

**Commission on Security & Cooperation in Europe:
U.S. Helsinki Commission**

Helsinki on the Hill Podcast

**“Lost and Found: How the International Commission on Missing Persons
Helps Find Closure and Pursue Justice”**

Guest:

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TIERSKY: Hello. And welcome back to Helsinki on the Hill, a series of conversations hosted by the United States Helsinki Commission on human rights and comprehensive security in Europe and beyond. I'm your host, Alex Tiersky.

Listeners, July 11th in this year of 2020 marks the 25th anniversary of the Srebrenica genocide. On this solemn occasion we remember the massacre of over 8,000 Bosnian Muslim men and boys from the town of Srebrenica in eastern Bosnia and Herzegovina in 1995. The victims were rounded up, gunned down, and buried in mass graves by Bosnian Serb forces in what was the worst mass killing in Europe since World War II.

The Srebrenica genocide was perpetrated during a conflict which had already seen plenty of tragedy, including the senseless shelling of Sarajevo, the beautiful multiethnic capital that hosted the Winter Olympics only a decade earlier. The war also saw an orchestrated campaign of ethnic cleansing of towns and villages throughout much of the country, which included the creation of Serb-run camps where captives, for no other reason than their ethnicity, were tortured and killed.

The horror of Srebrenica and the international community's inadequate response to the massacre and to the conflict as a whole marked a clear inflection point in European history. Of course, the Berlin Wall had fallen, but Europe was anything but whole, free, and at peace. Two things became clear. First, U.S. leadership and engagement would remain crucial. And second, the conflict revealed the need for a whole new set of institutional responses. We saw, for example, NATO's transition into out-of-area peacekeeping. And for the first time since the Nuremberg and Tokyo trials following World War II an international tribunal was created to prosecute those responsible for war crimes, crimes against humanity, and genocide.

This period also saw the genesis of the International Commission on Missing Persons, the organization whose work is the focus of today's episode of Helsinki on the Hill. Listeners, the brutality of the genocide of Srebrenica was compounded by the deliberate effort by those responsible to hide their crimes. The use of mass graves and the subsequent movement of remains of the murdered using heavy machinery meant that the identification of the victims seemed nearly impossible at the time. How would the families of the victims, left without definitive knowledge of what happened to their loved ones, find closure, let alone pursue justice, truth, reparations, and perhaps even reconciliation?

Listeners, to explore these questions are so fortunate to have with us today Kathryne Bomberger, who is the director-general of the International Commission on Missing Persons. Kathryne, thank you so much for calling in from the Hague to join us today.

BOMBERGER: Thank you very much for having me.

TIERSKY: Kathryne, you've been fighting the good fight, as it were, as a public servant working on human rights and conflict prevention for some twenty years. Since 1998, you've led the development of the International Commission on Missing Persons, which has done incredible work in the service of families of the missing and, more broadly, the cause of reconciliation and peace. If I'm not mistaken, though, in the early '90s, before you took on that role, you were a

human rights officer based in Bosnia, is that right? Can you tell us a little bit about your service there?

BOMBERGER: That's correct. In 1996 I was working for the Organization for Security and Cooperation in Europe in Bosnia-Herzegovina in the town of Foca where, I have to say, I learned by fire the consequences of conflict, the consequences of nationalism and hatred, and how that manifests itself in the region of the former Yugoslavia, and potentially elsewhere. So I learned a lot about the conflict and the aftermath of conflict.

TIERSKY: Sure. Tell me how that experience kind of shaped your understanding of the events at Srebrenica in particular.

BOMBERGER: Well, the town of Foca, very much like the town of Srebrenica – Foca is south of Srebrenica in what is called the Republika Srpska, which is an entity of Bosnia-Herzegovina. And like the regions north of Foca, the entire Bosnian Muslim population that had been living there prior to the conflict had been wiped out. All the mosques were destroyed that were there. And there were also, and this was my first encounter with the issue, missing persons as a consequence of what happened in Foca during the conflict. In fact, there was also a big prison in Foca where a large number of the prisoners also disappeared. And we ended up finding them later when I became part of ICMP.

