

# **Constructing meaning from disappearance: Local memorialisation of the Missing in Nepal**

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## **Abstract**

Disappearance in conflict creates challenges of identity and meaning for the families of those (largely men) whose fate remains unknown, with women not knowing if they are wives or widows and desperately seeking to construct positive meanings from their experience. An empirical study has been made of the families of those disappeared during Nepal's Maoist insurgency, focusing on processes of local memorialisation in rural areas. The study focuses on how and why victims seek certain forms of recognition and memorialisation, including their psychosocial motivations, and how this constitutes part of a contested politics of memory after conflict. Memory is about recognition, largely social, of what has happened and who it has happened to: the recognition of who has suffered and how, and ultimately who is a victim. Preferred means of memorialisation included local monuments and collective prayer ceremonies that served both to confirm in a highly social way that the disappeared are missing not dead, and sought to serve the community and thus integrate stigmatised families into communities from which they had been alienated by violations. Memorialisation can be a crucial support to the resilience of families of the Missing, serving as a social process to address both the emotional and social impacts of disappearance. Remembering the disappeared in ways that can aid the well-being of the families left behind demands local approaches that are contextualised in the cultural and social worlds of impacted communities: this challenges memorialisation, and transitional justice processes more broadly, that emerges exclusively from institutional processes steered by elites.

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## Introduction

Memorialisation has begun to attract attention as an integral part of transitional justice processes, seen as a component of reparation that can provide recognition and acknowledgement to victims and serve to demonstrate a new regime's commitment to both telling truths of the past and to avoiding the repetition of violations. The practice of reparations generally and memorialisation in particular is however typically elite-led and politically instrumentalised in ways that continue to deny the agency of victims, perpetuating the disempowerment that victimhood represents. Here, an empirical study is made of the needs for memorialisation of families of those missing in conflict and example from rural Nepal discussed where such process has occurred locally, driven by victims. The aim is to understand how a victim-centred approach to memorial activity and recognition processes can be constructed as part of transitional justice process (Robins, 2011). This necessarily seeks to understand the emotional, psychological and social impacts of memorialisation (and of a failure to memorialise) on families of the Missing, challenging transitional justice processes that are often metropolitan and elite led with a memorialisation *from below*. The literature of transitional justice has little room for individual memories, focusing on collective memory and the impact of institutional processes, such as the reports of truth commissions and national memorials (e.g. Jelin, 2007; Hutchinson, 2009), rather than processes that are enacted in the social spaces of family and community. Studies of memorialisation remain dominated by issues relating to the second world war and the holocaust, and investigations of efforts at the state level to recall and commemorate traumatic pasts. With some notable exceptions (e.g. Ibreck, 2010; ICTJ, 2011; Igreja, 2003), memory studies similarly emphasise the north: the majority world of the low income post-colonial states of the global south, in which most conflict over the last half century has occurred, remains peripheral.

The data discussed here were collected over a period of 4 years in post-conflict Nepal where the issue of missing persons remains at the centre of efforts to understand and address the impact of past violence. Initial studies were driven by an effort to understand the broad needs of the families of the Missing: what they sought from authorities and others to address the impacts of disappearance. This in turn served to construct approaches 'from below' that could challenge a transitional justice in both contexts that is prescriptive, elite-driven and focussed primarily on issues of prosecution (Robins, 2012). Here, these data are used to understand the role of memory and memorial in potentially addressing the needs of families of the Missing in both contexts, and includes data collected around an action of the International Committee of the Red Cross (ICRC) in Nepal to holistically address those needs, including a programme to support local memorialisation of the missing. This preliminary analysis represents a first effort to understand the issue of memorialisation in the light of the needs of families of the Missing, in the context of the burgeoning literature of both transitional justice and memory studies.

Whilst victim-centred approaches to transitional justice have become routine in rhetoric, in practice victims are largely marginal players in most processes, as they have been in Nepal's. Putting victims at the centre of mechanisms to address legacies of violence means seeking to address their needs. Whilst there is clearly a connection between a family's traumatic memory of an individual disappearance and national schemes to remember the dead and the Missing

(Bell, 2009), little has been written of how individual events of violence, and experience of them, are transformed by politics and power into formal memorialisation. Memorialisation traditionally serves the powerful in society as part of the politics of a transitional process (Jelin, 2007) and as such is rarely done exclusively on the terms of victims. Sant Cassia (2005), for example, has written powerfully about how in Cyprus memories of the Missing have been manipulated by the state to reinforce certain narratives that directly, and very negatively, impacted how families perceived the fate of missing relatives. This echoes the great distance between private memory and public representations found in the authoritarian societies where disappearances occur. However, memorials can also promote social repair through acknowledgement, and have the potential to be restorative (Barsalou and Baxter, 2007). For families of the Missing, where human remains may not be retrievable a memorial can be a space for mourning and remembrance while physically refuting the effort at disappearance. As part of reparative process, a memorial can endorse and institutionalize those narratives regarding the past privileged by victims. Like all reparative acts, memorialisation primarily concerns the assigning of value to victims and their experience, and here the quality of such reparative process is reviewed in terms of its ability to support the well-being of victim families. Whilst memorialisation has broader aims, most notably as a part of reparative norm-setting and to demonstrate a commitment to non-repetition, here a victim-centred approach is taken, investigating how memory and memorial can address victim needs.

