The second group that needs protection are the employees, professionals, volunteers, and civil society members who participate in search and registry tasks. Protection is needed not only on account of disturbing facts, but, additionally, safety and self-care measures should be taken. Tatiana Bahamón, of the Centro de Investigación y Educación Popular, notes that registry staff are well aware of the risks associated with coordinating the construction of human rights violation databases: "[...] the entire matter of information, archival, and databank management, we undertake in midst of situations that are quite insecure."⁷⁸

A third and no less important issue is the establishment of security systems that protect the archives themselves from possible physical or technological attacks that might completely or partially destroy the information that has been compiled.⁷⁹ It is advisable that systems be acquired to back-up the data as well as software capable of neutralizing digital assaults.

⁷⁴ According to Gonzalo Sánchez (former director of the Centro Nacional de Memoria Histórica), it is vital to win victims' trust but unfortunately the political fluctuations and government change can undermine that trust.

⁷⁵ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 86.

⁷⁶ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 49.

⁷⁷ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 42.

⁷⁸ *Id.*, § 86.

⁷⁹ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 53 and 83. It is also suggested that copies of the information be stored outside the country where the episodes of violence are committed.

7. ACCESS TO INFORMATION

Who can access the information compiled is a delicate matter. Obviously, the victims should be guaranteed full access to all information concerning their loved ones or themselves. This must be specifically stated in protocols on use and access to information.

In regards to information about third parties, for several reasons, it is advisable to create categories of content differentiation. First of all, remember that the laws of every country regulate the creation of databanks and has enshrined “[...] the right to protect intimate or private information.” This consideration will affect the quantity of information that can be provided to an interested third party, as it requires informed consent from the person mentioned in the registry system. In light of this factor, the database coordinating staff should determine what material will be available to all people interested in it, what information will require prior authorization from the people mentioned in the file, and working protocols must be established to instruct information coordinators how to act as mediators or facilitators, without revealing the identities of the persons mentioned in the documents. Dissemination of information must be in keeping with the victims' wishes, including not sharing that information, if that be their preference. Certainly, the voices of the victims must be taken into account by museums, sites of memory, and commemorations.

Regarding material that can be available for public viewing, it is advisable that databases be accessible on-line or remote, by means of open access.⁸⁰ Citizens must know that there exist archives containing information that might help them understand what happened to their family members, loved ones, and acquaintances. For this to happen, good practice indicates that databanks

⁸⁰ Interview with María De Vecchi (Artículo 19), 9 September 2019, § 80; interview with Erika Hennings (Londres 38, Espacio de Memorias), 19 January 2020, § 26.

must be user-friendly for a mass public, not requiring digital knowledge, and organized by categories, concepts, names, or other avenues of access. In a similar vein, María de Vecchi, professional staff of Artículo 19, affirms that the purpose of archives of repression must be the following:

[...] rather than a documentation tool, it is a tool that aims for people to access it and from it [...] understand what happened to their family members, to be able to file court cases, conduct inquests about disappearances or serious human rights violations, in general; to understand how the State operated during that stage of State terrorism. The idea is precisely that they can easily access such information.⁸¹

⁸¹ Interview with María De Vecchi (Artículo 19), 9 September 2019, § 7.

8. DISSEMINATION AND EDUCATIONAL APPLICATIONS OF THE DATA

A first step for every registry forced disappearance initiative is that coordinators make known its existence, turning to the communications media for support.

Next, victims should be informed of the characteristics, benefits, and challenges associated with the human rights violation registry. Workshops may be held on how best to publicise registry information and make known its existence in the territories, to enable the population to grasp the meaning of the initiative. The information shared in these workshops must be carefully selected, as victims and their family members obviously will be eager to access all possible information related to their loved ones.⁸² With this in mind, the potential damage to them is great if the facts have not been thoroughly verified and validated.

Lastly, the data included in the registry may prove useful in educational processes, both in the mandatory years of schooling, as well as higher education. Memory site staff have noted that it is challenging to find an apt way to explain a matter as sensitive as forced disappearance to children. It is important to give serious thought to the most adequate manner to convey the history or violence to students, with the idea to create greater awareness but never to disturb them. As Rafael Tamayo, of the Museo Nacional de la Memoria de Colombia, notes, "this type of violence is degrading, stark, very mean; then, of course, the idea is not to terrify children with overly realistic stories."⁸³ In addition to the primary and urgent need for the registry to aid search-related tasks, the information must be disseminated and appropriated as a shared interest by society, as this is fundamental for incorporating community support in the search and the institutionalization of non-repetition guarantees, to encourage civil society to react when human rights violations occur. With this in mind, it is vital that registries not be circumscribed within the universe of victimhood, but rather, become known by people who have not been affected by these experiences.⁸⁴ Art and education have a key role to play in this transmission.⁸⁵

⁸² Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 112.

