Enforced disappearances in Belgium's colonial past:

The reappearance of the disappeared

This article examines enforced disappearance in the context of Belgium's colonial past, focusing on its potential reversal in two distinct scenarios (Collins, 2020). The first concerns mixed-race children who were abducted in Congo, Rwanda, and Burundi in the late 1950s. Some of these individuals have recently accessed their personal archives, enabling them to trace their mothers and families. The second scenario involves the repatriation of human remains from the former Belgian colonies. These remains, taken as "war trophies" or for scientific purposes, include skulls and other body parts. Claims for their repatriation are grounded in the imperative to respect the deceased and uphold the rights of their descendants**.**

At first glance, these scenarios differ significantly. The return of some mixed-race children to the African Great Lakes region has enabled living individuals to reconnect with their relatives. In contrast, the repatriation of human remains cannot achieve such direct reunification. Beyond this fundamental distinction between the living and the dead, the processes triggering these returns are also distinct. In the first case, the return depends on the personal decision of mixed-race individuals to search for surviving family members. In the second, it results from political negotiations in which various actors speak on behalf of the deceased.

Despite these differences, the two scenarios share at least four key commonalities. First, both constitute cases of enforced disappearance: children and human remains were forcibly removed from their communities by state agents, with no disclosure of their fate. Second, both are marked by the irreversibility of the acts committed. Children were separated from their mothers and siblings, who were left without answers. Human remains were transformed into scientific or artistic "objects", stripped of identity and dignity. In both instances, living or deceased bodies were stolen from their communities and denied human respect. Third, both phenomena are directly linked to racial classification. The abduction of mixed-race children and the conversion of human remains into collection items were rooted in the racism underpinning colonial domination and exploitation. Fourth, both issues have recently been reconsidered through the lens of transitional justice (Maddisson, 2014; Mueller-Hirth, 2021; Khakee, 2022).

The goal of this article is not to provide a historical, legal, or anthropological analysis of these two phenomena. Instead, it explores the procedures established to restore dignity to victims of

enforced disappearance (Shklar, 1990; Orentlicher, 2018; Rios, 2021). Admittedly, political and judicial mechanisms cannot reverse irreversible crimes. Orphans grew up in isolation. Mothers lost their children. Congolese, Rwandan, and Burundian victims who endured abuse and lost their lives cannot be reclaimed. However, various procedures aim to deliver "some kind of justice" to victims and their descendants (Lerner, 2022). One of them is the Special Commission established by the Belgian Parliament to examine the country's colonial legacy (XXX; Destrooper, 2022; Palli-Aspero, 2024). The Commission was composed of 19 MPs, representing all elected political parties. Despite its political failure, the Commission triggered extensive debates about the fate of mixed-race children, and the issue of human remains stored or exhibited in Belgian institutions.

This study is based on fieldwork conducted over two and a half years within the Commission (July 2020 – December 2022). I was a member of the two successive panels of experts appointed by Parliament. The first group of ten experts was tasked with drafting the Commission's initial report (689 p.). The second group of three experts was responsible for setting up more than 150 hearings, organizing a visit for the Commission MPs to Burundi, Congo, and Rwanda, and writing the final report (112 p.). This experience showed me how significant the cases of enforced disappearance related to the colonial past still are.

My presence in all hearings, debates, and negotiation processes launched by the Commission enabled me to understand in depth how an institution deals, in practice, with the enduring consequences of enforced disappearance. It also showed me the corporeal dimension of the two phenomena. When a witness looks the members of the Commission in the eyes to explain what it means in practice to be a stolen child; when young Congolese at the University of Kinshasa claim the return of their ancestors; when ten skulls are displayed on a university table, waiting patiently to be brought back; when Burundian and Rwandan historians express their disappointment at a law that allows the return of objects but excludes human remains; at each of these moments, it is bodies that are reacting, expressing emotions and speaking to bodies representing blood ties going back to the origins of the violence. Several exchanges during the hearings and meetings in the Great Lakes region were particularly emotional. Each of them reminded us that transitional justice is based not only on norms and theories but also – and above all – on embodied practices (Brett et al., 2022; Chechi, 2023).

From a methodological perspective, the quotes included in this article originate either from the public hearings conducted by the Parliamentary Commission in Brussels or from the meetings organised during the official visits of Commission members (MPs) to Congo, Rwanda, and Burundi. In both cases, all participants agreed to the systematic transcription of the discussions. Regarding the hearings at the Belgian Parliament, testimonies and debates were all public and recorded on video (live streaming). This ensures that I have not quoted anyone without their permission.

The article is structured in three parts. The first part examines the relevance of the concept of enforced disappearance in the context of Belgian colonialism. The second explores the trajectories and possible return of mixed-race children kidnapped in the Great Lakes region. The third addresses the issue of repatriating human remains held in Belgian institutions. While the empirical analysis of this single case study does not allow universally applicable conclusions to be drawn, it raises critical questions relevant to other postcolonial settings.

I. Enforced disappearance in the Belgian colonial context

Many studies on enforced disappearance focus on authoritarian regimes, examining the origins and consequences of the disappearance of political dissidents (Smaoui, 2023; Kodikara, 2024). This article builds on that body of research but introduces two key specificities. First, it does not examine enforced disappearances in authoritarian or conflict settings, but rather in a colonial context. Second, instead of documenting the history of particular disappearances or analysing their impact on those left behind, it explores the possibility of their reappearance. This practice-oriented perspective raises one simple question: how do the return and repatriation of the disappeared work in reality?

To address this question, it is useful to consider the combination of political and judicial mechanisms established in Belgium to address the colonial legacy. Despite their limitations, these proceedings are particularly emblematic since they relate to both living and dead disappeared. Moreover, they allow us to reflect on the impact of disappearance in the *long term*. Mixed-race children were taken away from their mothers seven decades ago. As for human remains, some of them have been stored or exhibited in Belgian public institutions for more than a century. Enforced disappearance left “a far-reaching emotional scar” on former colonised peoples and their descendants. The current debates in the public space, at the

Parliament or in Court, have confirmed that this scar has not healed despite the passage of generations (Chechi, 2023).

