



Legal Terms and Definitions Related to the Cases of Missing and Forcibly Disappeared Persons in Sudan

The African Centre for Justice and Peace Studies (ACJPS) has compiled the following legal terms and definitions to aid in legal education and raise awareness among victims of enforced disappearance and their families, as well as human rights activists working in this field, particularly in Sudan. These definitions serve as a foundational understanding for those navigating the complex legal landscape surrounding cases of missing and forcibly disappeared persons.

It is important to note that the meanings of these terms may vary depending on the specific context in which they are applied, particularly in countries that have ratified the International Convention for the Protection of All Persons from Enforced Disappearance or enacted relevant legislation.

The following terms are defined as follows, unless the context clearly dictates otherwise:

1. **Missing Person:** An individual whose whereabouts are unknown to their relatives due to circumstances such as international or non-international armed conflict, kidnapping, disaster, or any other reason.
2. **Forcibly Disappeared:** An individual who is missing as a result of arrest, detention, kidnapping, or any form of deprivation of liberty carried out by state agents, non-state actors, groups, or individuals, followed by a refusal to acknowledge the deprivation of liberty or concealment of the person's fate or whereabouts, thereby depriving them of legal protection.
3. **Family Members:** This term includes descendants born within or outside of marriage, adopted children, the child of one spouse from a previous marriage who was under the responsibility of the missing or forcibly disappeared person, the spouse, ascendants regardless of their generational distance (including step-parents), siblings, and their children.
4. **Relatives:** Legal persons or entities (such as political parties, civil society organizations, etc.) with which the missing or forcibly disappeared person was affiliated.
5. **Associations Representing Family Members:** Organizations operating within any country, in which at least a quarter of the members are family members of missing or forcibly disappeared persons, and whose objectives include addressing issues related to those who are missing or forcibly disappeared due to war or political instability.

6. **Minimum Data:** Essential information required for identifying a missing or forcibly disappeared person, including name, surname, date and place of birth, parent's name, social status, profession, address, and reliable information regarding the circumstances of their disappearance.
7. **Database:** A centralized system for storing and managing information and requests related to the tracing of missing and forcibly disappeared persons, whether established by official authorities or non-governmental organizations (NGOs).
8. **Tracing Request:** A formal request submitted to the relevant authorities or NGOs to locate and identify missing or forcibly disappeared persons.
9. **General Tracing Information:** All types of information pertinent to the tracing process, aimed at revealing the fate of missing and forcibly disappeared persons.
10. **Personal Information:** Data that assists in identifying missing or forcibly disappeared persons, such as name, audio and visual materials, ID number, location data, internet identifiers, or factors specific to their physical, physiological, genetic, psychological, economic, cultural, or social identity. This also includes data capable of identifying missing or forcibly disappeared persons.
11. **Reliable Information:** Information that, based on factual data, suggests that a particular individual meets the definition of a missing or forcibly disappeared person.
12. **The Authority:** National, regional, or international bodies responsible for addressing cases of missing and forcibly disappeared persons.
13. **Identification of Human Remains:** Legal identification of human remains based on a scientific process that matches information about missing and forcibly disappeared persons with human remains, in accordance with best practices in criminal investigation and internationally agreed-upon data protection standards. If the individual is found alive, the identification process is carried out in accordance with applicable laws.
14. **Burial Sites:** Locations where human remains, belonging to one or more individuals, are discovered.

This compilation of legal terms and definitions is intended to support efforts in addressing the cases of missing and forcibly disappeared persons, particularly in Sudan. By providing clear and accessible legal language, ACJPS aims to empower victims, their families, and human rights defenders in their pursuit of justice and accountability.