⁸³ Interview with Rafael Tamayo (Museo Nacional de la Memoria de Colombia), 22 October 2019, § 20.

⁸⁴ Interview with Walter Robledo (Museo de la Memoria y los Derechos Humanos), 22 November 2019, § 45 and 54.

⁸⁵ Interview with Gloria Elgueta (Londres 38, Espacio de Memorias), 22 November 2019, § 74; interview with María Luisa Ortiz (Museo de la Memoria y los Derechos Humanos), 8 January 2018, § 6; interview with Rafael Tamayo (Museo Nacional de la Memoria de Colombia), 22 October 2019, § 7.

Another avenue for disseminating information is museology. At memory and human rights sites there are permanent exhibitions that are not always accompanied by scripts that are previously discussed and approved. It is completely possible that the narrative conveyed to visitors may include references or excerpts of material from registry systems created by civil society. For instance, it is common that sites where crimes against humanity were committed exhibit or incorporate life histories; therefore, a narrative appropriate for such accounts must be created.⁸⁶ The work between registry system coordinators and the directors of memory sites calls for collaborative selection of documents, testimonies, or objects to contribute in the best possible way to the transmission of contents.⁸⁷

⁸⁶ Interview with Mónica Meltis (Data Civica), 9 September 2019, § 16.

⁸⁷ Interview with Jo Sieman (Museo de la Memoria y los Derechos Humanos), 8 January 2018, § 31.

9. TRAINING

People involved in registry tasks must be adequately trained, both in terms of technical-professional knowledge as well as the conceptual frameworks, ethical considerations, and work methodologies. The lack of training is known to be factor in the failure of database quality. Training for future professionals who will carry forth the work previously initiated is also key. Information transference mechanisms are needed not only to cope with personnel rotation but also because, unfortunately, the search tasks may extend over years if not decades.⁸⁸

Training is also important for the people who are likely to use the databank more, such as victims, volunteers, close institutional collaborators, as well as lawyers who represent victims of human rights violations. It is advisable, as well, to provide support for investigative journalists, as documents and registries may be a reliable source for article that inform the public opinion about the disappearances.

⁸⁸ Interview with Roxana Enríquez (Equipo Mexicano de Antropología Forense), 10 September 2019, § 109.

10. REFLECTION AND LESSONS

It does not suffice to build a registry system of data about forced disappearances that is open to the public. The team that runs the registry must conduct on-going revisions of the information and hold staff reflection on the activities carried out and knowledge acquired. Registry practices in the three countries of this study indicate that analysis of information-gathering tasks must be undertaken as a continuous work process within the organization. This implies that the team has to be willing to systematize the registry experience on a regular basis.⁸⁹

Internal processes of reflection and discussion should offer insight on obstacle people face in documenting different territories or localities,⁹⁰ in order to accompany and support them in the search for protection mechanisms. This two-way mutual support enhances the possibility that lessons learned in the field be more effective; it also enables coordinators to more fully grasp the complexities of how to operate a registry on the day-to-day.

Further, reflection concerning information registered may give rise to intelligence analysis that helps identify patterns of violence, repressive entities, search routes, identify the perpetrators, etc.⁹¹ In light of the sheer volume of information, analysts may produce statistical and consolidated information analysis that enables understanding of the scope of disappeared persons.⁹² Regular revision of data helps understand the underlying causes and social impact of disappearances.⁹³ Carolina Reboledo (Grupo de Investigación en Antropología Social y Forense) stresses the importance of that aspect of registries:

⁸⁹ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 61.

⁹⁰ Interview with Mónica Meltis (Data Cívica), 9 September 2019, § 21.