## **The Missing and ambiguous loss**

Missing persons are “all those whose families are without news of them and/or are reported missing, on the basis of reliable information, owing to armed conflict” (ICRC, 2003). The Missing include those disappeared by the state or taken by armed groups, children forcibly recruited or adopted, combatants missing in action and those in clandestine detention. In addition to the direct victim of disappearance, the families of the Missing are its victims. The impacts of disappearance can be understood in terms of ambiguous loss; where a family member is absent in an unclear way, the lack of knowledge about the loved one gives rise to a challenge to transform the experience into one with which the family can live (Boss, 1999, 2004). Ambiguous loss occurs where a family member is psychologically present, but physically absent and is the most stressful type of loss precisely because it is unresolved. Ambiguous loss is an explicitly relational perspective, which differs from individualised trauma approaches, such as that of PTSD, in that it characterises the stress as external and ongoing. A range of studies (Boss, 2006, 2004) indicate that situations of ambiguous loss predict symptoms of depression, anxiety and family conflict. The literature reveals the need of families of the disappeared for closure to end the ambiguity of loss, but in many contexts this is something denied families. Whilst the truth about the Missing will continue to be a primary need – and indeed a right - of families, in the absence of such truth approaches must be found for families to continue living their lives:<sup>2</sup>

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<sup>2</sup> One impact for families of the dominance of the human rights discourse around disappearance and the accompanying emphasis on the ‘right to know’ and the return of human remains, has been that the demand for a body becomes a validation in itself of suffering. This is the foundation for the most negative

The goal is to find meaning in the situation despite the absence of information and persisting ambiguity. Here, resiliency means being able to live with unanswered questions. Instead of the usual epistemological question about truth, we ask, 'How do people manage to live well despite not knowing?' (Boss, 2007: 106).

In the dispersed and predominantly rural societies discussed here, the meanings that families ascribe to disappearance are socially constructed in their families and communities, arising from the complex interaction of social expectations, individual understanding and the political leveraging of the issue to advance certain agendas. Memorialisation is one of the arenas in which the struggle to create meaning is played out. For families the valorisation of both the memory of their missing loved one and of their own experience can be hugely valuable in creating positive meanings that give value to their experience of disappearance; in this sense victims have the greatest investment in memory, because it is intimately linked to their emotional and psychological state.

Memorials are purported to promote healing and reconciliation, but empirical support for such claims is scant. Here, the needs of families of the missing for memorialisation are investigated in a low income post-conflict context, Nepal, with a view to understanding how memorials - and memory more broadly – can positively serve the families of the victims. The aim is to perceive how memorialisation as a part of transitional justice process can best support victim resilience in the face of their experience of disappearance, and explore the potential for such processes to have a positive impact on the psychosocial well-being of families of the Missing. The term psychosocial well-being is preferred to narrower concepts such as mental health since it points explicitly to social and cultural (as well as psychological) influences on well-being, and serves to emphasise that the mental and emotional impacts of political violence cannot be separated from the environment in which someone lives (Psychosocial Working Group, 2003). Just as some of the impacts of such violations are largely social in nature, so efforts to address them must also be. In the rural societies discussed here, memory emerges not from statues, museums or institutional processes in the capital, but from local interactions: a victim-centred memorialisation is something that must emerge from the social worlds in which violations occur and in which survivors live.

Truth for families of the Missing is most immediately the truth about their loved one that ends ambiguity and that allows families to retrieve remains and perform ritual. It is also however a shared understanding that disappearance has indeed occurred and affirmation of the families' understanding of their experience of disappearance. In the theory and practice of transitional justice truth is something that emerges primarily from state sanctioned process such as trials and truth commissions. In a rural society the truths from which collective memory emerges are necessarily something constructed locally, constituted of shared communal understandings. The role of the state is then to confirm these understandings in ways that are accessible to affected communities. Acknowledgement and truth are clearly linked, to the extent that truth becomes reparative when it is endorsed by authority: "[Acknowledgement is] what happens [...] to

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form of coping, where the trauma of ambiguity itself becomes valorised and closing emotional wounds is perceived as betraying the Missing (Robins, 2011).

knowledge when it is officially sanctioned, when it is made part of the public cognitive scene.” (Thomas Nagel, quoted in Govier, 2003: 67). Victims seek to use existing power relations to legitimate their experience and this public sanctioning of their suffering is crucial to them (Summerfield, 1995) and reparative: it is simultaneously a sociopolitical and a psychological process.

This understanding however, blurs the line between two very different types of truth: the particular truth concerning a family member that is constituted by knowing the circumstances of disappearance and the location, retrieval and identification of remains; and the more general truth, i.e. the *fact* of disappearance that families seek acknowledged and remembered. These are linked when public memorialisation both confirms that disappearance occurs and acknowledges the individuals impacted by it. Wagner (2008), for example, defines recognition for the families of the Srebrenica missing in three ways: attaching identity to mortal remains, recognising the Missing when presented with DNA (or other) evidence of their identity, and commemorative ceremonies held at the memorial site to the Missing. She defines the sum of these as “the restoration of personhood” (ibid: 15), localising a loved one both geographically and giving them a fixed place in individual, family and national memory.

Whilst a truth that can end ambiguity is sought, in practice many families are denied such closure and the truths that help them live with ambiguity are those that can confirm positive meanings in their everyday lives. Families of the Missing thus seek to see meaning given to their experience of disappearance. Memorialisation is an explicit route to the creation and affirmation of meanings, both for families of the Missing and for others: memorial activity is at the heart of what the families of the Missing seek to give meaning to their experience. Memorialisation offers the possibility of public memory as a *therapeutic* intervention, a concrete way to address legacies of disappearance, even where the disappeared remain missing.

### ***The politics of memory***

The impacts of memory on families and individuals cannot be isolated from the broader politics of memory in post-conflict societies. Politics are present around the issue of disappearance after conflict as much as at the time when the disappeared were taken. Just as during conflict sovereign power demonstrates itself through the ability to let live or make die (Agamben, 2005), so in a time of transition the right to memorialise is contested as the right to possess the memory of the death and define how it will be remembered. Memory after violence, both individual and collective, concerns the representation of the events that led to disappearance and death, and construction of narratives that will determine both how those most affected will live and what history will be written about those who died, and how this constitutes part of a contested politics of memory after conflict. Memory is about recognition, largely socially, of what has happened and who it has happened to: the recognition of who has suffered and how, and ultimately who is a victim. The model of ambiguous loss indicates that the meanings families give to disappearance are crucial to their ability to cope with its impacts and are constructed relationally, through social interaction in family and community (Berger and Luckmann, 1966). Memory similarly emerges from the representations ascribed to disappearance by both the larger community and the state (Halbwachs and Coser, 1992). *Collective memory* is here understood as “the selective reconstruction and appropriation of aspects of the past” (Wood,

1999: 2) that serve as the “social frameworks” (Halbwachs and Coser, 1992) onto which personal recollections are woven. As such, all collective memory emerges subject to the expression of a social group or power to organise representations of the past in their own interest.

