

**STATEMENT ON THE WORK OF THE INTERNATIONAL COMMISSION ON
MISSING PERSONS**

FOCUS ON BOSNIA AND HERZEGOVINA

1. The first Chairman of ICMP - Cyrus Vance - observed that “peace is a psychological as well as a physical state and helping the grieving is essential to achieving full peace.”
2. Families of the missing are among those most affected by trauma and fear. Not only have they lost family members, but they are often refugees or displaced persons as well. Consequently, they easily fall prey to nationalist political manipulation. Breaking that link is critical to the successful implementation of any post war agreement.
3. The International Community’s first High Representative in Bosnia - Carl Bildt - describing post conflict societies; said that, moving forward depends on overcoming the fears of the past. The recent conflicts in former Yugoslavia vividly illustrate the perils that result from failures to address the past.
4. In the build up to the recent conflicts, opportunistic nationalists exploited post Second World War efforts to conceal previous inter-ethnic and political atrocities. They grossly exaggerated or grossly understated the numbers of dead and inferred the existence of hidden mass graves to stir up ethnic hatred, fear and distrust. Concealed mass graves may consequently be seen as “political landmines” that threaten the stability of societies for generations to come.
5. There have been more recent attempts to abuse the issue of missing persons for political gain. Extreme examples include the Government of the Republika Srpska, initially denying that 8,000 men and boys were missing from the fall of Srebrenica in July 1995, and the Milosevic regime seeking to hide evidence regarding the disappearance of over 800 persons from Kosovo who were transported and buried near the Serbian capital of Belgrade. In both cases, the governments tried to conceal the fact that atrocities were committed.
6. With no binding international legal instruments to address the human rights aspects of missing persons from armed conflicts and crimes against humanity, the regions of the former Yugoslavia were hard pressed to address the reality of over 40,000 persons missing at the end of hostilities.
7. To assist in finding a solution President Clinton announced the creation of ICMP. In his words the primary tasks of ICMP were:
8. [To] secure the full co-operation of the parties to the Dayton Peace Agreement in locating and identifying the missing from the four year conflict and to assist them in doing so....to support and enhance the work of [other organizations in their efforts]...[to] encourage public involvement in its activities and....to contribute to the development of appropriate expressions of commemoration and tribute to the missing.
9. Overcoming political inertia on the ground was a high priority for international and local policy makers in the aftermath of the war. Recognizing that uncertainty over the fate of the missing was an obstacle to reconciliation and peace-building in the region, Cyrus Vance invited eminent representatives of the international community to act as ICMP Commissioners, while governments of

the region nominated representatives to participate in decision-making and to secure local political commitment.

10. Then ICMP started to develop a three-pronged approach to the problem. Working directly with governments, using forensic sciences, and supporting civil society actors, ICMP has achieved results in a way that has ensured sustainability and encouraged local ownership of the process.
11. By embedding our efforts within the domestic structures of the locations in which we work, ICMP has acquired a unique expertise in guiding post-conflict states through the difficult task of accounting for the past. In so doing, states not only meet their human rights obligations, they also build institutional capacity that promotes long-term public confidence in state prosecutors, the police, forensic investigators, judicial systems and in parliamentary systems. Indeed, pursuing answers to questions about gross violations will assist the governments of post-war states to win back the public trust by ensuring fair treatment for victims and ensuring that the perpetrators of atrocities cannot escape justice.
12. In Bosnia and Herzegovina the state government has, with the assistance of ICMP and the International Committee of the Red Cross, drafted and adopted unique enabling legislation, such as the Law on Missing Persons. It has also established the Missing Persons Institute, an institution responsible for pursuing cases of missing persons regardless of national identity. Civil society initiatives have encouraged the development of cross-boundary networking between associations of family members that exert pressure on governments to release information on the whereabouts of mass graves. These groups have also lobbied for and received the same rights and social benefits as those of families of veterans or fallen soldiers. And, these networks of associations have also facilitated the collection of blood samples from survivors to assist in the DNA-led identification process.
13. ICMP considers family members to be integral to the satisfactory resolution of missing persons cases. By consulting them and by creating a mechanism for them to directly engage with governments, they are fully included in a transparent process where responsibilities are defined and accountability clear.
14. ICMP's forensic teams have pioneered novel, rapid and cost-effective techniques for identifying sets of mortal remains that have been intentionally disturbed. Initially, forensic experts had deemed progress on such complex issues unlikely, since in the process of moving and re-concealing victims, many mortal remains had been dislocated and spread across numerous hidden graves.
15. Early inability to make positive identifications granted war criminals a measure of protection. Uncertainty as to the identity of those in the graves enabled the denial of atrocities. Indeed, one Serbian government minister reported that many of those buried in a mass grave in Belgrade were Serbs when in fact all 800 were Kosovo Albanian. And, Milosevic's wife is reported to have said that all those buried there were Serbs murdered during Nazi occupation.
16. ICMP's advances in identification techniques directly undermine these attempts to deny mass atrocities. They bring to light irrefutable evidence that links specific individuals to particular crimes. Through the identification process, then, evidence is uncovered and victims' humanity is restored. ICMP's success in developing these new DNA matching techniques has made it a leader in advancing forensic technologies and is a prime example of science in the service of truth and justice. To the 2nd of November 2007 these efforts in the former Yugoslavia have resulted in 12,744 DNA-based

identifications (including 10,659 for Bosnia and Herzegovina) bringing long-awaited answers to damaged communities.