⁹¹ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 73; interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 de octubre de 2019, § 51. Vid. ANSOLABEHERE, Karina; ROBLES, José; SAAVEDRA, Yuria; SERRANO, Sandra; VÁSQUEZ, Daniel: *Violaciones, derechos humanos y contexto: herramientas propuestas para documentar e investigar. Manual de Análisis de Contexto para Casos de Violaciones a los Derechos Humanos* (México: Facultad Latinoamericana de Ciencias Sociales & International Bar Association's Human Rights Institute, 2017).

⁹² Interview with Mónica Meltis (Data Cívica), 9 September 2019, § 17.

⁹³ Interview with Adriana Arboleda (Corporación Jurídica Libertad), 22 October 2019, § 33 and 67; interview with Lucía Chávez (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos), 9 September 2019, § 55.

A major part of our studies on violence are based on events. In this case we could say that the event is forced disappearance, but without a doubt there is also an extensive history of systemic and extreme violence on those bodies, both individual and social; so the life history enables us to recover all that chain, that entire continuum of violence.⁹⁴

Denise González, of the United Nations High Commissioner for Human Rights, identifies six uses of disappearance registries:

At first it is an instrument that helps us understand what we're talking about. At that point, probably it was oral, then people began sharing information about what had happened and what was happening, when it happened, to whom. At that point began a process to understand the situation. The second was about preserving the memory of that event or events, in this case, we're talking about disappearance. Third, obviously, it became an instrument to help both search actions as well as investigation actions, most definitely, based on families' denunciations. The fourth use was in combating State denial of what had happened. In the case of disappearance it is doubly important because one of the elements that defines forced disappearance is precisely the denial by the State. Fifth, it is an instrument that helps gauging the magnitude of forced disappearance [...] and, obviously, the sixth use is as tool that supports the families' struggle and advocacy of their cause.⁹⁵

The production of regular reports about the registry work, in conjunction with building annual institutional memories, will enable the organization to account for all the activities carried out and the processes in which it was involved, but also, of new knowledge that has been generated.⁹⁶ It is also pertinent that the registry adjustments and updates be historicized. For example, if the registry systems, protocols, manuals or other registry tools are modified, it is useful to note these updates and the reasons that led to modifications in data input and classification.⁹⁷ Certainly, follow-up and monitoring the work carried out as well as institutional lessons gleaned facilitate the transference of good practices of archival and documentation management.⁹⁸

⁹⁴ Interview with Carolina Robledo (Grupo de Investigación en Antropología Social y Forense), 10 September 2019, § 66.

⁹⁵ Interview with Denise González (Oficina del Alto Comisionado de Naciones Unidas para los Derechos Humanos), 9 September 2019, § 78.

⁹⁶ Interview with Erika Hennings (Londres 38, Espacio de Memorias), 10 January 2020, § 33.

⁹⁷ Interview with Tatiana Bahamón (Centro de Investigación y Educación Popular), 21 October 2019, § 96.

⁹⁸ Interview with Leslie Araneda (Londres 38, Espacio de Memorias), 10 January 2020, § 133.



Image intervened in duotone based on the photograph by ©Rodrigo Cabezas. (2020). Urban intervention in a panel of the Metropolitan Mobility Network of Plaza Baquedano. Chile.

SYNTHESIS OF THE RECOMMENDATIONS



1 PLANNING

1. Strategic plan
2. Work methodology
3. Identify obstacles
4. Conceptual framework
5. International law
6. Protocols and manuals
7. Ongoing improvement
8. Institutional solidity
9. Funding



2 PARTICIPATION

10. Active role of victims
11. Social co-production
12. Heterogeneity
13. Flexibility



3 COLLABORATION

14. Network articulation
15. Collaboration from victims
16. Accompany grassroots organizations
17. Role of human rights organizations
18. Volunteer Networking
19. Internships and practicums
20. Institutional Agreements
21. International network
22. Media plan
23. State involvement



4 CONTENT

24. Provide a voice to victims
25. Registry of aggressions
26. Gender perspective
27. Individual cases
28. Collective experiences
29. Identify perpetrators
30. Map protagonists
31. Verify Content and cross-check data



5 TECHNOLOGIES

32. Digital photos and videos
33. Digital database
34. Online registry
35. Geo-referencing
36. Cartography
37. Semi-automatic transcriptions of narratives and interviews
38. Semi-automatic systematization of data



6 PROTECTION

39. Security and victim Protection
40. Self-care strategies
41. Confidentiality of sensitive data
42. Protect registry system staff
43. Archival protection
44. Information back-up systems