In the politically charged atmosphere of a state emerging from conflict, memory is the product of social contestation, manipulated by “political entrepreneurs” (Tilly, McAdam and Tarrow, 2003: 34) to prolong conflict or to end it: there is a “political economy of memory” (Küchler and Melion, 1991: 30) in which memory is sanctioned by power and politically deployed. The mechanisms of transitional justice are particular forms of such memory politics, with the goals of reconciling conflicting parties, producing truth around which consensus can be built, and – since they occur under the auspices of a political authority - legitimating new regimes. Victims’ needs for memorialisation are to invest their understanding of disappearance with powerful and culturally salient meanings that can affirm the value of the Missing and their experience of disappearance. Victims of violence are the most heavily invested in memory, precisely because their resilience in the light of their experience can depend on affirmation of their own understanding of events. Whether a missing relative is a hero or a terrorist, a martyr or a victim, determines how both the disappeared and their families are perceived and in turn how they perceive themselves. The data show both the range of victim agendas, often bitterly polarised according to the divisions of the conflict, and how they are instrumentalised or ignored by those driving the transition.

## **The context: Nepal after conflict**

Nepal’s Maoist insurgency was driven by a legacy of centuries of feudalism in a Hindu kingdom built on a codified framework of social, economic and political exclusion that marginalised indigenous people, lower castes and women. The vast majority of the nation’s almost 30 million people live in rural areas, where feudal social relations impact upon livelihoods, with a significant percentage of the rural population being landless. In 1996 the Communist Party of Nepal (Maoist) [CPN-M]<sup>3</sup>, a small party from among Nepal’s fractious Marxist left, declared a ‘People’s War’ against the newly democratic regime. The insurgency grew rapidly from its initial base in the hills of the impoverished mid-west of the country with the Maoists conducting military operations throughout the country. Whilst disappearances had occurred from the start of the conflict, and even before it, the introduction of the Royal Nepal Army (RNA) into the escalating conflict in 2001 dramatically increased human rights violations of all kinds (INSEC, 2007). Between 2000 and 2003 Nepal was responsible for a greater number of cases of disappearance reported to the UN’s Working Group on Enforced Disappearances than any other state (Human Rights Watch, 2003), making it the defining violation of the conflict. Whilst disappearances were perpetrated by the Maoists, the vast majority were the responsibility of the forces of the state, apparently as a deliberate strategy of war by military commanders at several levels in the

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<sup>3</sup> Following the end of the conflict, the CPN-M merged with smaller parties to become the Unified CPN-M (UCPN-M): here the acronym CPN-M will be used throughout.

hierarchy.<sup>4</sup> In rural areas there were additional dynamics that encouraged disappearance linked to the traditional power structures of caste, class and ethnicity that were the underlying cause of the conflict. In Bardiya for example, the district worst affected by disappearance,<sup>5</sup> the People's War was perceived by many as the continuation of a long running conflict over land between the majority indigenous Tharu community and high caste landlords who had established control over much agricultural land in recent decades. In addition to disposing of Tharu activists, the RNA leadership in the region had an interest in enforcing traditional power relations, and the wave of disappearances that followed the declaration of the state of emergency in 2001 achieved this.

The conflict came to an end in April 2006, with a second 'People's Movement' uniting the Maoists and the constitutional parties against a king who had seized absolute power. As part of an ongoing peace process the monarchy has been abolished and following elections to a constituent assembly the Maoists are now the largest party in the legislature. The conflict has left a legacy of some 15,000 dead, and more than 1,200 unaccounted for (INSEC, 2007; ICRC, 2008). Nepal's transitional justice process remains blocked by the political impasse that has characterised governance since the 2006 peace agreement. A Constituent Assembly in which the CPN-M is the largest party is charged with writing a new Constitution, but the Maoists and the traditional parties have been unable to reach a consensus on most issues, with the deadline for constitution writing consistently pushed back. Coalition governments featuring Prime Ministers from all major parties have come and gone in the 5 years since the end of conflict. Whilst the Comprehensive Peace Agreement (CPA) pledged to create both a Truth and Reconciliation Commission and a Commission of Inquiry into Disappearances, the continuing commitment of all parties to comprehensive impunity and a refusal to discuss the violations of the conflict has led to no progress on either. In the absence of a reparations programme, families of the Missing and other victims of the conflict have received payments of NRs. 100,000 (US\$1230), but a wider acknowledgment of their victimhood and their needs has not occurred.

### ***Mourning rituals and the Missing***

Mourning for the families of the Missing is a very different process than for those who mourn following the death of a family member. For the Missing, physical memorials and other rituals take the place of the traditional approaches to the disposal of the dead. For Hindu Nepalis, the ritual of burning the body and *kajkiriya*, the Hindu ritual around death, is a process which gives liberty to the soul and facilitates its passing to heaven (or hell). Without the ritual the soul will wander, possibly as a ghost. While it is vital to perform these rituals for the dead, it is crucial that the person must be dead beyond a shadow of a doubt before the rituals are done. Where a family feels unable to perform rituals, they may be subject to pressure from their community:

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<sup>4</sup> According to international human rights law definitions, only forces linked to a state can perpetrate disappearance (although states are obliged to investigate those perpetrated by non-state actors); here, the term disappearance will be assumed to also include cases of abduction perpetrated by non-state parties to the conflict in Nepal, notably the CPN-M.

<sup>5</sup> 240 were recorded as missing in Bardiya district. ICRC (2008).

It is necessary for us to perform the rituals for my son because in the society we are still defamed since we have not performed the rituals. [...] The people in the community say 'if your son was killed you must perform the ritual.' But we don't believe that our son was killed, therefore, we have not performed our rituals. (Hindu father of missing student, Dhanusa.)

This can be a contribution to problems of the stigmatisation of families of the Missing.

