

INTERNATIONAL COMMISSION ON MISSING PERSONS

DECLARATION

ON THE ROLE OF THE STATE IN ADDRESSING THE ISSUE OF PERSONS MISSING AS A CONSEQUENCE OF ARMED CONFLICT AND HUMAN RIGHTS ABUSES

Explanatory Note

Introduction

The International Commission on Missing Persons (ICMP) was established at the initiative of U.S. President Bill Clinton in 1996 at the G-7 Summit in Lyon, France, initially to secure the cooperation of Governments to locate persons missing from the conflicts in the former Yugoslavia, and to provide the necessary assistance in that regard. Today ICMP is a globally active organization, which promotes the recognition of the issue of missing persons as a universal one that requires a structured and sustainable response for all causes, including armed conflict, human rights abuses, disasters, organized crime and migration.

Locating the missing from the conflicts in the former Yugoslavia has demonstrated the increasingly significant ability of States to assume ownership for the process of accounting for large numbers of missing persons, both through their domestic institutions and through specialized international mechanisms, such as ICMP.

The original Signatories sponsor this Declaration in mutual recognition of the achievements they have made and, as importantly, to further advance the principles that have formed the basis of these accomplishments.

Aims

The present Declaration seeks to highlight the most important of these principles, namely, the primary responsibility of State authorities in addressing the issue of the missing and the need to ensure that mechanisms and methods employed conform to human rights standards and rule of law principles. In addition, the Declaration seeks to ensure that the rights of family members of the missing are upheld at all times, and that survivors and civil society alike may have access to information regarding the fate and whereabouts of missing persons, as well as the circumstances of their disappearance.

To carry these principles forward and to contribute to their dissemination, the present Declaration is an open instrument and the original Signatories invite and encourage others to join them. This Declaration is not intended to abrogate or serve in place of existing international instruments on the issue of disappeared or missing persons, but seeks to complement and add to the provisions of such instruments.

The Declaration

In its Preamble, the Declaration emphasizes that the State's obligations to address the issue of persons missing as a consequence of armed conflict and human rights abuses stem from principles safeguarding the dignity and human rights of all persons. Recognizing that many persons missing as a consequence of armed conflict and human rights abuses will not be found alive, the Declaration limits its purview to those missing persons. The Declaration also addresses the specific needs of survivors with a view to ending the uncertainty regarding the fate of a missing person and to ensure that the wrongs of the past are addressed through accountable and just institutions.

Article 1) provides for State responsibility and Article 2) for upholding the rights of survivors. Article 3) calls for building effective domestic institutions for that purpose. Article 4) emphasizes the need for cooperation regionally and internationally. Article 5) stipulates that all measures ought to conform to the requirements of human rights obligations and the rule of law, including those of the criminal justice system. Article 6) addresses the need to establish the circumstances surrounding the disappearance and the issue of impunity. Article 7) emphasizes the role of the judiciary and Article 8) that of the legislature. In its concluding provisions, the Declaration provides for the International Commission on Missing Persons as the depository of the original document.