

U.S. HELSINKI COMMISSION HEARING:

**“HEALING THE WOUNDS OF CONFLICT AND DISASTER: CLARIFYING THE FATE OF MISSING PERSONS
IN THE OSCE”**

INTERVENTION BY HER MAJESTY QUEEN NOOR, ICMP COMMISSIONER

Mr. Chairman, Ladies and Gentlemen,

On behalf of the International Commission on Missing Persons (ICMP), I would like to thank the U. S. Helsinki Commission for using the occasion of this hearing to highlight the issue of persons missing from wars, violations of human rights and natural disasters. Thank you as well for inviting me as a Commissioner of the ICMP, to address an issue that I believe deserves much more attention than it receives.

The missing are silent. They cannot plead their own cause. By definition, and often by design, there are no horrific images or messages in the media to galvanize public outrage. [They do not tweet from the scene or set up Facebook pages to organize protests.] They are simply gone.

When people go missing, particularly through state-sanctioned violence, the family members left behind – usually women and children – are terrified to seek answers about the fate of their loved ones. In most of the world today family members have no legal recourse to demand answers. Those brave enough to ask often fear reprisals from the very authorities responsible for the disappearance in the first place, or who are seeking to cover-up the crimes of previous regimes. After all, it is a fundamental tenet of most systems of law that, if there is no body, there is no crime.

And so the silence persists.

Breaking that silence is a vital part of dealing with the past following violent conflict. It is important for reconciliation, nation-building and securing a peaceful future. It is critical for the healing process of the families left behind. Most importantly, addressing the problem of the missing is crucial to preventing future conflict.

Mr. Chairman,

ICMP estimates that in the world today there are over 1 million persons missing from war, violations of human rights, human trafficking, drug related violence and other causes and that approximately 150,000 persons go missing every year from natural or man-made disasters. They, and those who mourn them, need help to break the silence.

Mass graves are like open wounds. If these crimes are left unresolved they breed hatred and can perpetuate a cycle of violence. The legacies of these crimes, particularly in the former Yugoslavia are a painful reminder of that fact. It remains in the interest of the United States to help stop the cycle of violence by assisting post-conflict States in resolving the problem of the missing.

The International Commission on Missing Persons was created in 1996 at a G-7 Summit in Lyon, France, at the initiative of U.S. President Clinton, as the only international effort to deal exclusively with the issue. I have had the privilege of serving as a member of ICMP for over a decade and I take great pride in its work as an independent, human rights organization.

ICMP has a unique mandate. We work with governments to ensure that they take responsibility for ending the cruel uncertainty inflicted on the families of the missing; that they build rule of law institutions that allow for the missing to be located, recovered and identified; and that they are held to account for atrocities committed. In short, that they end the silence.

Equally important, we work with the families of the missing. We educate and empower them. We help with reconciliation efforts between families from different groups, or different sides of the conflict. We help rebuild trust between civil society and states emerging from conflict by creating a space for dialogue between government authorities and the families of the missing, so that they can demand answers. And we help craft legislation so that the right to information is enshrined in law.

We also assist judicial institutions, both domestic and international, so that families of the missing can seek justice and perpetrators are held to account.

In cases of natural or man-made disasters, as with cases of persons missing from conflict and human rights abuses, ICMP uses the technology it is perhaps best known for: an integrated scientific approach based upon DNA identification technology. ICMP has so far assisted governments in making over 18,000 DNA based identifications.

While ICMP now assists governments around the world, it was initially created to address the issue of persons missing from the conflicts in the former Yugoslavia – Bosnia and Herzegovina, Serbia, Croatia, Kosovo, Montenegro and Macedonia, where an estimated 40,000 persons disappeared. With the ICMP's help, of those 40,000, 70 percent have been accounted for. This is an unprecedented achievement compared to any other region in the world that has struggled to deal with this issue.

I know Srebrenica well. The name of that small town has become a symbol, a by-word for inhumanity, the only recognized genocide on European soil since World War II, where 8,100 men and boys were executed in a matter of days and their bodies hidden in a series of mass graves strewn across the Bosnian country side.