TIERSKY: Sure. Well, actually that allows us to transition into talking a bit about where ICMP, the International Commission on Missing Persons, came from. In the introduction that I made to this episode I alluded to the kind of wake-up call that came from the international community's inadequate response to this conflict, and Srebrenica in particular, and its generation for a demand for new institutions. Let me pitch it to you this way: Who woke up after Srebrenica and the conflict, and what did they do about it?

BOMBERGER: Well, you know, there was a long history as the conflict was raging to deal with the aftermath of the conflict. And a lot of thinking went into what would happen or how we could deal with the large numbers of missing persons in the entire region. After the conflict ended, we understood that about 160,000 people had died. Meaning Bosnia-Herzegovina, what became Croatia, what became Serbia later on, et cetera. And of that number, 40,000 people were missing. And it was understood even at that time, after the war ended, because as Madeleine Albright had photographs – satellite photographs to show the images of mass gravesites, that there were mass gravesites. And many of them were related to this area around Srebrenica.

So it was understood that in the aftermath of conflict we were going to be dealing with a very complicated situation. So in 1996 in Lyon, during a summit that took place there – a G-7 summit that took place – the creation of ICMP was announced. We were created through a press release that came from the White House at that point. That's what we had to hold onto for years as the founding document of ICMP, a crumpled-up press release. But a lot of thinking went into this. Cyrus Vance was the first chair of ICMP's commission, and others who had experienced World War II understood that having large numbers of missing persons, and persons now who were missing as a consequence of actions by the state or others acting on behalf of the state,

would pose a threat or an impediment to rebuilding society and to reinstating rule of law, and to peace and stability.

They thought hard about how to address this issue. Creating a standalone commission to address this issue, just for the conflicts of the former Yugoslavia. So originally we were [created] to deal with the temporal and geographic limitations of the 1991-1995 conflict in the areas of Croatia, Bosnia-Herzegovina, and what became Serbia, and Montenegro, et cetera. So we had geographical limitations to the areas that we were working with. But also initially, just 1991-1995.

But what was interesting in the press release is – and this is in line with the thinking that was taking place in the 1990s – is the press release drew attention to the responsibility of governments. Our mandate is to ensure the responsibility of governments and others to locate missing persons from armed conflict. And now today – not only human rights abuses and armed conflict – but that mandate has been extended as ICMP became a treaty-based organization, to include all cases of persons who go missing for involuntary reasons.

That set a precedent. It's the first time in history you have a standalone commission created and dedicated exclusively to ensuring that states take on their responsibilities to find missing persons.

TIERSKY: Kathyne, let's come back to first principles. And if you could help educate me and our listeners, it strikes me – the question of the purpose of identifying missing persons. I wonder whether the ICMP has swum against a kind of attitude that might suggest we should let the sins of the past remain buried, and maybe that's the best way to move forward. Tell us about how the genesis of the ICMP addressed that question in particular.

BOMBERGER: Right. That's a very good point, because that was in fact the debate that took place at the G-7 summit. Before the G-7 summit and even afterwards the question was: Would excavating these mass gravesites, would revealing the crimes that had been committed by the states and others in the region, perpetuate hatred? Would it perpetuate this feeling of loss by the families of the missing, and perpetuate conflict? Or create conflict in the future? So that was a big matter for debate.

And in fact, opening the mass graves for the first time, which was under the mandate of ICTY, the International Criminal Tribunal for the Former Yugoslavia, was also under debate and having local authorities engaged in this process, for the reasons that you mentioned. So there were many people who were actually against this at the time. But, I mean, I would argue that in fact not doing this perpetuates, instability – political instability that can lead to conflict.

Because as we see by the national actors and officials in the government that came forward after the conflict, many of them, were part of political parties that existed before the conflict, that continued after the conflict. Nationalism and misuse of the missing persons issue for nationalistic ends continued. And they kept the issue alive by providing false narratives about what happened during the conflict. So engaging the state in a process where the state takes responsibility in a credible and transparent manner, and provides reliable and accurate

information to citizens, and holds perpetrators to account, is a very important approach. And it's actually a crucial investment in peace and ending, violence, and cycles of violence.

TIERSKY: I wonder whether you could use the case of Srebrenica to illustrate how this work on missing persons and governmental responsibility for that work has, in a sense, helped to – if not find closure, to bring maybe folks who are on different sides of a conflict together.