A "more beautiful and greater" Belgium

On 23 December 1909, King Albert I ascended to the throne and paid tribute to his predecessor, Leopold II. He recalled that forty-four years earlier, King Leopold II had vowed to make Belgium "more beautiful and greater". Referring to the "prodigious feat" achieved in the Congo, the new monarch emphasised that Leopold II's memory "will remain engraved in the history of peoples". More than a century later, these words appear strikingly prophetic.

Established in 1885, the État Indépendant du Congo (EIC – Congo Free State) functioned as the personal dominion of King Leopold II. It was not until 1908 – primarily in response to sustained international condemnation of abuses – that the territory was formally annexed as a Belgian colony. By contrast, Ruanda-Urundi was administered by Belgium from 1922 to 1962 without ever being formally incorporated as a colony. Initially placed under Belgian military occupation from 1916 to 1922, it subsequently became a League of Nations mandate. After the Second World War, its status shifted to that of a United Nations trust territory.

Throughout the first half of the 20th century, Belgian authorities consistently glorified the colonial enterprise. Belgium's administration of a territory eighty times its own size was presented both domestically and internationally as a model of enlightened colonialism (Bentrovato and Van Nieuwenhuyse, 2020). No mention was made of the systematic violations of humanitarian norms that had characterised the colonial era (Hunt, 2015; Goddeeris, Lauro, and Vanthemsche, 2024). It took four decades to adopt a more self-critical stance. In 2000, the Belgian Parliament established a commission to investigate the assassination of Patrice Lumumba, the first Prime Minister of the independent Democratic Republic of the Congo (DRC), who was killed on January 17, 1961 (De Witte, 2019; Omasombo Tshonda, 2002). In 2019, former Prime Minister Charles Michel issued an apology for the abduction, segregation, and forced adoption of thousands of mixed-race children across the African Great Lakes region.

One year later, the global resonance of the Black Lives Matter movement reached Belgium. On June 30, 2020, marking the 60th anniversary of the DRC's independence, King Philippe wrote a letter to the Congolese President expressing his "deepest regrets" for the violence and

brutality committed under Belgian colonial rule. He acknowledged the “suffering” and “humiliation” inflicted on the Congolese people and highlighted the enduring legacy of these “wounds of the past” (Amouri and Smis, 2023).

Two cases of enforced disappearance

The Belgian case exemplifies a broader phenomenon common to all former colonial metropoles: the systematic use of enforced disappearance as a strategic tool of domination, control, and terror (Millar, 2023). In the Congo Free State, to give only one example, villagers who failed to meet rubber quotas were taken and never returned. No arrest records were kept, and no legal proceedings took place. In other words, there was no accountability. Within a colonial system structured by racial hierarchy, colonised people were rendered “disappearable” – viewed as expendable and unworthy of recognition or legal protection. This racialised logic underpinned the Belgian Congo’s governance model, which relied on forced labour, hostage-taking, and summary executions (M’Bokolo, 2003; Mathys and Van Beurden, 2021).

In this context, the appropriation of mixed-race children and human remains illustrates the diverse forms that enforced disappearance could take under colonial rule (see figure 1). In the case of the mixed-race children, some disappeared individuals are still alive today and decided to return to the Great Lakes region in search of their families. Conversely, the question of human remains – held in public or private collections – invites reflection on the disappearance of those who are deceased. In these cases, decisions about their return are made by those who speak on behalf of the “absent” (Savoy, 2022; Clifford, 2023; Ruiz-Fabri et al., 2023). While many remains are not identified, those that are can be spiritually connected again to their communities of origin, even decades after death. In both scenarios, the abduction and/or murder of Congolese, Rwandan, and Burundian individuals was carried out by “state agents or groups acting with state authorisation”, followed by a refusal to acknowledge the act or disclose the victim’s fate – thus placing the individual outside the protection of the law (Robins, 2025). This definition of “enforced disappearance” distinguishes it from the broader categories of “missing persons” or “disappeared persons” (UN Committee on Enforced Disappearances, 2023).

As in other cases of enforced disappearance, most victims call for truth, recognition, and justice. The notion of “victim” in this context encompasses three categories: the primary

victims (those directly harmed, such as mixed-race children), secondary victims (family members affected by the harm), and collective or community-level victims (social groups or descendants in the broader sense) (Muffett, 2023). When considering procedures for redress and reparation, primary victims often present the most direct and compelling claims. Nonetheless, descendants and communities impacted by individual or mass atrocities also stress their losses and expect collective reparative measures (Thompson, 2002; Torpey, 2006; de Greiff, 2008).

Across these different categories of victims, one key legal feature underpins the mechanisms designed to address enforced disappearance in colonial contexts: the principle of state continuity. This foundational concept in international law and political theory played a central role in the Belgian parliamentary debates. The crucial question was: to what extent can the Belgian State be held responsible for disappearances committed under the Congo Free State, the Belgian Congo, and Rwanda-Urundi? The principle of continuity holds that a State remains the same legal entity over time, regardless of changes in government, regime, or leadership. This continuity is what allows victims, their descendants, or successor States (in this case, the DRC, Rwanda, and Burundi) to make legitimate reparation claims long after the disappearances occurred.

Some questioned the relevance of this principle in the context of the Congo Free State, which was officially the personal property of King Leopold II. However, upon annexation, the Belgian State assumed its assets, debts, and administrative structures – including moral and legal obligations. While Belgian authorities have expressed moral and political regret for this period, they have consistently denied any legal responsibility that might entail financial compensation. This position sparked fierce debate within Parliament. Although consensus was achievable on symbolic and educational initiatives – such as renaming streets, promoting academic research, and improving archival access – the issue of financial reparations proved divisive. Some members of the ruling coalition viewed formal apologies as a non-negotiable condition, while others staunchly opposed them, fearing they would legitimise future monetary claims. After months of intense negotiations, no compromise was reached. The complete failure of the Commission was unprecedented: since the founding of the Belgian Parliament in 1831, all previous Special Commissions had at least produced some form of agreement – even if only symbolic. This was the first total impasse.