I first visited Bosnia in 1996, a year after the massacre to bring humanitarian supplies from Jordan and to meet with thousands of grief-stricken survivors to express support and solidarity. Years later, I returned as an ICMP commissioner to meet and often weep with Bosniak, Serb and Croat women and men as they struggled to come to terms with the disappearance of their husbands, sons and fathers – killed, in some cases, by the husbands or sons of those sitting across the table.

I remember their stories of being shunned from government offices and living neglected in collective centers, many with their fatherless children. ICMP reached out to them, to all of the families of the missing, regardless of their ethnic, religious or national origin, and they became our partners in the first ever effort to systematically and scientifically locate and identify their loved ones.

Remarkably, many of them united across religious lines and worked together to fight for answers and to create lists of the relatives of the missing and armed with this information, we began a large scale effort across the former Yugoslavia to collect blood samples for DNA testing. Providing a blood sample soon became a powerful symbol for many of these families to declare their loss and to give of themselves to identify their loved ones.

Mr. Chairman,

I have been *in* the mass graves. I am still haunted by the memory. I still cannot comprehend the barbarism that mankind is capable of inflicting on his fellow man, and the calculated, systematic attempts to strip these people of their humanity and to hide their bodies repeatedly so that they would never be identified, in order to deny that these atrocities took place.

And I have been in our ICMP DNA labs where identifications take place. We first started using DNA because all other methods to identify the missing had proved to be inadequate. I remember well that when I first became a Commissioner, it seemed inconceivable that such a large number of persons could have been located and identified. ICMP made a bold decision to do something that

had never been done before -- to use a new technology, one that was still controversial in those days even in court cases, and one that had certainly never been used following violent conflict where large numbers of persons were missing.

Skeptics said it was impossible – that at best we would be able to identify a thousand people, or that it would take a hundred years, or that the costs would be prohibitive. I remember our early efforts to teach families of the missing about DNA. But this powerful scientific tool proved invaluable in efficiently providing irrefutable evidence of the identity of tens of thousands.

Through painstaking work and the exquisitely sensitive techniques of DNA analysis, ICMP is able to make genetic matches between DNA profiles taken from skeletal remains recovered from mass graves and DNA profiles provided voluntarily by living family members, thus merging state-of-the-art science with human outreach in the service of justice and human rights.

In a politically charged post-conflict region like the former Yugoslavia where denial regarding mass killings is prevalent, having this type of precision helped combat the myth that events such as Srebrenica never happened. Today, of the approximately 8,100 persons killed and missing from the 1995 fall of Srebrenica, ICMP has helped identify 6,700.

Simultaneously, we worked with the regional authorities to build the political, legal and technical infrastructure that would allow governments to search for the missing, regardless of their ethnic, religious or national origin. Critically, we helped them build rule of law institutions, such as the Missing Persons Institute in Bosnia that work with the prosecutor's office to ensure that each illicit grave site, or mass grave is investigated as the scene of a crime – in these cases war crimes and crimes against humanity.

Recently, we held a series of town hall meetings in the countries of the Western Balkans with the families of the missing. Now that majority of missing persons have been accounted for, the narrative has shifted from the desire to know the fate of the missing to wanting justice. The holistic approach of the ICMP—working with governments, civil society, justice institutions and providing a scientifically-based process of locating, recovering and identifying the missing has set the parameters that will help the families pursue their legal rights and their desire for justice.

Mr. Chairman,

ICMP has broken the silence and we hope that this new, modern approach, which has demonstrated that the missing can be found, will reverberate across other conflict regions.

In order to expand on the success of the countries of the former Yugoslavia, as well as the heroic efforts of thousands of affected families, in accounting for such a large number of missing persons, we have developed a set of principles. These should help other governments confronted with the issue adopt a holistic approach to accounting for the missing. They include:

- That the engagement of families of the missing and civil society is critical to any successful effort to address the issue;
- That the prosecution of perpetrators is essential to the process of justice and a demonstration of a State's ability to take responsibility for acts of atrocity;
- That the use of accurate, scientifically-based identifications are the most reliable;
- That illicit grave sites are crime scenes and that they should be carefully excavated by courts and their findings fully documented;
- And that States should ensure that the commemoration of the missing is universal in scope and that efforts are made to transcend the remembrance of victims only by national, ethnic or political group or by event.