17. Initially, it seemed likely that there would be a very limited number of identifications relating to the fall of Srebrenica in 1995. Attempts had been made to conceal mass graves by digging them up and reburying remains in multiple locations. By combining intensive anthropological analysis with selective DNA testing of mortal remains from highly commingled sites identifications are possible though the cost is relatively high. At one fifth of the total number of missing from the former Yugoslavia, work related to Srebrenica accounts for more than 50% of ICMP's work because of the complexity of these graves.
18. In October 2007, having completed a series of secondary but linked mass graves ICMP produced a record 799 matching reports in one month. By early November 2007, six years to the month since the first DNA match, ICMP had produced DNA identification for a total of 5,000 different individuals from the fall of Srebrenica. In addition, because of a very high – 99.2% - chance of an exhumed bone finding a match in the database of blood and bone samples, we can say with certainty that the total number of missing from the fall of Srebrenica is 8,000 men and boys.
19. Using DNA for identifications has become a matter of course in many parts of the world. At the technical level it often represents the only reliable means of identification. At the political level, DNA offers the significant benefit of scientific accuracy in identifications, thereby pre-empting an often potential exploitation and manipulation of the missing persons issue.
20. However, these sophisticated technical methods rely upon the political will of governments to deal with the issue of missing persons. Governments should be responsible for trying to address the concerns raised by human rights violations committed by a previous regime. They should investigate and publicly disclose reliable facts about the missing. In addition, victims should be able to assert their legal rights for truth and justice in determining the fate of missing persons, as well as for related social and economic rights. Finally, for the sake of society and future peace in the region, states must comply with international judicial mechanisms such as the ICTY.
21. The ICMP is entering the final phase of its work in the former Yugoslavia. Hopefully the gains made can be solidified into durable and sustainable solutions. ICMP has already begun applying its model to states beyond the Balkans. ICMP is currently working with Iraq and Colombia regarding ways in which support can be provided to investigations into unresolved cases.
22. Sadly, this issue is a global one. In the OSCE states there are serious concerns regarding missing persons in the regions of Nagorno-Karabakh, Chechnya, Abkhazia as well as in the countries of the former Yugoslavia and on Cyprus. In the rest of the world - Sudan, Rwanda, Cambodia, Algeria, Nepal, the Philippines, Chile, Guatemala, Congo, Kashmir, East Timor - the list goes on. And it is not only in the area of post conflict assistance. Responses to natural disasters and terrorist attacks also require the sort of technical capacities that ICMP has developed.
23. ICMP has been able to contribute in areas beyond the Western Balkans. Experts were sent to New York after the terrorist attacks to provide advice on the development of matching software and samples were sent from Louisiana for processing in ICMP's labs after Hurricane Katrina.
24. ICMP, in close cooperation with INTERPOL and with the national police forces of affected countries, has assisted in the identification of 902 victims of the Asian Tsunami in Thailand and in the

Maldives. INTERPOL and ICMP will soon sign an agreement on cooperation in future Disaster Victim Identification.

25. The United States and ICMP's other donors have enabled the development of a unique capacity which has worldwide application. ICMP's work, particularly in Bosnia and Herzegovina, has established a centre of excellence in the field of human identification. In a country where positive news is rare this is something to be celebrated.
26. The work involved is labor-intensive, politically sensitive, and complex. It requires a diverse range of scientific, diplomatic, and bureaucratic resources needed for the effective resolution of cases and to ensure the rights of families. ICMP is unique in its ability to meet all of these needs in a comprehensive, coordinated approach.
27. The war that was ended by Dayton Peace Agreement, the Kosovo conflict and the crisis in Macedonia have left deep scars in Western Balkan societies that have only begun to heal. Refugee displacement is a continuing regional problem that is underpinned by mutual mistrust, political manipulation and the anguish of those most affected by the recent conflicts. The continuing problem of large numbers of missing persons in particular aggravates the situation in the region, especially in Bosnia and Herzegovina and in Kosovo.
28. ICMP works with family members whose lives have been torn apart. For many of them the concept of reconciliation is hard to accept. However, they do demand the truth and they have reached across ethnic barriers to families in similar situations. United and determined, family associations of the missing meet at conferences organized by ICMP and to which high level government representatives are invited and attend. They closely question officials and issue joint declarations demanding of governments that they meet their obligations.
29. Family associations across the former Yugoslavia invite each other to attend commemorations of their missing relatives. Six years ago they could barely manage to sit in the same room together.
30. Governments in the region must be recognized for their efforts. The Government of Serbia has worked hard to resolve the fate of missing Kosovo Albanians, Bosnians and Croatians that went missing or ended up in Serbia. The Government of the Republika Srpska, in its revised report on Srebrenica, formally accepted ICMP's numbers of missing. And, both Bosnian entities as well as Breko District have cooperated to establish the Missing Persons Institute as a State level institution that has not been imposed by the International Community.
31. It is difficult and perhaps too early to fully quantify the effects of this process on post war reconciliation. However, it is clear from many examples around the world as well as in the former Yugoslavia that not addressing the issue, not determining the truth of what happened, will allow the uncertainty to leave deep bitterness that will fuel future conflict.
32. Revisionism and the intentional misuse of emotional factors linked to identity and victim-hood are the stock in trade of nationalists and indeed terrorists. Painstaking efforts to establish the truth, to restore identity and to seek redress will ultimately prevent the manipulation of history which is the rallying point for new conflict and new horrors.