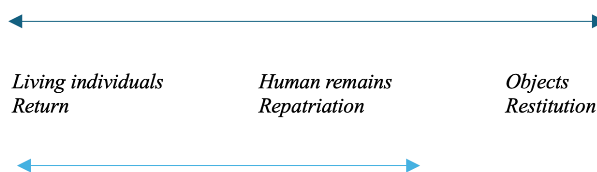

Figure 1: Potential reappearance of the disappeared

II. Where are our children? The return of mixed-race children

Most cases of enforced disappearance involve political opponents labelled as "dissidents" (Crenzel, 2020). Children aged three to six rarely fall into this category. However, the presence of "métis" children – as they are called in French – blurred the rigid divide between "Whites" and "Blacks" that underpinned the entire colonial system. Seen as a threat to the so-called "natural supremacy of the white race", these children were literally sequestrated and forced into invisibility. From the Church's perspective, métis children were also branded as "children of sin", since neither colonial authorities nor ecclesiastical institutions documented their parents' relationships. To address this "problem", the former Metropole institutionalised the abduction of biracial children from their maternal families (Mathys, 2021: 261).

Thousands of children were affected by what the lawyer Michèle Hirsch denounces as "a systematic policy to identify, track and pursue mixed-race children, taking them from the arms of their mothers and forcing them under the guardianship of the State" (quoted by Rankin, 2024). The different elements stressed in this definition correspond almost literally to the legal definition of enforced disappearance. At this stage, the exact number of children remains unknown. This lack of precision is not surprising since births were not automatically officially registered. Moreover, contrary to contemporary European assumptions, it was not possible to identify a mixed-race child solely by skin colour (see Jeurissen, 2003; Ceuppens, 2006; Lambilotte, 1991).

A network of actors participated in this policy of forced removals and segregation, ranging from colonial agents who forcibly removed children from their mothers' arms to the nuns or families who subsequently raised them. Beyond this chain of responsibility, the practice demonstrates that colonialism still has profound, enduring consequences at the micro level

today. These persisting impacts on specific individuals result from a twofold disappearance: the disappearance of a child and, for the stolen child, the disappearance of a mother and an entire family.

"We are eternally wounded"

Hundreds of mothers were told that their children would return after completing their studies. Yet, the vast majority never saw them again. Day after day, they hoped for letters that never arrived (Friedman and Ketola, 2024). One métis witness who testified before the Belgian Parliament captured this unbearable uncertainty when he explained that some mothers, after raising their African children, left their families to live near institutions for mixed-race children, hoping to receive some news. "The only thing they hoped for before they died", he said, "was to see their lost children again" (hearings of 14 February 2022). The aim of this practice was to sever all ties with African communities. No records or dates were kept, ensuring families could never locate the children afterwards. This "tabula rasa" strategy was not only chosen by administrators and religious bodies but also favoured by most fathers, who rarely recognised their children, and unsurprisingly by the fathers' families, who wished to bury this shameful and embarrassing episode.

For the children, this enforced disappearance meant the irrevocable loss of a mother and an entire community (Karekezi, 2023). As witnesses told the Parliamentary Commission, métis children were called "half-bloods" – meaning only half their blood was European – or "mulattos", from the Latin *mulus*, the bastard offspring of a horse and a donkey. Beyond these scornful labels, these "illegitimate" children constantly doubted their mothers' love. Segregation was justified as being in the children's best interests; they were told they were fortunate to be in religious institutions since their mothers could not care for them. This haunting question inflicted daily wounds. One witness shared that he had been living more than 60 years as "a ghost" or, in other words, "without any identity" (hearings of 14 February 2022). This experience resonates with the many mental health struggles faced by métis individuals, from suicidal tendencies to addictions: "We are eternally wounded"; "We were called 'café au lait' children, a phrase that constantly reminded us we were illegitimate" (Kinshasa, meeting at the Belgian Embassy on 4 September 2022).

Many believed their mothers had abandoned them. For some, this belief was brutally invalidated when they received an old box of letters their mothers had sent over decades but

which were never delivered to the children. Discovering these personal archives was deeply ambivalent. On the one hand, it was extraordinary to learn that they had never been forgotten. On the other, this sudden new perspective was cruel because they could never reply to messages sent long ago. After processing this, several métis took the first flight to Kinshasa, Kigali, or Bujumbura. Some arrived just in time; others were too late.

Métis children who stayed in the Great Lakes region experienced similar stigmatisation. Their testimonies to the Special Commission during its visit to Kinshasa echoed those sent to Belgium. One major difference was their fate after independence, since they never received any education. "That's why I speak slowly", one witness confessed. "I'm old now, but I've been trying all my life. Yet, I still hear voices saying I am like waste left on the sidewalk." Like this man, the métis were called "bats". They remained – until now – labelled "bastards from the colonies". All witnesses highlighted their experience as abandoned and unprotected children. Despite the uniqueness of each situation, their memories told the stories of children who were fundamentally vulnerable, often undernourished, mistreated, and abused. Representatives of the métis associations in Congo concluded they had paid the highest price at Independence. They argued they should receive Belgian nationality "because of the Belgian blood that runs in our veins". The message was clear: Belgium was responsible for sending – to the Congo – the men who were their progenitors. It was time to keep its promise and fully assume this responsibility. One powerful demand expressed by an 80-year-old man closed the meeting: "I am your son. Do not abandon me again" (Kinshasa, Belgian Embassy, 4 September 2022).

A combination of political and judicial procedures

These words and the silence that followed crystallised a poignant need for justice and reparations. This urgent demand raises a difficult question for practitioners and scholars working on the long-term consequences of enforced disappearance: can we address irrevocable losses? And if so, how? To address these questions, it is useful to consider the combination of mechanisms used in Belgium. The first was the legislative resolution adopted by the Belgian Parliament on 29 March 2018, acknowledging the segregation suffered by Belgian mixed-race children born during the colonial era. This resolution promoted the opening of archives and initiated several research projects on the issue. It resulted from a series of initiatives across different levels of governance. In 2015, the Flemish Parliament issued an official apology to victims of forced adoptions between 1950 and 1980, including

displaced mixed-race children. It encouraged archival research and provided targeted support for métis living in Flanders. Two years later, the *Communauté française de Belgique* passed a similar resolution to assist French-speaking mixed-race children. That same year, the Catholic Church also apologised for its role in their painful history and agreed to open its archives to facilitate individual case investigations.