In Hindu tradition if the death has left a widow, older widows take the bangles from the newly widowed woman's arms, the glass beads from her neck, the *mangal sutra*, a black pearl on a thread around her neck, and smash them on a stone. They wash the red *tika* and *sindhur* from her forehead, which have defined her as a married woman, and thus begins her widowhood: thus a woman's status, as wife or widow, is highly visible. Those women whose husbands are missing generally continue to wear the *sindhur*, bangles, *mangal sutra* and *tika*, and do not consider themselves widows:

I haven't made any rituals. I still wear the symbols of marriage. I wear them because I haven't seen him dead: maybe he is alive somewhere. (Wife of missing man, Banke)

This often creates tension with their community which cannot understand why these wives refuse to behave as other widows.

## Methodology of the study

This study proceeded in two distinct phases: one, to understand the broad needs of families of the Missing in Nepal, and two, alongside an intervention that aimed to address some of those needs, including that for memorialisation. The methodology aims to allow the voices of victims to contribute to the debate about dealing with the past, and to steer an intervention with the families of the Missing. The design and conceptualisation of the needs study was executed in a participatory way with family associations (Robins, 2010) and this determined that the research would be rooted in an advocacy effort, would be ethnographic, and that the family would be the unit of analysis. Families wanted their needs to be communicated; the final research report allowed the dissemination of the results as a tool of advocacy.<sup>6</sup> Different perceived needs exist in rural and urban, rich and poor families, and between families with significant contact with human rights agencies and those without. This heterogeneity demands a methodology that delivers a representative sample. The sampling frame used for this study is a list drawn up by the International Committee of the Red Cross (ICRC) of 1,227 persons missing as a result of the conflict (ICRC, 2008), compiled during ICRC's presence in Nepal since 1998, through visits to rural communities and from statements made by families who visited ICRC's offices. A selection of 10 of Nepal's 75 districts was made that enabled the worst affected districts to be included, whilst also ensuring a spread by region, geography (plains, hills, mountains), ethnicity and

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<sup>6</sup> This was published by the ICRC in English and Nepali (ICRC, 2009).



alleged perpetrator (state, Maoist).<sup>7</sup> These 10 districts account for 43 percent of those on the ICRC list. Within these districts a random selection was made, and families visited in their homes. Eighty-six families were interviewed, the vast majority with the family as a unit; younger wives of the disappeared were met alone or in peer groups so as to understand potentially problematic dynamics within the family. Interviews were conducted by the author with the support of a research assistant from the relevant community and, in most cases, included a representative of the local family association. The research was conducted in 2008 over a six month period two years after the end of the conflict. Disappearances discussed here took place between two and twelve years prior to the study, and on average five years before. Whilst a minority of the disappeared are educated and urban most come from rural peasant backgrounds and their families are illiterate and poor. The typical interviewee is thus a rural woman of low educational level from an indigenous ethnic group.

The second part of the study took place around an intervention by the ICRC in the district most affected by disappearances, Bardiya. The intervention was rooted in community support groups consisting of 8 - 15 women, dedicated to either wives or mothers of the Missing and facilitated by trained local paraprofessionals. These met every 7-10 days with the aim of building connections between women and permitting a stigma free space where they could construct positive meanings from their experience, to challenge their isolation, create a forum for emotional sharing and permit them to universalise their experience. The intervention also included referral to other organisations to address legal, administrative or mental health issues, and economic support was provided through provision of livestock to families. Community interaction programmes were held with local leaders to ensure that communities were supportive or at least that stigma was lessened. Commemoration was an explicit part of the intervention, with each support group given funds of \$150 for a memorial activity relevant to and chosen by their members. The impact of this intervention was evaluated through interviews with 24 of the women who participated, and 10 focus group discussions; a total of 105 women were met for the study, representing 39% of all the families of the Missing in Bardiya. All interviews and focus groups were recorded and these translated and transcribed; these texts were iteratively coded for analysis by both frequency of topic data and for selection of relevant text segments.

## **Memory politics in Nepal**

The links between individual memory and political memory become clear in the testimony of families of the Missing. In Nepal, the contestation over interpretation of the conflict between Maoists and the traditional political parties continues, polarised between opposing rhetorics of 'terrorism' and 'people's war'. The dominant official language of Government is currently one of all victims being equal, reflecting the political balance that exists between the parties to the conflict. No official memorialisation is ongoing beyond the martyrs of the 2006 'people's movement', a victory (against the now defunct king) shared by both sides. At the local level memory politics is vibrant, with victims of the state constructing memorials with Maoist support,

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<sup>7</sup> The 10 districts visited are: Banke, Bardiya, Bhaktapur, Dhading, Dhanusa, Gorkha, Kathmandu, Lalitpur, Rolpa and Siraha.

and reinforcing narratives of resistance that feed into ongoing political struggles at both central and local level.

Families are very much aware of the propaganda of the conflict and the extent to which this steered the thinking of their neighbours. During the conflict ordinary people were constantly exposed to the idea that the Nepali state was operating a just and professional war against terrorism and that as a result those people taken by the forces of the state were necessarily guilty. Since the end of the conflict the emergence of the CPN-M as a constitutional party and as the largest party in the Constituent Assembly has begun to rehabilitate the victims of the state in the popular consciousness. However, for mainstream thinking to coincide with the understanding of the families, to allow the public sanctioning of victims' suffering, families sought that the fact and scale of disappearances be acknowledged, the fact that many of the Missing were not connected with the insurgency be recognised, and that appropriate status be given to the dead and the Missing. For the families of the Missing the aim of truth-telling is not for them to know what happened, they know that well enough, but for their understanding to be officially sanctioned. For the families of those made missing by the Maoists, the problem is the contrary: during the conflict they were seen as innocent victims and now perceive to have been forgotten, as those responsible for their victimisation have assumed political office. Families of victims of the Maoists are concerned that the political power of the CPN-M will challenge a full account emerging of the extent to which they and others suffered, particularly in rural areas under de facto Maoist control during the conflict.