7 ACCESS

- 45. Victim access to all information
- 46. Protection of personal information
- 47. Differentiated information access systems
- 48. Remote access to database



8 DISSEMINATION

- 49. Registry existence of documentation centre
- 50. Select material for dissemination
- 51. Publicity workshops with victims and communities
- 52. Participation and collaboration in education processes
- 53. Museums and memory sites



9 TRAINING

- 54. Expert know-how
- 55. Work methods
- 56. Information transfer protocols
- 57. Training databank users



10 LESSONS

- 58. Periodic systematization of the registry experience
- 59. Feedback
- 60. Intelligence analysis
- 61. Statistical reports
- 62. Understanding causes and impact of disappearances
- 63. Follow-up, periodic and annual reports
- 64. Good practice transference

Image intervened in duotone based on the photograph of the Monument to Absence by Yael Bartana (detail). 68 Memorial Museum at the Tlatelolco University Cultural Center, Mexico City

IV.

CONCLUSIONS AND FINAL REFLECTIONS



Image intervened in duotone based on the photograph by ©José Luis Rodríguez. Project *What fear left us*.

Drawing from the experiences of Chile, Colombia and Mexico, as well as lessons gleaned by numerous civil society organizations, human rights associations, research centers, and public institutions that have devoted many years to the task of registering and documenting forced disappearances, this document has systematized and identified the major recommendations and guidelines that may be useful for different societies in midst of conflicts or post-conflict, in which human rights violations, including forced disappearances, were committed.

The first aspect that must be noted is the pertinence of knowledge and technology transference among the many institutions whose mission is precisely to generate databases and integral systems that are reliable and exhaustive registries of human rights violations. To accomplish this objective, the articulation of cooperative and participatory networks, in which victims are protagonists, is fundamental. We have shown that it is advisable to plan registry tasks, in order to avoid improvisation that may encumber or complicate search activities. We also noted the importance of recognizing the complexity of these registries, as they must encompass several variables, that reflect the types of violence and aggression, the specific ethnic and collective characteristics, the ideology of the victims, the territories or settings in which the disappearance take place, and other factors.

Secondly, the headway that has been achieved in international human rights law in recent decades not only contributes to the much needed conceptual and regulatory comprehension, but also advances compliance with a set of standards that must be respected. The guidelines issued by international entities such as the Office of the United Nations High Commissioner for Human Rights or the International Red Cross, among others, that have contributed greater professionalism, rigor, and precision in registry tasks.

Lastly, this document has identified ten major thematic areas that require special attention when designing, implementing and evaluating an integral, co-produced registry and documentation system of forced disappearances: planning, participation, collaboration, contents, technologies, security, access, dissemination, training, reflection and lessons learned. In regards to each one of these areas, we have offered suggestions and recommendations that arise from on-site work by people in charge of formal and informal documentation systems, that any human rights registry initiative should consider.