In 2019, as previously noted, the then Prime Minister Charles Michel issued a formal apology on behalf of Belgium for the "injustices and suffering" inflicted upon mixed-race children. Speaking before the Belgian Parliament in the presence of many métis, he expressed the government's "compassion" for the African mothers whose children had been taken from them and hoped that "this solemn moment would mark a further step towards recognising this part of our national history". His assumption of historical responsibility was unequivocal: "On behalf of the federal government, I acknowledge the specific segregation to which the métis were subjected under the colonial administration of the Belgian Congo and Ruanda-Urundi until 1962 (...), as well as the associated policy of forced abductions". He concluded that by implementing this system of segregation against métis children and their families in colonial Africa, "the Belgian State acted in a manner contrary to respect for fundamental human rights" (Brussels, 4 April 2019).

This official gesture was widely welcomed. Yet, legislative and political initiatives, however sincere, could not fully address the emotional toll of decades of silence and neglect. This longstanding lack of recognition helps explain why a parallel legal path emerged alongside the Commission. In 2021, five mixed-race women born between 1948 and 1952 in the Belgian Congo – taken from their families as young children – filed a lawsuit against the Belgian State. After remaining "speechless for almost 70 years", as their lawyer Michèle Hirsch put it before the Commission (hearings of 4 July 2022), they sought damages for the harm they had suffered. In December 2021, the Brussels Tribunal rejected their claim on two grounds: first, the case was time-barred; second, at the time of the events, the concept of crimes against humanity did not exist in Belgian law. The court thus invoked the principle of intertemporality, whereby violations must be assessed according to the legal standards in place at the time. This principle, tied to the broader norm of non-retroactivity, is a cornerstone of national, European, and international legal systems. However, the Brussels Court of Appeal took a different view in December 2024. It ruled that the abduction of mixed-race children constituted "an inhuman act" and that their "persecution" constituted "a crime against

humanity” in accordance with the Nuremberg tribunal statute, recognised by the UN General Assembly in 1946. The verdict was unambiguous: this crime had been committed by the Belgian State, with the complicity of the Catholic Church.

This landmark decision represented a turning point in European jurisprudence and was the result of the unwavering determination of individuals seeking justice. Similarly, the opening of archives, the launch of research projects, and the official recognition of métis suffering stemmed from persistent advocacy by métis organisations. While no mechanism can undo the loss of mothers and siblings, these efforts have contributed meaningfully to the long-overdue recognition of a historical injustice endured in silence for far too long. At this stage, the representatives of métis associations expressed five concrete demands during the parliamentary debates: (1) broader access to the colonial archives of the State and the Church; (2) the right to circulate more easily between Belgium and the Great Lakes; (3) psychological assistance to deal with what they describe as an ambiguous loss and a constant feeling of nostalgia; (4) a monument to commemorate their destiny; and (5) a decent place in the Belgian history textbooks (hearings of 14 February 2022).

Besides the official acknowledgment expressed by the Parliament and the Government, the five women who pursued judicial recourse received €50,000 each in damages for the suffering caused by breaking their ties to their mothers, home environments, and loss of identity. The court also ordered the State to pay “more than €1m” in legal costs. Beyond this financial dimension, testimonies from the five women who pursued judicial recourse reveal this stage's significance. “I am relieved”, Monique Bitu Bingi said, “[T]he judges have recognised that this was a crime against humanity” (quoted by Rankin, 2025). As for Noëlle Verbeken, who was placed 500 km away from her mother, she asserted: “This decision says that we have a certain value in the world. We are recognised” (*ibidem*).

III. Where are our ancestors? The repatriation of human remains

The issue of human remains held in public heritage collections raises various legal, political, and ethical questions (de Clippele, 2023). Some view these remains as “objects” of educational, scientific, or even artistic value – citing, for instance, artefacts and musical instruments crafted from human bones. Others regard them as ancestral remains of individuals whose dignity has been violated. Hearings related to human remains in the framework of the Parliamentary Commission in Belgium indicate that the debates cannot be reduced to a binary

tension between “scientists” and “descendants”. Negotiation processes involve a wide range of actors driven by local, national, and transnational dynamics (Edwards, Gosden and Phillips, 2006; Otoiu, 2024).

Beyond these interactions, numerous testimonies and research projects have demonstrated that the so-called “scientific” collection of bodies was not exempt from physical and symbolic violence. Rather, it constituted a rupture in the transmission of memory. These practices not only deterritorialised human remains, but also removed memories, knowledge systems, and funerary objects from their original networks of sociability and meaning. They confirm that wars and reconciliation processes are inherently corporeal processes. The situation of human remains related to colonial violence combines at least four levels of violence. These human remains are at the same time “damaged bodies”, “dead bodies”; “displaced bodies” and “disappeared bodies” (Brett et al., 2022).

Communities affected by this history are therefore confronted with a fragmented and paradoxical memory – often shaped by a double constraint: neither remembering nor forgetting (Lapierre, 1989; Hitchcott et al., 2024). This raises a critical question: how can we envision a reconnection – both individual and collective – between these bodies and their territories? From this perspective, the repatriation and eventual burial of such remains are essential steps toward redressing the historical injustices of colonisation (Rassool and Gibbon, 2024). Testimonies shared by Congolese, Rwandan, Burundian, and Belgian participants throughout the parliamentary process confirmed that these acts are not merely symbolic gestures; they play a vital role in re-establishing the disrupted bonds between communities and their ancestors.

“We don’t want these ghosts”

Far from being a binary issue concerning the “living” and the “dead”, the question of human remains compels us to reflect on the tension between their materiality and the immaterial dimension emphasised by communities of origin – even when some of these communities oppose their repatriation. Their reasoning can be summed up in a single sentence: “We don’t want these ghosts” (Lwanzo, 2023). Such was the response of the Wamba community in eastern DRC when asked about the possible repatriation of seven “Pygmy” skeletons preserved at the University of Geneva. As they explained in February 2023, they could not accept repatriation since no appropriate funeral ritual existed for a second burial.