The CPN-M both claim and recognise the Missing through recording their names in public places and giving annotated photographs of the Missing to families (see Figure 1): for the Maoist party the People's War was fed by sacrifice, and a culture of martyrdom encouraged that saw memorialisation as a political tool. A Maoist publication elaborated: "The people who commemorate the martyrs have developed a new culture in which martyrs' doors and pillars are created, martyrs' photos are exhibited and villages, hamlets, companies, battalions and brigades are named with martyrs' names." (Janaawaj, 2003: 50-51, quoted in Lecomte-Tilouine, 2006: 53). The walls of the office of Sofad, the Maoist association of families of the Missing, in Kathmandu were entirely covered with photos of the disappeared, both a secular shrine to the Missing and a place where families could come together and remember collectively. This confirms the understanding that collective, and in particular political, memory is performative: it comes into existence through specific kinds of memorial activity (Wood, 1999). Whilst these are typically elite led, one important role of victims and victims' groups is to construct memory, and thus meaning and value, at a local level and on victims' terms, especially relevant where national efforts in the capital are remote and inaccessible. Contestation also occurs within those groups associated with one side of the struggle: a result of the Maoist eulogising of martyrdom, particularly since the end of the war, has been that the CPN-M has considered the Missing as martyrs, denying the ambiguity of their fate, both because martyrs are perceived as more valuable to their cause, and because confronting the Missing issue would demand disappearances they had perpetrated be examined. For families, denying that loved ones are missing blunts their most significant demands, that they be told the truth about their fate and receive their remains.



Figure 1 A photograph of a teenage girl disappeared by the Nepali state from Bardiya, mounted and annotated by the Maoist Party, as a 'martyr'. The text describes both the date and place of her disappearance and her function within the Party. Such photos are prominently displayed by all families who have received them.

Contestation takes place not only among elites but also between victims and within communities. In Nepal at the grassroots victims are polarised by their efforts to advance their own narratives and in many areas this prevents families of the Missing working together across the perpetrator divide. A positive narrative about someone disappeared by the state is perceived to require the discrediting of the narrative of someone taken by the Maoists. This zero sum is reinforced by the active engagement of political parties. Such political language provides a framework around which victims can make their demands of memory: the CPN-M has recognised those disappeared by the state as martyrs and families are encouraged to demand the same recognition from the state. Many communities in the districts where the People's War raged now have a 'martyrs' gate', erected by the CPN-M, and decorated with eulogies to the Party and to the dead (see Figure 2). When asked about these, families of the Missing said they did not know if the names of their Missing relative were there, since they are illiterate. This also demonstrates that this memorialisation activity is entirely divorced from the families of those being celebrated, representing the instrumentalisation of the memory of the missing for political purposes. Many women sought to see the names of sons and husbands removed from the martyrs' gates to emphasise their understanding that they were not dead, but missing:

I will not be happy [if the name of the Missing is on the gate] since he was not a Maoist and the other thing is that he is still missing. If they write the name of my husband then I will tear it with a knife. If he comes back again he will feel very bad to see his name on a Martyrs' Gate. (Wife of missing man, Bardiya, Nepal.)



Figure 2 A Maoist constructed 'Martyr's gate' in a Bardiya village. Almost all villages in the district have such a memorial.

In some places, families have managed to work with the CPN-M in ways that allow their own needs for memorialisation to be satisfied, whilst exploiting the resources of the Maoist party. A clear example of this was in Janakpur, Dhanusa district, where a statue of five young men disappeared by the state during the conflict is being built in a major junction that has been renamed 'Martyrs' crossroad'. The project has been supported by local Maoist officials as well as by the families of the Missing, and demonstrates how more educated families can co-opt politically driven narratives to serve their own purposes. In this case it appears to have succeeded in terms of their demands for truth, with the exhumation of the remains of the young men having been made in 2011.

## Memorialisation and the needs of families of the Missing

Yes, it [a memorial] is essential for recognition to make a history. (Son of missing man, Siraha.)

This series of studies began with an effort to understand, on their own terms, the needs of the families of the Missing in Nepal (Robins, 2011). Empirically, it was clear families' priorities were to know the fate of the missing and for economic support, highlighting that in low income states

the greatest threat to well-being for families, and a dominant stressor, is often the struggle to feed a family in the absence of the traditional breadwinner. For their families, remembering the disappeared is an act of resistance against perpetrators, redeeming the humanity of the Missing: to memorialise is to reckon with invisibility, and this is perhaps what drives families' needs to see the Missing memorialised. Families, particularly those that are political, have a burning desire to see the sacrifice of their loved ones *acknowledged*, even while maintaining that they may still be alive:

As I said earlier the government has to recognize the contribution of these families in bringing change in the country. [...] The dead have to be declared as martyrs and a trust can be established in their names. Money is not everything; it comes today and it will be finished tomorrow; respect is something important. (Brother of missing man, Gorkha.)

Whilst acknowledgement is partly about gaining access to economic support it is also about giving status to the families' opinion that their loved one is valued and played a role in the transformation of the nation that is now agreed to be positive: recognition is of both the Missing and their families. When asked what the mechanism of acknowledgement could be some families mention compensation, as a way of the Government recognising that a wrong has been done: reparation as acknowledgement.

There should be a statue of the missing people, or our other children should have economic support for their future and their studies. The government can give us land in our missing person's name, because a statue can be destroyed, a photo frame or signboard can get old, but land will take care of us like parents. (Mother of missing man, Bardiya)

Almost no families have seen any formal acknowledgement from the Government: 7% said that they felt the Missing had been acknowledged, through payment of interim relief or a judgement of the Supreme Court. However, 42% of relatives of victims of the state said that they had received acknowledgement from the CPN-M: "None has acknowledged our pain and victimhood. It is only the [Maoist] Party that has recognized our pain." (Focus Group participant, Gorkha.) In Bardiya photographs of the Missing received from the district Maoist party are widely displayed. This does not imply that all these families are Maoist supporters (although many are, not least as a result of the disappearance) but that they appreciate the only recognition of what has happened to their family that they have received. Additionally a number of families received payments from the CPN-M, either as compensation or as needed when the family had specific urgent needs. The CPN-M has also published books of "martyrs" that often include the names and photos of the Missing, and given certificates of martyrdom to many families.