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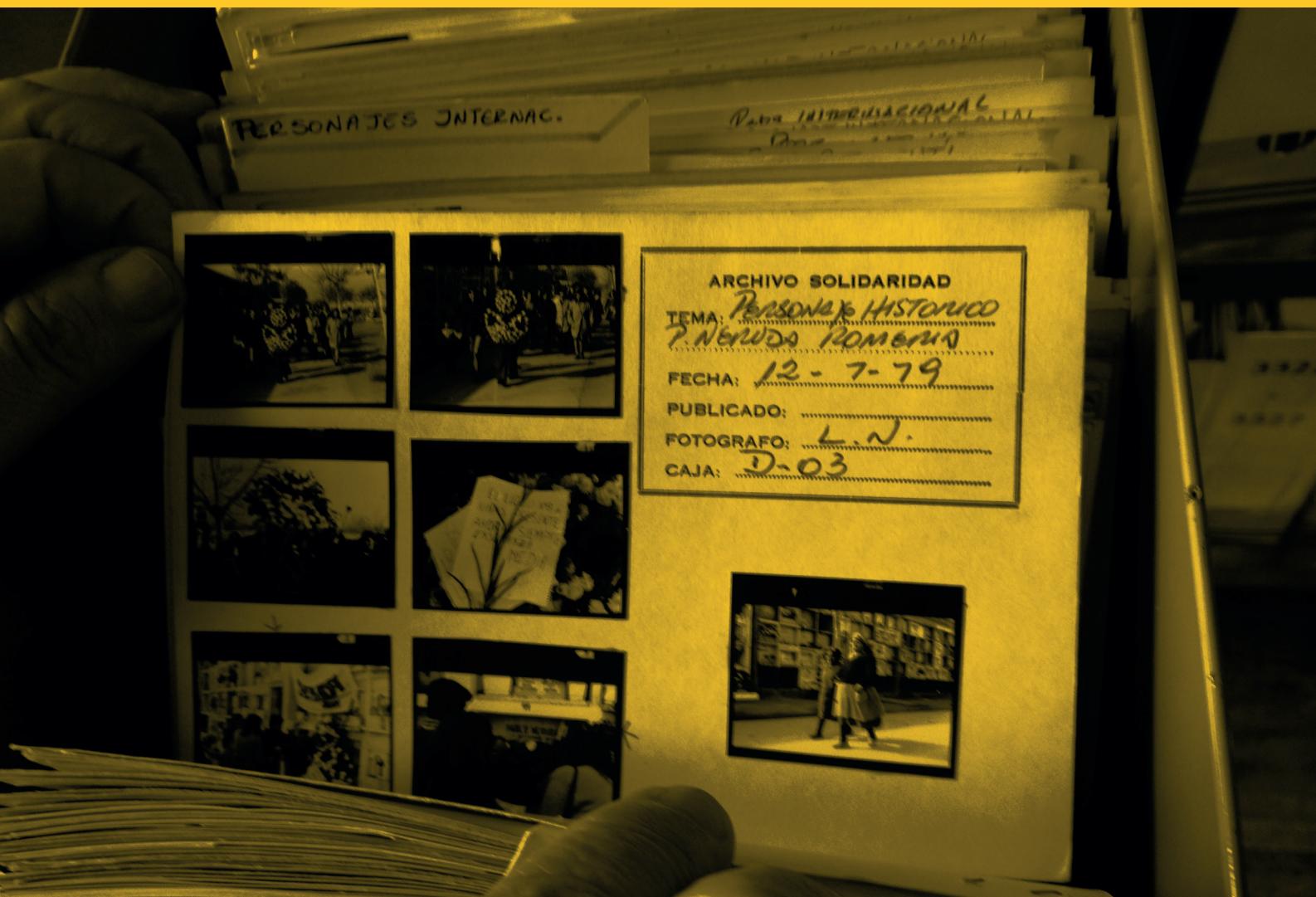


Image intervened in duotone based on the photograph of ©Political Technologies of Memory (2019). File of the Documentation and Archive Foundation of the Vicaría de la Solidaridad. Chile.