This debate over repatriation is not a recent issue (Rassool, 2015); it can be traced back to the colonial period itself (Zian, 2021; Jenkins, 2011). However, the Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly in 2007 and which described human remains as a special category of cultural heritage, the publication of the *Sarr-Savoy Report* in France (2018), along with a growing emphasis on ethical codes and international standards – in countries such as the Netherlands, Belgium, and Germany – has reignited tensions around this issue. These developments have mobilised not only institutional, political, and academic actors, but also activists and art world professionals (Hicks, 2020). In Belgium, discussions grew particularly heated following the 2018 reopening of the Royal Museum for Central Africa and the public revelation that human remains were held in several Belgian institutions (Cousin, 2019). The discovery of ten skulls at the *Université libre de Bruxelles*, for example, provoked intense reactions in public discourse (Bouffioux, 2018). Likewise, the planned auction of three human heads at the Vanderkindere auction house was suspended in 2022 – not due to legal restrictions, but in response to public outrage, particularly on social media.

Claims regarding human remains also featured prominently in the work of the Parliamentary Commission. During the hearings and field visits to the Great Lakes region, three names in particular illustrated the complexity and diversity of these cases: Congolese Tabwa Chief Lusinga Lwa Ng'ombe, Patrice Lumumba, and Rwandan King Musinga. Each case underscores a different facet of the enduring legacy of enforced disappearance.

In the case of Chief Lusinga Lwa Ng'ombe, the remains were identified but could not be repatriated due to legal constraints. The Tabwa Chief was murdered and decapitated in 1884 during a brutal raid led by Belgian officer Émile Storms. His skull was taken to Belgium as a trophy and was later located at the Royal Institute of Natural Sciences. The issue was raised in the Belgian Senate in 2016. Two years later, a journalist from *Paris Match* highlighted Lusinga's fate, which led to two competing requests for the repatriation of his skull. The first was made by a descendant; the second, by a representative of the Tabwa community. At this stage, the Congolese State did not make any request (de Clippele, 2023: 203). In 2019, the Brussels Parliament adopted a resolution supporting the repatriation of human remains and the return of cultural objects collected during the colonial period. Chief Lusinga was frequently referenced during the Parliamentary Commission hearings as an emblematic case

of colonial injustice. His name resurfaced consistently in meetings held in Kinshasa between members of the Commission and Congolese officials, historians, and civil society actors.

The case of Patrice Lumumba is totally different, since his body remained unidentified for decades, until a part of it was found and eventually returned after years of political and legal pressure. The return of Patrice Lumumba's tooth in 2022 was a highly symbolic gesture aimed at addressing the historical injustices of Belgian colonialism in Congo. Following his assassination, Lumumba's body was dismembered and dissolved in acid to prevent him from becoming a martyr for the anti-colonial cause (De Witte, 1999). Belgium denied any responsibility for decades. In 2011, precisely 50 years after Lumumba's death, a Belgian parliamentary inquiry (already mentioned) acknowledged the State's "moral responsibility" in Lumumba's death and led to an official apology. The Belgian Minister of Foreign Affairs acknowledged the government's "apathy" and "cold indifference" at the time, adding that "certain members of the then government and some Belgian actors of that era bear an irrefutable share of responsibility for the events that led to the death of Patrice Lumumba" (5 February, 2002). This statement was regarded as one of the clearest official apologies for a colonial-era crime by a high-ranking Belgian official. However, this apology did not extend to legal accountability or prosecution – prompting the family to pursue judicial recourse.

The complaint targeted a dozen Belgian officials, accusing them of complicity in his murder. In 2016, as part of the investigation, the Belgian justice system found a tooth belonging to Patrice Lumumba. It was returned to the DRC in a coffin in June 2022 at an official ceremony in Brussels. The tooth had been seized from the daughter of a Belgian policeman who was involved in the disappearance of the body after the assassination in 1961. Former Prime Minister Alexander De Croo issued a public apology on behalf of the Belgian government, acknowledging its moral responsibility. A state funeral followed in the DRC, with the tooth interred in a mausoleum in Kinshasa on June 30, 2022 – symbolically aligning with Congo's Independence Day. The court case remains pending.

The third case mentioned repeatedly during the visit of the members of the Parliamentary Commission to the Great Lakes is related to the disappearance of Rwandan King Musinga. This case is different again, since the remains of Musinga have yet to be located, leaving families and communities still searching for truth. Deposed in 1931 amid tensions with Belgian authorities and Catholic missionaries, Musinga was exiled to southwest Rwanda and

replaced by his son, Mutara III Rudahigwa. When World War II broke out, the Belgian administration – fearing Musinga's possible reinstatement in case of a German victory – exiled him further to Moba, in the Belgian Congo, where he died in 1944. His remains have never been located. This absence disrupts a central tradition in Rwanda, where sovereigns (*abami*) are customarily buried in the homeland. During the Commission, Rwandan historians and officials repeated that royal burials are sacred, as kings were not only political leaders but also spiritual and cultural figures. The uncertainty surrounding Musinga's burial thus represents a rupture in spiritual continuity and collective memory.

These three cases illustrate the enduring consequences of enforced disappearance during the colonial period. A growing body of ethical codes, declarations, and guidelines concerning the repatriation of human remains testifies to the significance of these consequences. As outlined in the *Ethical Principles for the Management and Restitution of Colonial Collections in Belgium* (2021), human remains "were 'collected' by soldiers, merchants, missionaries, colonial officials, scientists, and later by tourists". The document insists that the "rehumanisation" of these remains must actively involve the communities of origin, descendants, and countries of provenance. In 2023, researchers leading the scientific project HOME (Human Remains Origins Multidisciplinary Evaluation) completed an inventory of human remains preserved in Belgian institutions. They recommended the introduction of "procedures more aligned with transitional justice in the broad sense, aimed at reconciliation and reparation between peoples" (Semal, 2023). Nevertheless, scholars and practitioners in the field continue to underline the contradictions and structural inadequacies in Belgium's response to these forms of enforced disappearance (Wastiau, 2017; Mathys and Van Beurden, 2021).