BOMBERGER: There are 40,000 people missing in the region, meaning all the countries that were a part of this conflict. And then within Bosnia-Herzegovina, 30,000 people went missing, and this is really well-documented. Within the 30,000, you have a genocide. And this is what is unusual in any conflict area. So this is a particular set of circumstances, having 8,000 men and boys executed in three days, and then hiding their bodies.

After satellite imagery was shown, it was understood that we knew where they were, the perpetrators went back to the original crime scenes, excavated these crime scenes, or removed the bodies using heavy bulldozers, heavy machinery, et cetera. And removed them to multiple secondary sites, to cover up the initial crime. So this constituted a massive body of evidence that was critical to holding perpetrators to account, and critical to the case that was being made by ICTY about atrocities that had been committed by the state or authorities acting on behalf of the state.

So this becomes a particular set of circumstances within Bosnia-Herzegovina. And it's perpetrated against one particular group. And it's been constituted as a genocide by two international courts, the ICTY and the International Court of Justice.

But for ICMP what became important was how we could work with the state, but also with international criminal tribunals. [The focus of ICTY] initially was heavily on Srebrenica. And because they were conducting criminal investigations into Srebrenica it wasn't necessary to identify all of the victims. There are limitations to what an international court can do. The state has to take on responsibility for finding everyone. We're learning, where these lines are.

So even though ICTY's mandate may have ended at looking at some cases in terms of identification, the state had to take on the rest of that responsibility. But nobody could do this on a technical level. And this became quite clear early on that the perpetrators had removed the bodies using heavy machinery, as I said, and moved them to multiple secondary locations made it impossible to use any traditional identifiers. Meaning, clothing, you know, couldn't be used. I mean, families couldn't take a piece of clothing and visually identify the person.

There were no bodies left to identify. The skeletal remains, the bodies had been – sorry – completely disarticulated. So using photographs were impossible. Also many of the people from Srebrenica were refugees. They were swapping clothing. So identifying a piece of clothing was impossible. Using anthropological means were impossible.

So we decided to use a new technology that was just coming on the international scene, using forensic genetics to identify the missing person. And this had never happened before. I mean, using DNA was new in court cases in domestic courts. But now we're applying it to large

numbers of missing persons cases, and especially Srebrenica which, according to many anthropologists I've worked with, is the biggest forensic puzzle they'd ever encountered. It had never been done before.

So we took a risk by applying this new technology. And we applied it because of Srebrenica. But we ended up applying this same technology across the former Yugoslavia.

TIERSKY: I'd like to ask you where the resources came from for such a complex challenge and such a unique technological innovation.

BOMBERGER: That's another big question, because we were really a small organization when I started. When I joined in 1998 we were three people. We were also working initially with Physicians for Human Rights. And the United States government, had founded ICMP, and Cyrus Vance was the first chair, Bob Dole was the second chair. And the U.S. government, through the Department for Human Rights and Labor, had very generously given ICMP startup funding..

This press release, the mandate has stood the test of time in terms of ensuring that governments take responsibility. And armed with this press release and a very nice donation from the State Department through the Department of Human Rights and Labor, we had, I would way, a significant amount of freedom to be able to try new things. And that was really critical. And I can say there were a lot of people that didn't agree with us. (Laughs.)

First on the approach, which was novel. ICRC has been working in this area for a long time in accordance with the Geneva Conventions, trying to bring warring parties together to share information on missing persons cases. But there are limitations to that, because once the conflict ends the state has to take responsibility, and peacetime institutions have to be created. That's number one. And number two, using DNA was hugely controversial when we started. Everyone kept saying: You're going to give the families false hope. It's never going to work. I mean, why are you even doing this, et cetera.

So really battling, you know, a number of battles at the same time, as you do when you're trying to do something new. Because we were taking an enormous risk. But we fought – but the risk holders were really not us, but the families of the missing and the governments that we were working with. So we went to them and said: Look, the situation is dire. The bodies are completely disarticulated. This was also difficult because the families thought they were alive. They were being told, especially Srebrenica women, that their loved ones, their husbands, were in places of detention in Serbia, which was not true. And we knew they were dead. So we had to battle this notion that they were still alive.