Families met during this study mentioned their need for memorials to the Missing, and 68% of those who mentioned memorials sought something that would be local:

We want to build [the memorial] near the High School in the village where there are four to five thousand students studying. Either we can make a small building for the school or a type of *chautara*<sup>8</sup> where people can rest in excessive heat. We could also renovate the *chautara* that is in front of the school and put his photo and name on the signboard. [...] This would give us solace in our heart and soul. People would remember him in the days to come. Future generations will know that this was built in memory of that person. [...] He was disappeared while working with the intention to contribute something to society, therefore, we want to build something in his name that commemorates his social nature. (Brother of missing man, Gorkha.)

There are other opinions on the issue of memorials, and in particular some reluctance to building memorials as long as the fate of the Missing is not known. Others see acknowledgement as being symbolic and value an official declaration of the Missing as martyrs (even whilst maintain ambiguity over their fate, an example of revising attachment - see below) rather than an unofficial memorial. Whilst the local initiatives seek to satisfy local expectations, for the public sanctioning of the status of the victims it is necessary that the Government should publicly commit itself to commemorating the Missing, and other victims of the conflict: "I wish for an authentic and authoritative notice either from the Government or from the Maoists." (Wife of missing policeman, Siraha).

### ***Social impacts of disappearance***

In the traditional and collective societies studied here, there were often extreme social impacts of disappearance, with women subject to stigma and discrimination in both family and community. This arises from varying perceptions about the *identity* of women in a patriarchal society, and their refusal to adopt the role of either wife or widow, from the *ambivalence* in their relationships to family arising from the ambiguity of their status, as well as from the range of meanings imposed on their experience by others, and women's continuing attachment to the Missing. These will be discussed in terms of the ambiguous loss model and the implications for memorialisation of the Missing.

The traditional family is patrilocal, with wives moving to their husband's home on marriage. The joint family that is the building block of Nepali society can offer great support, economically and emotionally but can also become the greatest single stressor if individuals are alienated from it. In such a household there are power relationships, dominated by older men and with younger wives at the bottom of the hierarchy, expected to be subservient to their mother-in-law. Young women are dependent for their status within the family on their husband, or on their children, notably boys. The greatest problems with families are thus seen when husbands of younger women are missing, whose status may be less well established: one third of wives reported that they had problems in the family and one in eight had extreme problems. There is substantial stigma in a woman leaving the family home or remarrying, which is seen as a betrayal both of her in-laws' family and of her husband. In high caste culture that has become

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<sup>8</sup> A *chautara* is a covered resting place, typically on a path or road, where travellers can stop and rest, shielded from rain and sun.

a model for many Nepalis, remarriage after the death of a husband is forbidden. As long as a woman remains ambiguous about her husband's fate she may not consider remarriage a possibility. In many cases where a woman has no children she will leave and remarry, escaping stigma and seeking economic security through another man. As a result, within the family the wife of a son who is missing will often be perceived as in search of an opportunity to leave, typically through elopement with another man. This often leads to the stigmatisation of wives of the disappeared. Thus, a wife may be trapped within a family that resents her presence but does not want her to leave due to the social stigma that would result:

The family also sees the wife whose husband has been disappeared in a different way. In many cases, the family members suspect her in many ways. Even when she is busy searching for her husband she is accused of having gone for something else. [...] There are even some mothers-in-law who suspect that the daughter-in-law has other boyfriends. The mothers-in-law don't allow these daughters-in-law to enter the house. See the case of S.M., she has been denied food and expelled from her house. (Focus group participant, Kathmandu.)

One extreme example of the crisis of identity in the family that such women face was where a father-in-law sought to abuse her sexually and to take her as a second wife.

The issues that lead to wives being stigmatised in the family also lead to problems in the community:

There are not good relations with community members. When I go to ask for something from anybody, others say there may be some illicit relations with me and therefore nobody comes to help me anymore because I am still young. (Wife of disappeared man, Siraha.)

In one community when the research team inquired about the whereabouts of two wives of the disappeared, the gentleman being asked described the two women as 'whores', confirming the extent of stigmatisation in the village. Most Nepali cultures have a great respect for widows; the wives of the disappeared are stigmatised because they are women without men who do not adopt the identity of widows, in terms of removing the very visible symbols of marriage. The ambiguity over a woman's marital status and her persistence in wearing the symbols of marriage permit a perception that the wives of the disappeared are somehow predatory in their search for a new husband, particularly those that have left their husband's family. The vulnerability of being a single woman combined with the perceived reputation of the wives of the disappeared led to extreme problems in some cases, including sexual assault: '... drunks used to come at night and tried to scare, beat and rape me. Many times I had to run away with my crying babies. Many times I went to sleep in other's houses.' (Wife of disappeared man, Bardiya.) More than a quarter of wives said that they had problems in their community. Whilst the resolution to such issues can come from resolving ambiguity and giving women answers about the fate of husbands, in the absence of such a resolution, memorialisation can serve to aid the social construction of identities and other meanings for women. This will be discussed in terms of the ambiguous loss model.

### ***The body as memorial***

The localism of memorial in this context is at its most extreme when considering that the body can itself become a physical memorial to the Missing, inscribed with the trauma of the past and making absence visible. Twenty-seven per cent of family members in Nepal, the vast majority of them women, complained of chronic physical symptoms that they ascribed to the disappearance, most often as a result of the constant tension and anxiety, and understood as somatic.

Whenever I go to check up my health, the doctor tells me that I have been suffering from *chinte rog* [my worries are my disease]. [...] My son has been also suffering from the same disease, the disease created by worry. The doctor said that his worry was the source of his disease. (Wife of missing man, Gorkha.)