Lack of adequate structural responses

At this stage, all interactions concerning this issue take the form of more or less opaque negotiations. There is no specific legal framework governing the repatriation of human remains in Belgium. Although a law was adopted on 3 July 2022 addressing the restitution of cultural objects held in federal museums, it explicitly excludes human remains from its scope. In practical terms, this means that the repatriation of human remains held by public institutions cannot proceed. In contrast, the legal status of the sale or acquisition of human remains is ambiguous and, therefore, effectively allowed. Many experts strongly condemn

this practice, arguing that it fundamentally disrespects human dignity (Zian and de Clippele, 2021; de Clippele, 2023).

In the framework of the Parliamentary Commission, several Congolese voices insisted on the role of art. During the hearings, the director of the *Waza* art centre in Lubumbashi (DRC), Patrick Mudekereza, referred to a series of interviews with Congolese stakeholders conducted to identify the local expectations regarding the potential repatriation of human remains. The outcome of this consultation process was a joint artistic project. One example of this project is the theatre performance *The Return of the Ghosts* ("Le retour des fantômes"). Based on the particular case of the seven "Pygmy" skeletons preserved at the University of Geneva, this performance is conceived as a "poetic" ritual of reconciliation (hearings of 26 September 2022). Similarly, the Congolese visual artist Géraldine Tobe uses smoke from petroleum burners to create strong images. Her objective is to erase "the demons of the past". In this regard, her practice is often described as a way to tame the "ghosts" and appease the emotions related to traumatising events (in her own life as well as in Congolese history) (hearings of 15 July 2022).

The analysis of cases presented to the Parliamentary Commission underlines the fact that the reappearance of the disappeared – when it involves human remains – requires a process that can vary depending on circumstances (for example, legal obstacles differ between remains held in public versus private collections). However, this process generally involves several key steps that are common to most cases. These steps closely mirror those that characterised the process for the return of mixed-race children (see Figure 2).

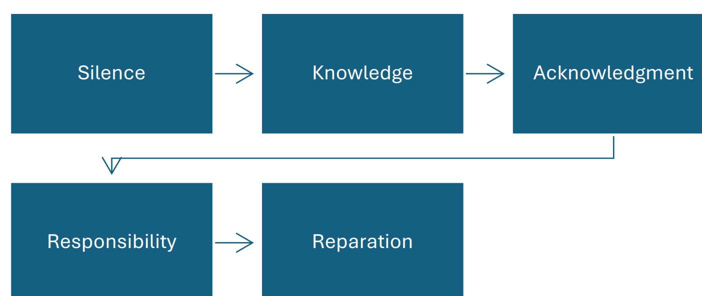

Figure 2: Main stages of the dignification process

In most cases, the initial situation is marked by official silence. The absence of a narrative recounting the enforced disappearance does not imply ignorance on the part of official representatives. When violence is structural, most people are aware of it; remaining silent becomes a way to deny its existence. In the Belgian context, as in many other cases of enforced disappearance, this silence endured for decades. Breaking this silence – often after one or several generations – requires an initial phase focused on historical research. In both scenarios of enforced disappearance examined by the Parliamentary Commission (mixed-race children and human remains), journalists played a pivotal role in triggering the processes of uncovering knowledge (what happened?) and fostering acknowledgment of the enforced disappearance (how should we deal with this past?). This phase opens the door to the possibility of accepting – or refusing – responsibility for past injustices. The final phase concerns the potential for symbolic and material reparation, often involving the return of individuals or the repatriation of remains. Notably, in both cases, legal actions accelerated the entire process.

Conclusion

The combination of these two scenarios helps us better understand the conditions necessary for the reappearance of the disappeared in a post-colonial context (see figure 3). The case of the mixed-race children illustrates that the return of those kidnapped nearly seven decades ago is only possible if the métis have access to relevant archives. Without official documents or accessible records, discovering the identity of their mothers becomes nearly impossible. Regarding human remains, potential repatriation hinges on two key conditions: access to truth and the legal possibility of repatriation. After decades of claims, Patrice Lumumba's tooth was returned to his family – and more broadly, to the Congolese nation – because it was identified and allowed by the Belgian government, which had already issued an official apology and could no longer ignore the situation of Lumumba's relatives. In contrast, repatriation remains inconceivable for Chief Lusinga, due to the absence of legislation permitting the restitution of human remains held in public collections. Similarly, claims related to Rwandan King Musinga cannot progress because his remains have yet to be identified. In the particular case of the ten skulls held at the *Université libre de Bruxelles*, an agreement was signed with the University of Lubumbashi. Still, the skulls have not yet been repatriated.

The study of the procedures related to the return of métis and the repatriation of human remains stresses the embodied dimension of colonial violence. When Belgian officials acknowledge that mixed-race children were kidnapped, they refer to a concrete corporeal practice: children's bodies were literally torn from their mothers' arms. The conditions to be met for children to be sent to religious institutions were themselves body-related: the children had to be weaned, potty-trained, and able to walk independently. Likewise, the destinies of Lumumba, Lusinga, and Musinga, to name only three, imply de facto the killing, decapitation, burning, or displacement of specific bodies – definitively lost for their families. This dimension means that the reappearance of these disappeared is also an embodied process and practice.

	Reappearance	***Impasse***
Living	*Métis if access to archives*	*Métis if no access to archives*
Human Remains	*Patrice Lumumba*	*Chief Lusinga (absence of law)* *King Musinga (absence of truth)*

Figure 3: Scenarios related to the disappeared

While this in-depth case study does not offer universal lessons for theory and practice, it raises fundamental questions that may resonate in other post-colonial contexts. The rise of diplomatic tensions – between France and Algeria, Belgium and Rwanda, or the United Kingdom and Jamaica or Barbados – cannot be reduced to memory issues alone. Yet many former colonies argue that the struggle for emancipation remains unfinished. Their calls for reparations emerge from a direct connection between past crimes – particularly enforced disappearances – and ongoing structural discrimination.

In all cases, the issue of agency should be taken seriously. The two scenarios analysed in this article show the importance of all implicated parties, from grassroots organisations, media, or

scholars to political and religious leaders or judges. The chain of responsibility for the violence perpetrated in the past implies a chain of responsibility for restoring the abused dignity and then moving forward. No commission and no trial will allow a “pure and simple return to the initial state” (Michel, 2021: 342). In this regard, it might be useful to reflect on how to institute new dignification processes that help build a common world, i.e. a world that reintegrates the disappeared, be they living or dead.