But eventually through building confidence with the families of the missing, sitting with them, educating them, working with the states, and explaining, exactly what we were up against, they finally agreed that they wanted to try this new technology to see if it would work, because in order for that technology to work the families of the missing are central. They're key to this process. They have to give a part of themselves. They had to give a blood reference sample that we would eventually match to bone samples from skeletal remains found in mass gravesites.

We went from a situation where they were afraid to this spreading like wildfire. I think giving this blood sample became a very powerful symbol of this mother giving of herself to find her missing son.

TIERSKY: And trust in your methodology, clearly. Clearly trust in your methodology and in your ability to find their loved ones, or to at least rule out the possibility of their being in a particular place.

BOMBERGER: Exactly. We're building trust with them on many, many levels. It wasn't just working with DNA technology. I mean, we were also trying to help them. Many of these women came from rural areas. They were being kicked out of government offices because they were just rural women. I mean, these are patriarchal societies. So building their capacity to advocate, to become influencers for what they wanted, was critical. Now you wouldn't go up against one of them. They're quite powerful! (Laughter.)

TIERSKY: Kathyne, you mentioned repeatedly the need for governments to take responsibility in this process. And I wonder, as you were developing and nurturing these communities of families to advocate for their rights, to what extent did that play into the dynamic of your collaboration with local governments and their investment into this process as well?

BOMBERGER: So effectively we became, like, a bridge, because many of these families – and one thing that should be noted, because when we talk about Srebrenica in particular it's mainly men and boys. So when we're talking about survivors and we're talking about securing rights to justice, truth, and reparations, we're talking about women who are those left behind, and children. So building trust with them is important, but also the way they were treated. I mean, they were basically sidelined, screaming and yelling. They weren't actively participating in the process.

So we provided an avenue through, one, DNA, because they could provide reference samples and, two, through active participation by creating this bridge where they could meet with their governments to hold them to account as citizens. And that's what you want to see in a democracy, that citizens are educated enough, and powerful enough, and confident enough that they can also, when they have grievances, take their grievances to the state institutions that are responsible and advocate for what they want.

On the other end, we were working with governments, municipalities, cantons in Bosnia-Herzegovina, who were also overwhelmed. When it came to Srebrenica also, you have to remember when ICTY was conducting its excavations in eastern Bosnia, in Srebrenica, when they removed the bodies from those locations they were taking them to the nearest area in the Federation of Bosnia-Herzegovina, which happened to be Tuzla.

Eventually they had to take the bodies and put them into salt mines. Tuzla's known for its salt mines. So when I arrived in 1998, what I saw was a complete horror.

TIERSKY: Kathyne, ultimately I think your approach and the ICMP's ability to build trust with families, this all resulted in some pretty impressive results in the western Balkans, that I think the ICMP can be very proud of. Could you tell us ultimately what you were able to do in the context of the western Balkan conflicts?

BOMBERGER: To go back in time and think about where we were in 1998 to where we are today is incredible, especially for everyone who said it couldn't be done. To have gone from this completely very difficult forensic puzzle with regard to Srebrenica to now be in a situation where we have helped the state of Bosnia-Herzegovina identify almost 90 percent of the victims. So it's almost 7,000 cases of identifications. And those individuals are now buried in Potocari Cemetery, where the battery factory is where they were held before they were executed, because that's what the families wanted, is just amazing.

But again, it's not just ICMP. We worked in concert together with families of the missing, with state authorities, and with ICTY and, of course, governments like the United States and others that were really supporting us not only financially but politically. So there were a lot of heroes in this process. But also, the time was right, I think. The 1990s was the right time to have a very different approach to a very old issue.

TIERSKY: I'd like to ask you about two other outcomes, if I could, of the ICMP's work in particular in the western Balkans. One is, could you tell us a little bit more about feeding into legal proceedings? And secondly, I wonder whether the ICMP has played a role in dealing with denials that the genocide at Srebrenica took place, or other crimes against humanity took place, or minimizing the scale of some of those atrocities?