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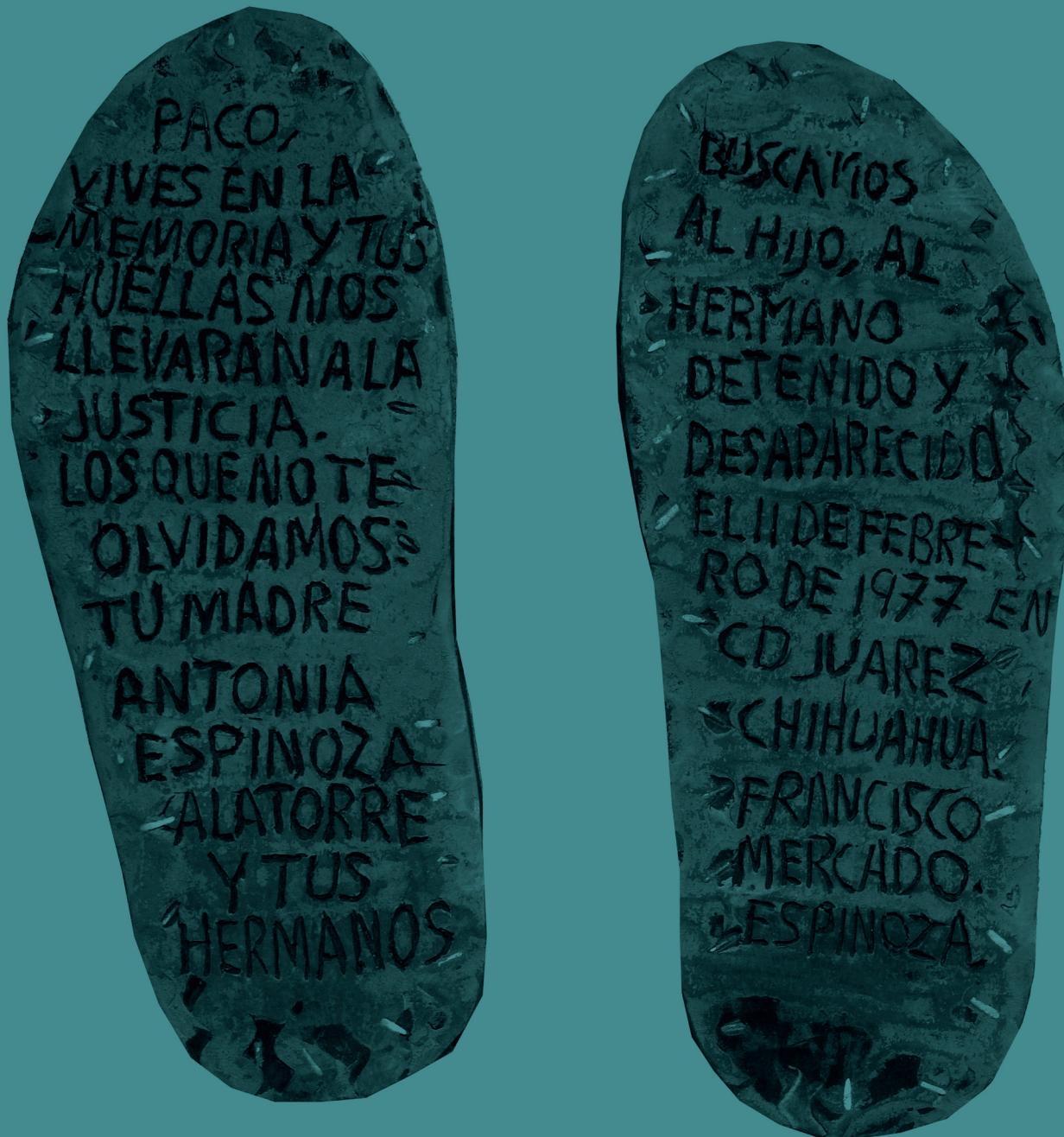
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Appendix: List Of Interviews

-
- 1. Adriana Arboleda**
Corporación Jurídica Libertad (CJL)
Colombia
22 oct. 2019
Código E-I
- 2. Adriana Pestana**
Colectivo Sociojurídico Orlando Fals Borda
Colombia
23 oct. 2019
22 oct. 2019
Código E-II y E-III
- 3. Eliecer Arias**
Sobreviviente pueblo resistente en la Sierra Nevada
Colombia
22 oct. 2019
Código E-IV
- 4. Diana Salamanca**
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- 5. Nury Angulo**
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Colectivo Mujeres Rastreadoras de Tumaco
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22 oct. 2019
Código E-VI y E-VII
- 6. Tatiana Bahamón**
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Código E-VIII
- 7. Rafael Tamayo**
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22 oct. 2019
Código E-IX
- 8. Mónica Álvarez**
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Colombia
23 oct. 2019
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- 10. Adriel Ruiz**
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- 15. Carolina Robledo**
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- 18. Jorge Ruiz**
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- 19. Erika Lozano**
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México
9 sept. 2019
Código E-XXI
- 20. Adriana Muro**
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México y Colombia
9 sept. 2019
Código E-XXII
- 21. Sofía de Robina**
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- 25. María Luisa Ortiz**
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8 ene. 2018
Código E-XXVII y E-XXVIII
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Código E-XXIX
- 27. Paula Godoy**
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- 28. Erika Hennings**
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22 nov. 2019
10 ene. 2020
Código E-XXXI y E-XXXII
- 29. Gloria Elgueta**
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22 nov. 2019
Código E-XXXIII
- 30. Walter Robledo**
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Código E-XXXIV
- 31. Leslie Araneda**
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8 ene. 2020
Código E-XXXVI
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8 ene. 2020
Código E-XXXVII
- 34. Soledad Díaz**
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Chile
8 ene. 2020
Código E-XXXVIII





Project

Political violence and management of human rights violation registries:
circumstances, uses and effects of forced disappearance registry. Lessons from a
comparative perspective in the Americas