In Belgium, the emotionally charged and distributive nature of the debates throughout the Parliamentary process underscored a simple truth: memory breathes. Living memory is never stagnant. In landscapes scarred by violence, memory does not rest. Far from the visible currents, it travels underground, eroding silently until it resurfaces. The phenomenon of resurgent rivers is striking. Suddenly, in an unsuspecting, tranquil place, water re-emerges with unexpected force. The memory of enforced disappearance passes from one generation to the next. It can be postponed but not escaped. Denial may enable us to pretend in order to turn the page. However, the memory of stolen children and unburied bodies resists. The Belgian case reminds us that unread ink becomes leaden. It demands time, attention, and action. Only active and mindful listening can begin to uncover the unheard voices, the silenced cries, and the disregarded murmurs.

References

- Amouri, S. E. and Smis, S. (2023) Inter-State Apologies for Colonial Injustices from an International State Responsibility Perspective: A Commentary on the Belgian Controversy. *American Society of International Law: Insights,* 27 (4): 2.
- Bentrovato, D. and Van Nieuwenhuyse, K. (2020) Confronting “dark” colonial pasts: A historical analysis of practices of representation in Belgian and Congolese schools, 1945–2015. *Paedagogica Historica*, 56(3): 293–320.
- Bouffioux, M. (2018). Lusinga… Et 300 autres crânes d’Africains conservés à Bruxelles (partie 2) : Le « pauvre diable » de l’ULB. *Paris Match.be*, 24 May.
- Byanafashe, D. and P. Rutayisire, ed. 2011. Histoire du Rwanda des origines à la fin du XX^è^ siècle. Kigali: UNR – CNUR.
- Ceuppens, B. (2006) De moeder van alle problemen: Koloniale Eurafrikanen, ‘ras’, burgerschap en gender. *Vlaams Marxistische Tijdschrift,* 40(1): 17-30.
- Chechi A. (2023). Repairing Historic Injustice: The Return of Indigenous Peoples’ Ancestral Human Remains Through Transitional Justice. *International Journal of Cultural Property*, 30(4): 419-438.
- Clifford, J. (2013). *Returns: Becoming Indigenous in the Twenty-First Century*. Cambridge, MA: Harvard University Press.

- Cole, E. A, Rosoux, V. and Van Metre, L. (2022) Deepening Understandings of Success and Failure in Post-conflict Reconciliation. Peacebuilding, 10(4): 357-367.
- Collins, C. (2020) The reemergence of the disappeared, the role of remains and the forensic gaze. *Memory Studies*, 13(3): 322-336.
- Committee on Enforced Disappearances (2023) Report of the Committee on Enforced Disappearances on its visit to Iraq under article 33 of the Convention, CED/C/IRQ/VR/1.
- Cousin S., Doquet, A. and Galitzine-Loumpet, A. (2019) Le retour de la restitution. Mobilisations, imaginaires, (ré)appropriations. *Revue Cahiers d'Études africaines*, 251-252.
- Crenzel, E. (2020). The ghostly presence of the disappeared in Argentina. *Memory Studies*, 13(3): 253-266.
- de Clippele, M.-S. (2023) *Restes humains et patrimoine culturel: de quels droits ?* Limal: Anthémis.
- de Greiff, P. (Ed.). (2008). *The Handbook of Reparations*. Oxford: Oxford University Press.
- Destrooper, T. (2022) Belgium's "Truth Commission" on its overseas colonial legacy: An expressivist analysis of transitional justice in consolidated democracies. *Journal of Human Rights*, 22(2): 158–173.
- De Witte, L. (1999) *De Moord op Lumumba.* Leuven, Van Halewijck.
- De Witte, L. (2019) *Moord in Burundi. België en de liquidatie van premier Louis Rwagasore*, Berchem: Epo.
- Edwards, E., Gosden, C. and Phillips, R. B. (Eds.). (2006). Sensible Objects. Colonialism, Museums and Material Culture. Oxford: Berg.
- *Ethical Principles for the Management and Restitution of Colonial Collections in Belgium*. 2021 https://restitutionbelgium.be/en/report
- Friedman R and Ketola H. (2024) Violations of the heart: Parental harm in war and oppression. *Review of International Studies*. 50(2): 393-412.
- Gahama, J. (1983). Le Burundi sous l'administration belge. La période du Mandat, 1919-1939. Paris: Karthala
- Ghequiere, K. and et Kanobana, S. (2010) *De bastaards van onze kolonie : Verzwegen verhalen van Belgische metissen*. Roeselare: Roularta.
- Goddeeris, I., Lauro, A., and Vanthemsche, G. (Eds.). (2021) *Colonial Congo: A History in Questions*. Turnhout: Brepols.
- Guidance Note of the Secretary General: United approach to Transitional Justice. (2010). https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/TJ_Guidance_Note_March_2010FINAL.pdf
- Heynssens, S. (2017) *De kinderen van Save: Een geschiedenis tussen Afrika en België*, Antwerpen: Uitgeverij Polis.
- Hicks, D. (2020) *The Brutish Museums: the Benin Bronzes, colonial violence and cultural restitution*. Pluto Press: Oxford.
- Hitchcott, N., Karekezi, A. U. U., and McInally, J. D. (2024) Telling stories that cannot be told: remembering mothers and daughters in métis narratives from Rwanda. *African Identities*: 1–17.
- Hunt, N. R. (2015) *A Nervous State: Violence, Remedies, and Reverie in Colonial Congo*. Durham: Duke University Press.