BOMBERGER: I'll start with the trials. This has been a fascinating process I think for all of us. When we started the work, we were very focused on helping states locate and identify missing persons. And the DNA technology just took off. It worked beyond our wildest dreams. And we had our first identification of a 15-year-old boy from Srebrenica in November 2001. And that really spurred on belief in this process, which was great. By 2006, we had collected enough evidence using DNA to identify a large number of people, but also other things began to happen – or, other information came out of this DNA process because with every Srebrenica case, it took seven DNA match reports [to re-associate one body].

So for example, you had typically one man found in 14 different locations, sometimes fifty kilometers apart from each other. The way we were able to tell this was through DNA. So we could basically link the bone sample, meaning the skeletal sample that had been taken from a mass gravesite, back to the scene of the crime in 14 different locations. So we were not only uncovering the initial crime of the genocide, but the secondary crime of trying to hide the bodies and the body of evidence. This became very powerful evidence of the crimes that had taken place.

Eventually Carla Del Ponte, who at that time was a prosecutor at the ICTY in 2006, wanted this evidence and actually wanted all of this DNA material. So we had to go back to the families of the missing, request their written permission to provide their data to the trial chamber.

So we moved from this historical position of humanitarian attention to this issue, providing identification, and closure, and burial, to understanding that the families wanted justice desperately. And so with their permission, provided their genetic data and other data to ICTY, but also to Karadzic himself. We had to negotiate directly with Karadzic because he was mounting his own defense.

We went back to the families of the missing and said: Would you give your [genetic] reference samples to the perpetrator – I mean, the alleged perpetrator at that point – to close these cases, to provide this to the trial chamber? And we agreed with Karadzic on 300 cases that he selected. So we went back to 1,500 families of the missing, because we have three reference samples for each missing persons case, and in almost 100 percent of these cases the families agreed to provide their own private genetic data to the perpetrator for justice purposes.

So I think that's the strongest statement I've ever heard about the need for justice. And that has stayed with us, which is why we emphasize now a rule of law approach. It is a modern approach to missing persons cases. And state responsibility is critical to this.

TIERSKY: Kathyne, for those of our listeners who may not be initiated into the history of the conflict in the former Yugoslavia, you've mentioned Karadzic a number of times. If you could just give us a sentence about who he was and what he was accused of.

BOMBERGER: He, along with others, basically masterminded what happened in Srebrenica. So he was one of the perpetrators, along with Mladic. And now he's serving a sentence for genocide.

TIERSKY: So let's move to the question of those who would deny that these atrocities occurred, or that the genocide occurred, or the scale of those. Does the ICMP have a role in those – in those conversations?

BOMBERGER: Oh, yes. Constantly. I mean, and that became part of the everyday job of ICMP, to the point where after a while we just let the numbers speak for themselves, because there was nothing else to say. We started working on cases relevant to the Southeast Asian tsunami in 2004. And there were people that were claiming that we were burying bodies from Thailand in Srebrenica, which is mad. There were narratives that bodies of people buried in cemeteries were being removed to bury them to augment the numbers of burials in Potocari, which is also crazy.

Of course, you know, there were other narratives where only 200 people died, there was no genocide, or that the Bosniak Muslims committed, mass suicide. I mean, there were all sorts of crazy things.

But I think the narrative has changed over time. So you no longer hear it was just 200. You no longer hear about mass suicides. There is an acceptance increasingly that this happened, that we have evidence now to prove it. And I think also the fact that this went to trial is very important. As Benjamin Disraeli said: Justice is truth in action. What we have is a body of evidence that not only serves the purpose of justice but allows for an honest reckoning of what

happened. And in addition to helping provide reliable data and using science, we also helped Bosnia-Herzegovina create a Missing Persons Institute and a central record of missing persons, so that we're not just saying this but the state itself will provide reliable and accurate information to its own citizens about what happened, so that they can counter this denial.

The bigger picture here is just maintaining facts – (laughs) – and ensuring not only that ICMP provides those facts, but the regional governments also provide those facts. So not only are we helping Bosnia-Herzegovina with its central records, we're trying to ensure, a missing persons group within the entire western Balkans. We've helped them form a missing persons group, that they have a regional database that also provides reliable and accurate information regarding Kosovo, regarding Croatia, regarding Serbia.