These principles can be implemented through initiatives such as the following:

- The creation of domestic legislation;
- The creation of rule of law institutions;
- The creation of centralized State records and databases.

While these principles provide important guidance for governments around the world faced with the issue of the missing, I am particularly concerned with the countries in the OSCE states outside of the Western Balkans. The issue of missing persons affects almost one quarter of the OSCE participating States. Unfortunately, limited progress has been made over the last decade. For example, there are still 3,000 to 5,000 missing in Chechnya; only 310 of the 1,500 – 2,000 people reported missing in Cyprus have been accounted for, and the almost 5,000 people are still reported missing from the Nagorno-Karabakh conflict.

I would like to reiterate, by comparison, that the countries in the Western Balkans in just over a decade have been able to account for 70 % of those missing, of which the vast majority were identified by DNA. These achievements are still not widely known. But ICMP stands ready to help these countries in the rest of the OSCE region break the silence on missing persons just as dramatically.

I would like to thank the US Helsinki Commission for its tireless work in taking on tough human rights issues in Europe. I very much look forward to ICMP providing support to OSCE countries. With your support, the issue of missing persons as a result of armed conflict in Europe can be resolved. The silence on this issue cannot continue, and I hope this hearing will resonate throughout the OSCE region and beyond.

ICMP's breakthrough in using an integrated scientific approach to identify the missing also applies following natural or manmade disasters. ICMP has assisted Germany, Norway and Austria in dealing with missing persons cases. In partnership with INTERPOL, ICMP has helped Thailand and the Maldives following the 2004 Tsunami and the Philippines following Typhoon Frank in 2008. ICMP and INTERPOL are now in the process of expanding their partnership to create a permanent Disaster Victim Identification platform.

Mr. Chairman,

The issue of missing persons presents a global challenge that demands a global solution. ICMP, with its specialized technology and expertise, is the only organization in the world capable of doing so effectively and efficiently. ICMP's work has expanded since our early days in the former Yugoslavia and we are currently assisting Iraq where up to 1 million persons are reported missing and we have helped Colombia, Chile, South Africa, El Salvador deal with missing persons from human rights abuses and conflict.

ICMP's work has also directly benefitted the United States. I am proud to say that ICMP helped the State of Louisiana identify missing persons following Hurricane Katrina. And I vividly remember meeting with the Mayor of New York City soon after the 9-11 disaster to offer our assistance. His stories of the desperate suffering and uncertainty of the victims' families struck me as tragically similar to those of families in Serbia, Croatia, Kosovo and Bosnia.

Sadly, in many other places, where requests for our assistance has come from governments or NGOs, such as Georgia, Azerbaijan, Armenia, Kyrgyzstan, Nepal, Kashmir, Sri Lanka, Uganda, Lebanon, Algeria, Morocco and most recently Libya, we have had great difficulty in gaining support and funds to provide desperately needed assistance despite our successes, particularly in the Western Balkans, where we will soon end our active engagement. In addition we are receiving increasing demands to help with missing persons cases related to human trafficking, drug-related violence and a whole host of other causes.

The need for knowledge, for closure, in these situations is universal, and providing it is critical to overcoming anger and despair and restoring stability – to families, communities and nations. The fundamental human rights work of ICMP is not only palliative, it is preventative; the healing and recovery it provides the victims, as well as the process of accountability it helps foster with governments, are absolutely integral to the process of healing, reconciliation, justice and ultimately conflict prevention.

In closing, I would also like to thank my fellow ICMP commissioners from around the world who also volunteer their time to assist ICMP and in particular I would like to acknowledge and thank the current and previous chairpersons of ICMP, including Cyrus Vance, Bob Dole, James Kimsey and the current chair, Ambassador Thomas Miller. I would also like to thank the governments that support ICMP's work, particularly the United States. The support of the US State Department was critical in creating ICMP and making it a success story. I hope that this important support will continue.