- Jenkins T. (2011) *Contesting Human Remains in Museum Collections. The Crisis of Cultural Authority*. New York: Routledge.
- Jeurissen, L. (2003) *Quand le métis s'appelait 'mulâtre': société, droit et pouvoir coloniaux face à la descendance des couples eurafricains dans l'ancien Congo belge.* Louvain-la-Neuve: Bruylant-Academia.
- Khakee, Anna. (2022) European colonial pasts and the EU's Democracy-promoting Present: Silences and Continuities. *The International Spectator*, 57(3), 103-120.
- Kamanayo Kazungu, G. (2020) *Tussen twee werelden. Een leven in Europa en Afrika*. Antwerpen: Uitgeverij Polis.
- Karekezi, A. U. U., and Hitchcott, N. (2023). Re-centring the Mothers of Rwanda's Abducted "Métis" Children. *Journal of African Cultural Studies*, 35(4), 467–482.
- Kodikara, C. (2024) Disappearances, dissident memory and magic: Sandya Ekneligoda's struggle for justice. *Memory Studies*, 17(3), 531-546.
- Lambilotte M. (1991) *Koloniale politiek en het rassenvraagstuk in Belgisch-Kongo: het Mulatten-'probleem'*. Licence in Political Sciences, Vrije Universiteit Brussel.
- Lerner, A. B. (2022) *Collective Trauma and the Making of International Politics*. Oxford: Oxford University Press.
- Lapierre N. (1989) *Le silence de la mémoire. À la recherche des Juifs de Plock*. Paris: Plon.
- Lwanzo G. (2023) "Nous ne voulons pas de ces fantômes". Quand la restitution des restes humains fait débat. *AfriqueXXI*: https://afriquexxi.info/Nous-ne-voulons-pas-de-ces-fantomes-Quand-la-restitution-des-restes-humains.
- Maddison, S., and Shepherd, L. J. (2014) Peacebuilding and the postcolonial politics of transitional justice. *Peacebuilding*, 2(3), 253–269.
- Mathys, G. and Van Beurden, S. (2021). Vierde uitgangspunt: het kolonialisme als geweld / kolonialisme en geweld, in Initial report of the Experts, Parliamentary Commission on Belgian colonial past and its consequences, *Doc. Parl.,* Ch., 2021-2022, n° 55-1462/002, pp. 26-28.
- Mathys, G. (2021) Metis: op het kruispunt tussen 'ras', seksualiteit en gender. *Ibidem,* pp. 254-256.
- M'Bokolo, E (2003) Afrique centrale: Le temps des massacres, in M. Ferro. *Le livre noir du colonialisme. XVIè – XXè siècle: de extermination à la repentance.* Paris: Robert Lafont, pp. 433-451.
- Michel, J. (2021) *Le reparable et l'Irréparable. L'humain au temps du vulnerable.* Paris: Hermann.
- Millar, S. M. (2023) Enforced Disappearances, Colonial Legacies and Political Affect in Kakuma Refugee Camp, Kenya. In L. Huttunen and G. Perl. *An anthropology of disappearance. Politis, intimacies and alternative ways of knowing.* New York: Berghahn Books, pp. 142-161.
- Moffett, L. (2023) *Reparations and War: Finding Balance in Repairing the Past*. Oxford: Oxford University Press.
- Mueller-Hirth, Natascha. (2021) Reparations and the politics of waiting in Kenya. *Journal of Eastern African Studies,* 15(3), 464-484.

- Ndaywel, I. (2008). Nouvelle Histoire du Congo. Des origines à la République Démocratique. Kinshasa: Le Cri Édition-Afrique Éditions.
- Orentlicher, D. (2018) *Some Kind of Justice: The ICTY's Impact in Bosnia and Serbia*. Oxford: OUP.
- Otoiu, D. (2024) Quand les « spécimens » d'anthropologie physique redeviennent ancêtres Les matériaux ethnographiques portant sur les populations autochtones de l'Afrique australe à l'ère de la science ouverte. *Ethnologie française*, 54(2): 33-46.
- Palli-Aspero, C. (2024) Beyond the endpoint: the report of the Belgian commission on colonial injustice and the wider tapestry of truth initiatives. *Rethinking History*, 1–29.
- Rankin, J. (2024) 'I cried, I cried. I had no one': the brutal child kidnappings that shamed Belgian Congo. *The Guardian*, 1 December.
- Rankin, J. (2025) Court ruling on Belgium's conduct in colonial Africa hailed as turning point. *The Guardian*, 12 January.
- Rassool, C. (2015) Re-storing the Skeletons of Empire: Return, Reburial and Rehumanisation in Southern Africa. *Journal of Southern African Studies*, 41(3): 653-670.
- Rassool, C. and Gibbon, V. E. (2024) Restitution versus repatriation: Terminology and concepts matter, *American Journal of Biological Anthropology*, 184(1): e24889.
- Rios, S. (2021) Dignification of Victims through Exhumations in Colombia, *Human Rights Review,* **22**(4): 483–499.
- Robin, S. (2025) Disappearance: New perspectives. *Journal of Disappeared Studies*, 1.
- Ruis-Fabri, H., Rosoux, V. and Donati, A. (eds.) (2023) *Representing the Absent.* Baden-Baden: Nomos.
- Sarr F. and Savoy, B. (2018). *Restituer le patrimoine africain*. Paris: Seuil.
- Savoy, B. (2022). Africa's Struggle for its Art: History of a Postcolonial Defeat. Princeton, NJ: Princeton University Press.
- Semal, P. *et al.* (2023). *HOME final report. Brussels*. Brussels: Belgian Science Policy Office, www.belspo.be/belspo/brain2-be/projects/FinalReports/HOME_FinRep.pdf
- Shklar, J. (1990) *The Faces of Injustice*. Yale: Yale University Press.
- Smaoui, S. (2023) The construction of family memory through activist engagement: The case of relatives of the disappeared in Spain. *Memory Studies*, 17(4): 813-832.
- Thompson, J. (2002). *Taking Responsibility for the Past: \Reparation and Historical Injustice*. Cambridge: Polity.
- Torpey, J. (2006). *Making Whole What Has Been Smashed: On Reparations Politics*. Cambridge, MA: Harvard University Press.
- Wastiau B. (2017). The Legacy of Collecting: Colonial Collecting in the Belgian Congo and the Duty of Unveiling Provenance, in J. Gardner and P. Hamilton (eds), *The Oxford Handbook of Public History*. Oxford: Oxford University Press, pp. 460-478.
- Zian J. (2021) The Belgian debate on restitution since 2018. A perspective on the political acts shaping. *Tijdschrift over Cultuur & Criminaliteit*, 11(2): 41-56.

- Zian, J and Van Beurden, S. (2021) *Rapport sur l'avenir des collections extra-européennes conserves en Fédération Wallonie-Bruxelles*. Brussels: Academie Royale de Belgique.