And it's working, because each one – you want to end the finger pointing, you know, in the end, because it's the easiest thing to do. It's the easiest thing to do on Earth is to ensure continued hatred as a way to get yourself elected. So countering that with facts is absolutely critical.

TIERSKY: Kathryn, let's broaden this conversation out a bit. Given the ICMP's really impressive track record in the western Balkans that we've been talking about, the proven methodology, the core principles that really have been well-understood and applied in that region, I mean, the issue of missing persons – the problem of missing persons isn't limited, of course, to the western Balkans. Nor is it strictly a wartime issue. Can you talk to us about how the ICMP has expanded its work both geographically and functionally, let's say?

BOMBERGER: This process of extending our mandate and set of activities really began with the U.S. government. Colin Powell played a role early on in 2002, when the successes that we had made in the western Balkans. The issue of missing persons, as you rightly said, is not exclusive to the western Balkans, but it's a global challenge. So starting in 2002, there was great excitement with the State Department to help ICMP remove the temporal and geographic limitations to its mandate and go from being an ad hoc organization that had been created for that specific conflict, to now working globally.

So we formed working groups that included representatives from the State Department, from the United Kingdom, from Denmark, from Pakistan even at that time – because Sahabzada Yaqub Khan, the former foreign minister of Pakistan, was a member of our commission – to become a treaty-based international organization. In other words, we needed our own legal status to carry out our work. And –

TIERSKY: Something beyond the press release.

BOMBERGER: Something beyond the press release. (Laughter.) We needed to have our own – we call it our own sort of identification papers, let's put it that way. In 2003 through a working group of State Department representatives and others, they added to the set of activities missing persons from disasters.

What happened at the end of 2004, the Southeast Asian tsunami, we were invited by the EU to help find its citizens who had gone missing in the Southeast Asian tsunami. With Interpol, where we worked directly, again, with law enforcement, that's another interesting avenue because traditionally following calamities like this charitable organizations would step in. So for the first time, law enforcement became first responders. And we see that, again, with 9/11, for example. So we worked with Interpol to respond to the cases in Southeast Asia, use DNA, et cetera. And, again, assisted with 3,000 cases, mainly of Europeans that went missing.

Finally, we became a treaty-based international organization through Dutch help – (laughs) – in the end. And thus, the move to the Hague, where we have signed a headquarters agreement with the government of the Netherlands. And we moved our operation from Sarajevo to the Hague. Since then we've worked not only in Southeast Asia, but we also worked with the state of Louisiana following Hurricane Katrina. We've been helping Canada a lot with cold cases. We've been helping Norway with Quisling soldiers that went missing in World War II, South Africa.

We have a program, thanks to DRL, in Iraq for the last 10 years, where we've been helping to build state responsibilities. We've been dealing with Daesh crimes, together with UNITAD, where the village of Kocho, where Nadia Murad comes from, who's been the focus of our operations. And we've excavated, with the Iraqi authorities, sites relevant to Kocho village. We've been working in the context of Syria, where there are 100,000 people missing. Colombia, with 120,000 people missing. I could go on and on.

TIERSKY: Kathryn, this is an incredible list of global responsibilities that the ICMP has now been asked to contribute to. How do you decide where the ICMP can make a useful contribution? Is that where there is government funding available? Do you need the buy-in from the local government? Obviously, a theme of our conversation thus far is that the responsibility of the government is absolutely crucial to addressing the challenge of missing persons. But do you always have that buy-in from a local government? Talk to us about kind of how these different locations that you're working on compare to each other.

BOMBERGER: Well, there are cases when the government is ready. Say, for example, Colombia, where we were invited by the parties to the peace agreement in 2016. They were ready, because they actually had included the creation of a Search Unit to deal with missing persons in the peace agreement, which is really incredible. So we were invited by them and we're trying to work with the state of Colombia, directly with the Search Unit.

In Mexico, we've been working with a small human rights NGO, but now Mexico recently implemented a law on missing persons. So we'll probably extend our operations in Mexico. In Iraq, we have been invited. We're working with the local authorities for a very long time. I mean, Iraq is a tragic situation because the number of missing persons continues to rise. And COVID, by the way, isn't helping.