Whilst clearly unconscious, this can be seen as demonstration of a continued attachment to the disappeared, and revising attachment as the solution to ill-health which can be aided through memorialisation. Somatism may also be a way for women, whose pain is poorly understood, to manifest the impact of disappearance in a way that renders their suffering socially meaningful. A phenomenon that emphasized this approach in Nepal was where women had acknowledged that their husband was likely dead, but persisted in wearing the symbols of marriage as a protest with two aims: one to establish their right in the community to wear such symbols as long as death was not proved, and another to demonstrate to the authorities that they were still awaiting an answer. This appears to be a way for women to reclaim the symbols that most demonstrate their need for closure from being used against them: a move from despair to protest using symbols of attachment to the disappeared, and creating very specific meanings around disappearance that advance their cause.

### **Memorialisation and ambiguous loss**

Here the impact of memorialisation on the psychosocial well-being of the families of the Missing is discussed in terms of the ambiguous loss model and therapeutic approaches that derive from it (Boss, 2006). This will be discussed in the context of an intervention of the International Committee of the Red Cross (ICRC), where groups of wives and mothers of the Missing in Nepal were invited to create their own commemorations of the Missing, and given modest financial support (US\$150) to do so. No guidance was given, groups could conduct any activity they desired. The most popular choice of remembrance was a physical object that would serve both as a memorial and provide a service to the community. These included *chautara* and hand-pumps; in both cases an integral component was that the names of the Missing be recorded as part of these objects.

We will make a chautara in Duddha as a symbol of the missing families and there will be written the name of all missing family members. (Mother of two missing men, Bardiya)

When asked why such efforts were important, two elements emerged. One was to record the names of the Missing, which appears to be the simple assertion of the importance of recognition that they are missing. Another motivation, unsurprisingly, was to ensure that the



Missing and their families were not forgotten. In this sense the goal of such remembrance is to give the Missing and their families the value that was refuted by the act of disappearance, to ensure that in the future people know who they were and why they are missing. This drives the need to record for the benefit of both family and community, in a public way, the fact of disappearance.

If there will be temple here we will feel like our husbands are here still. Just in the name of the Missing. (Wife of Missing man, Bardiya)

Such efforts emphasise the ambivalence as to who memorialisation serves: families seek to see loved ones honoured and indeed publicly confirmed as missing, rather than dead; but they understand that this has to be done in ways that create this meaning in the broader community and not just among the families themselves. As such memorialisation can address families' psychosocial needs through confirming their *identity* as families of the Missing: memorialisation is an intrinsically social activity. The second role such memorials have is to serve the community, with many women saying simply that a chautara would help the community to rest and a hand-pump help them to drink, very practical concerns:

It's very important to make a chautara: people can remember the missing family, that they have done a great thing. The other things, people can rest and wait for vehicles or they can be protected from the rain and sun. (Wife of Missing man, Bardiya)

By serving the community the social relevance of the memorial is enhanced. This may also be related to the need for the families of the Missing to be seen as an integral part of the community: by contributing through such constructions they can reintegrate themselves and challenge exclusion and stigma.

The other remembrance activity encountered was that of a *puja*, or prayer ceremony that sought to appease the gods and ensure the well-being of the Missing, whether alive or dead. These pujas demand the assembly of families of the Missing together with other community members, and authority figures, typical either a Brahmin priest or the *guruwa*, a traditional healer from the Tharu indigenous ethnic group. In both cases the target of the puja was perceived as the Missing themselves:

We don't know whether they are alive or killed. If we knew about their death then we could have a funeral service according to our Tharu ritual practice. Since he comes in our dreams and makes noise, so if we have a puja then maybe he won't come and ask for food (Wife of Missing man, Bardiya)

This demonstrates how very local meanings are constructed by such ceremonies: the coming in dreams, which is associated with the visit of a spirit, is potentially addressed by such a puja. The spirit world and dreams, like the fantasies of contact with the disappeared reported in other contexts (Boss, 2006), can also very powerfully influence the meaning given to disappearance in Nepal. The families were however also a target, with the goal of removing sadness and to help well-being: the ultimate goal of such a ceremony however is psychosocial, serving the living, as revealed by the fact that the puja brings peace to the 'heart' of the women. Trauma

associated with disappearance is *collectively* experienced, confirming that the experience of pain and suffering is fundamentally social in nature (Good et al. 1994), even more so when it is the result of political violence that targets a community, as in Bardiya: such ritual aids both social and individual construction of meaning and identity. Meaning is constructed relationally, and thus memorialisation must be constituted of social processes that resonate with the everyday lives of victims must be created that can aid this construction of meaning: such memorialisation activity is necessarily *performative*.

These commemoration activities, both the physical memorials and the puja ceremonies, serve also to send social messages, since the community will necessarily engage with them. This was seen in the desire that the memorials serve the community: this ensures that they have a role to play in constructing meanings that increase understanding of the situation of the families of the missing among the community, serving as markers that emphasise the attitude of the families concerning the fate of their loved ones. Pujas demanded community involvement and so, as for the physical memorials, engaged the wider community including important figures who came to the puja organised on behalf of the Missing and said some words of sympathy after the ritual addressing the family, but in the form of a public speech: this serves as recognition within the community. For the elderly, especially mothers, the rituals also made them feel that they had completed their responsibilities as a parent, particularly relevant where a son is considered dead but traditional rituals are not possible due to the absence of a body. The rituals represented memorialisation as a performative activity, creating meanings and indeed identity for families, through a very public act with social implications, affirmed by the presence of ritual authorities such as the priest, traditional healer and local political.

The choices made in terms of memorialisation by wives and mothers of the Missing, and the social and therapeutic roles they play, can be understood in terms of the ambiguous loss model, and these will be elaborated here.