But also, with regard to Syria, we're working directly with Syrian civil society organizations. We're also working in the Mediterranean where now Europe has the highest number of dead and missing migrants. So we often either try to align ourselves with the foreign

policy strategies of states that support us, including the U.S. government – which has, a very important interest in the case of Daesh crimes in Iraq and in Syria. So we're getting support there from the United States. But then again also in cases where states themselves, like Colombia, invite us to come and work, following a peace agreement. So it can really depend on the situation. Or we'll work with civil society actors when the state is not ready to deal with these things.

TIERSKY: With the eventual hope, of course, that as your progress becomes clear and as you have results to deliver that state responsibility can be brought into the process, correct?

BOMBERGER: Exactly. So with Syria what we're starting now with civil society, just as we did in the Balkans, building their understanding of their rights, building their understanding at a policy level of what future institutions Syria needs to build, creating a centralized database.

If you look at Syria, you have persons missing from the regime of Hafez al-Assad. You have persons missing in the most egregious, horrible circumstances currently in the conflict. But you also have missing persons now who fled Syria, so that the horror of Syria doesn't end at the Syrian border but extends into Europe, where they've gone into these horrible little boats, that have shipwrecked in the Mediterranean. So they're missing, in the Mediterranean. Children are missing. There are 10,000 children missing in Europe coming from 85 different countries, including Syria and Iraq. They're also missing as a consequence of child trafficking, human slavery, as they migrate through Libya. There are also members of mercenary armies operating in Libya.

So the Syria context is going to be hugely complicated. There are 700,000 to a million Syrians living in Germany. So having a centralized data structure – and this is what we helped do in the Balkans and what we're helping Colombia do – where we are the holder of data as we help the state build its own central records, are critical. Because the states don't have that capacity. They don't trust each other. And they need an impartial, independent international organization that can do this. But data has to be collected from families, from mass grave sites.

TIERSKY: And I imagine that work has to be vastly more complicated in the context of an active conflict environment. I mean, we spent a lot our time on this episode talking about the post-conflict environment of the western Balkans. I imagine Syria's a completely different ballgame for a million different reasons, but not the least of which is the shooting is still going on. And I wonder whether there are other places, other active conflicts, where you might also see some added value that the ICMP could be providing.

BOMBERGER: Well, I think that the situation with Myanmar is important, and the Rohingya populations that are currently living in Bangladesh. I mean, that would be a very similar operation to what we're trying to do in Syria. And we've already been working with the IIMM, the Independent Impartial Mechanism for Myanmar, to explore what we can do in that context. But it would be difficult in those cases, I think, where there are active conflicts, the best thing to do would be to work directly with families of the missing. However, the problem there – and that's currently the challenge in the context of Syria – is they're scared.

First they're coming from a history of abuse by their own state, where providing information is a dicey endeavor to begin with. And they are afraid that if they provide information they might disappear themselves. Or if they're in Germany, for example, they may not be afraid of providing information, but if they provide information somebody that they know in Syria might go missing. So that's the problem with doing this with an ongoing conflict. Also accessing mass grave sites and legally being able to excavate them in a credible manner where evidence – you know, you can document evidence and provide that evidence to a court or to an international court, that prospect doesn't exist.

So we are looking right now at northeast Syria, which is an autonomous region, that could be an area where we could conduct operations. So we're looking at that right now. A new commission has been built there. But I think the guiding principle here for us is, whatever we do in Syria, if we can do anything at the moment, we want to do with the guidance of civil society. So we have a policy process so we coordinate the work that we're doing with them and get feedback from them, so that we're not – we cannot operate on our own. We have to work with others, whether it's civil society or other international organizations, and states.

TIERSKY: Sure. Well, as our – as our regular listeners will know, the members of the United States Helsinki Commission are particularly devoted to monitoring the conflicts in the OSCE region. And of course, no conflict in the OSCE region right now is more prominent than that in Ukraine. I wonder whether there's an engagement of the ICMP with the Ukraine conflict in particular.

BOMBERGER: Thank you for mentioning that. Yes. We have been approached by Ukraine to provide assistance. The numbers of missing there – it's hard to tabulate them, but I don't think there are any really known or clear numbers of missing persons in the Ukraine context. However, Ukraine has made strides in creating legislation and a purpose-specific institution that would be responsible. But it has now to implement the legislation and create the institution. So we would be ready to start working with Ukraine in building the capacity of Ukraine to locate and identify missing persons, to help them build and implement the purpose-specific institutions, to work with families of the missing, to engage them in this process.

And also, and this is what we've done in the Mediterranean where we work with states, or the western Balkans where we helped create this missing persons group, we would be willing to facilitate dialogue between Ukraine and other countries who have – who are relevant to the conflict and have missing persons cases – to facilitate dialogue in terms of finding missing persons.

TIERSKY: Is there a collaboration with the OSCE as an institution when you're dealing with situations, whether they're post-conflict situations, but when they're in the OSCE area?

BOMBERGER: We have collaborated a lot with the OSCE in the western Balkans. And for sure there would be collaboration in Ukraine, for sure. And I think we're on the same page. You know, our objectives in terms of ensuring, good governance in these countries, ensuring, the creation of democratic institutions, the direct involvement of civil society, I mean, we're

completely in line, with OSCE objectives. So I think the work that we would do would complement the work that the OSCE is engaged in and would be a great partner for ICMP.

TIERSKY: Kathyne, as we move towards the end of our conversation, I'm curious to know what your thoughts are on the continued development of the ICMP, what future engagements you think you see on the horizon. Where do you see the institution going, and where do you see the process of the identification of missing persons and the role of that process in post-conflict transition, justice, reconciliation? Where is this all going?

BOMBERGER: I think it's going in a really interesting direction at the moment. I can see with Syria and Ukraine now there's an increased understanding of state responsibility in this area. And there's an increased understanding that when states take that responsibility there are actually things that they can do, and that we can help them do. We've also put together a set of principles for states so that they have a roadmap, so they know how to do this, because often what the problem is, once they decide they want to take that responsibility, they don't know how.

I think there's really been an increase in the number of states that are interested in missing persons. You hear that all the time about Syria, increasingly in the context of Ukraine, in Colombia, and so many places. And families of the missing are becoming increasingly vocal about demanding their rights, and less afraid to do so. And that's important because it is primarily women. So I think we've provided an avenue for that to happen. And that was really an important objective for ICMP as it became an international organization.

But secondly, what it did – it put the issue on the map. And you know, for centuries this issue has been a silent issue for reasons. So it's on the map now. So I think that's important. So there is – it's a recognized challenge globally. The other important thing, I think, for ICMP, and for me personally as an American, and given, you know, our origins in the United States, and given that we were created by the United States, and originally supported and funded by the United States, and the huge U.S. investment in ICMP, I really would like the U.S. to consider accession to our treaty.

I know that's not easy ever, and already the U.S. is an observer. So that's great. But we'd like it to go a step further. There are no assessed contributions. We're voluntarily funded. So there's no money involved in this, which would make everyone happy. And also, there are no other state obligations. The U.S. becoming – or acceding to the treaty would simply be a recognition of ICMP status and functions of our birth certificate. That's basically it. So it's not much to ask. And I think, given the U.S. involvement historically this would be very powerful and very meaningful for us, and for me personally. (Laughs.)

TIERSKY: That was a terrific way to close us out. Listeners, Kathyne Bomberger is the director-general of the International Commission on Missing Persons. Kathyne, thank you so much for joining us today, and for the important work that you lead at the Commission on Missing Persons.

Before we go, I'd love for you to tell our listeners how they can track and find out more about the International Commission on Missing Persons' work.

BOMBERGER: You can go to our website. So it's www.ICMP.int. And you can access us there. We're also on Twitter. We're also on Facebook. But I also want to take this opportunity to thank you, and Bob Hand, and the whole team at the commission. It's been a pleasure knowing Bob Hand and working with the Commission. And this podcast has been excellent. You've done really brilliant job. So thank all of you. Thanks to all of you.

TIERSKY: Kathryne, thank you so much for being with us, again.

Listeners, we've come to the end of another episode of Helsinki on the Hill. As you know, we're always interested in hearing back from you with feedback. Get in touch via our website, our Facebook page, or our own Twitter. Thanks again for joining us. Until the next conversation, I'm Alex Tiersky signing off.

(END)