### **Reconstructing identity**

In any context, ambiguous loss provokes anxiety about the roles of those left behind (Carroll et al., 2007), but in traditional cultures, the very strict understandings of an individual's place in the family and community provoke greater challenges. The problems seen are not just psychological and emotional but deeply social in nature and this is seen from the identity challenges the women met in this study faced. Nepali societies for example define women's roles narrowly and in terms of relationships with men, notably as dutiful daughter, faithful wife, or mourning widow, and the wives of the disappeared confound these categories by being without their husbands but continuing to wear the visible signs of marriage. Identity becomes a problem psychologically because it is a relational concept, defined through social interaction. The greatest problems arise when a woman's view of her identity conflicts with that of the family or community, which considers her a widow who must behave and dress as such, but where the wife is unable to admit the death of her husband as long as there is no evidence for it. Because a wife's connection to a family is defined through her husband, ambiguity about a disappeared man creates ambiguity about the wife's relationship to the family. Such a woman will usually continue to live with the joint family, but her connection to it is poorly defined. Since the greatest challenges to addressing identity issues arising from ambiguous loss come from the narrow

understanding of women's roles in the community, social interventions, such as that offered by public memorialisation, are important. They assert, in a social context, that men folk are missing not dead, and in so doing construct identities that better coincide with women's own perceptions and serve to legitimise those identities.

### **Finding meaning**

Families live in close communities, but many neighbours have no understanding of the challenges created by disappearance and were often responsible for stigmatizing victims. The issue of remembrance is an explicit effort to give meaning to the experience of having a missing relative, whilst acknowledging the ambiguity over their fate: "a tribute not a memorial" (Boss, 2008). The construction of commemorations and acts of tribute are a way both of revising attachment and normalizing the ambivalence (see below) that families feel. In a culture where convention made formal death rituals impossible, such memorials are one of the few ways this can be done, both honouring the missing and allowing hope for their return to remain. This is an effort to socially construct a positive meaning to their absence, giving value to the experience of both families and the Missing themselves, in a social way, that is both shared with and – ideally – affirmed by, the broader community through their acknowledgment of and participation in commemorations.

### **Normalising ambivalence**

Because ambiguity exists over both the fate of the Missing and the relationship of women to the family, ambivalence can arise both in attitudes toward the disappeared and in the conflicted feelings of family members toward the wife. Sadness and anxiety are symptoms of the stress of this ambivalence. A solution to the ambiguity (and the subsequent ambivalence) is invariably seen as being an 'answer', something that would bring closure and confirm a woman's identity as wife or widow and one aim of intervention is to seek to challenge the ambivalence, despite remaining ambiguity; to seek a meaning in the situation and find ways to live well despite not knowing (Boss, 2007).

### **Revising attachment**

An important component of coping with ambiguous loss is revising attachment to the Missing and learning to live with the ambiguous loss of a close attachment: one effective means is through memorials, which honour them without necessarily formalising the acceptance of death. Winter (1998) describes normal mourning as leading to recovery, which he sees as simultaneous with forgetting. This is one way of understanding the trauma of disappearance, since normal grief is interrupted and forgetting is hugely challenging, given the need to keep the memory of the disappeared alive. Memorials, and other rituals, offer one way to do this:

Ritual here is a means of forgetting, as much as of commemoration, and war memorials, with their material representation of names and losses, are there to help in the necessary art of forgetting. (Winter, 1998: 115)

Ironically, this may explain why families need to see the name of their loved one memorialised; this is a step towards the forgetting that is a part of normal mourning denied by disappearance.

Revising attachment means learning to live with the ambiguous loss of a close attachment, avoiding an obsessive concern with the Missing and forming new relationships. One articulation of this encountered during this study was the narrative of wanting to forget but being unable to:

How long do we have to think about him? We have to make ourselves happy even if we cry or think much about him, he will not come back again. [...] How long do I have to think about him? I must forget him. (Mother of missing man, Bardiya)

This reveals the need for women to revise the attachment they feel to the Missing, normalize the ambivalence of their relationship to them and learn to find hope in their families and their lives.

## **Transitional justice, the Missing and memorialisation**

This ethnographic exploration of the form commemoration of the Missing can take in a particular context, and the potential impacts of such memorialisation, challenges many of the assumptions that underlie transitional justice process. Whilst families seek the sanction of the authorities in remembering the Missing, they also seek that memorialisation can serve to reshape the social spaces in which they live and in which many of the most extreme impacts of disappearance occur. This leads to the concept of a therapeutic memorialisation, one which serves not the interests of power or a party to the conflict, but enhances the well-being of victims. Rather than an institutional process in an elite space in the capital, in the rural and dispersed societies of Nepal the most valuable memorialisation is a highly local one that can reshape local understandings of the violence to which families and communities have been subject. Rather than seeing through the trope of trauma, in which truth is something provided by an institutional process that reconciles across the divide of the conflict (Robins, 2012a), victims seek to reconcile themselves to what has happened and to their community, creating positive meanings that can provide hope for the future. Memorialisation is a social process that can create meanings and reconstruct identities and, when performed locally, can collectively reconfigure the social space in which survivors live.

Theories of transitional justice are decontextualised and acultural, created in a vacuum where the only social context is an atomised individualism that flows directly from the discourse of rights that drives it. Seeing the impact of conflict and disappearance in the highly collective societies examined here demonstrates that many of the impacts arise from the social dimension of violations, and memorialisation is a social response to them. Driving processes of commemoration from the therapeutic needs of the families of the Missing permits the construction of victim-centred memorialisation that actively addresses the impact, both individual and collective, of disappearance. A memorialisation from below is the only way to ensure that family needs are addressed by an activity which is local and rooted in the social and symbolic worlds of victims. Such approaches challenge memorialisation as a tool of political power and perceive commemoration as giving value to the Missing and their families in a socially recognised way, and helping victims live with the ambiguity of their loss.

Memorialisation can act to boost psychological and emotional resilience and well-being: this is psychosocial intervention as transitional justice. Commemorations and acts of tribute give

a positive meaning to families' experience, affirming the value of the Missing and of the family in the light of the dehumanisation and devaluing impact of violations, and reinforcing the identity of the families as families of the Missing. Memorialisation allows families to revise attachment to the Missing by valuing his memory whilst distancing him from their everyday lives; it normalises the ambivalence that families feel. Learning to live with the ambiguous loss of a close attachment has a significant social element and this is addressed by the public nature of the tributes: local memorials and ceremonies engage village leaders and the community and the desire of families that memorials serve the community emphasises the importance of this integrative, social aspect. These data demonstrate that memorialisation can be at the heart of a therapeutic approach to the ambiguous loss of having a missing relative.

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