

**SPEECH BY ICMP CHAIRPERSON AMBASSADOR THOMAS MILLER  
“THE ROLE OF THE STATE IN ADDRESSING THE ISSUE OF PERSONS MISSING AS A  
CONSEQUENCE OF ARMED CONFLICT AND HUMAN RIGHTS ABUSES”  
ON THE OCCASION OF THE FIRST STATES SIGNING THE DECLARATION**

Friday, 29<sup>th</sup> August 2014  
Mostar City Hall, Bosnia and Herzegovina

Your Excellencies, Ladies and Gentlemen,

Today is an historic occasion. We come together on the eve of the International Day of the Disappeared to affirm the role of the state and the best practice principles in accounting for missing persons after armed conflict and human rights abuses.

At the outset, I must emphasize that we would not be here today were it not for the unrelenting efforts of the families of the missing from across the region of the Western Balkans. They have driven the search for answers and for justice and I wish to express our sincere thanks to the families of the missing for their tireless efforts.

I should also like to thank the Organization for Security and Cooperation in Europe the United Nations and the European Union for expressing the International Community’s support for this Declaration and to the OSCE in particular for their help in making today possible.

I should also like to sincerely thank the City and people of Mostar for hosting this event and for providing ICMP with the use of the Mostar City Hall. It is fitting that this event should take place here. The bridge is a symbolic monument of a troubled past. The last time I was here, the pieces of the bridge were still in the water and it had not been rebuilt.

The conflicts of the 1990s continue to cast a shadow over today's political scene. At the same time, excellent progress has been made by the countries of this region — whose most senior elected representatives are gathered here today — to properly assume responsibility for investigating atrocities committed during the conflicts. Most critically, this includes the unprecedented attempts to fully account for the 40,000 persons who went missing during the conflicts. Within this number I include not only persons missing from the 1991-1995 conflicts in Croatia and in Bosnia and Herzegovina, but also those missing from the Kosovo conflict and the 2001 Crisis in Macedonia.

Today, over 28,000 persons, or over 70 percent of the 40,000 persons who went missing, have been accounted for. This is a unique achievement. There are no parallels, or comparable efforts anywhere in the world to account for missing persons following conflict or systematic human rights abuses on this scale or with this level of success.

How was this success accomplished? Let me name six factors that contributed to these achievements:

**1. The continuous engagement and support of the international community.**

The creation of the ICMP in 1996, at the behest of President Clinton at a G-7 Summit in Lyon, marks a turning point. ICMP is the first mechanism of its kind created to specially address this issue. When you consider the fact that the issue of missing persons is as old as mankind, it is an important achievement for the international community to focus on the issue through a purpose-specific international mechanism.

**2. A recognition that the issue of missing persons is a rule of law issue: The**

creation of the International Criminal Tribunal for the former Yugoslavia, the

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International Criminal Tribunal for Rwanda and the International Criminal Court, represent a shift in dealing with the crime of missing persons and ensuring that these cases must be documented and perpetrators brought to justice. I would also like to underscore the work of domestic war crimes prosecutors and courts in the region and their continuing efforts to investigate and prosecute cases.

- 3. A recognition of the role of the state following hostilities:** The creation of dedicated institutions, such as the Office on Detained and Missing in Croatia, the Missing Persons Institute in Bosnia and Herzegovina, the Commissions on Missing Persons in Serbia and in Montenegro are all demonstrations of the role of governments in addressing missing persons issues. Their joint efforts in cooperation with domestic war crimes prosecutors and courts have resulted in the investigation of over 3,000 clandestine and mass graves in the region.
- 4. The creation of domestic legislation that safeguards the rights of victims:** In 2004, Bosnia and Herzegovina created a Law on Missing Persons. This also marks a milestone in the development of state responses to the issue of the missing and this Law should serve as a model for other states.
- 5. Advancements in science:** The countries of the Western Balkans also benefited from advancements in the use of forensic science to locate and identify missing persons. In consultation with families of the missing, and political authorities in the region, we took a risk in 1999 in applying these new scientific methods. The results have justified our determination, with over 17,000 persons identified through state-of-the-art scientific means.
- 6. The engagement of civil society and the families of the missing:** In the Western Balkans, the families of the missing have been the driving force

behind efforts to account for missing persons. They have been relentless and fearless in demanding their rights and I again pay tribute to their courage and determination.

Over 90,000 relatives of the missing have provided DNA genetic reference samples to ICMP to allow for human identification testing. Furthermore, they have also, in many cases, allowed this private information to be used for criminal trial purposes. In all future efforts, it is critical that the families of the missing play an active and central role.

The Declaration to be signed today seeks to highlight the most important of these achievements, namely, the primary responsibility of State authorities in addressing the issue of the missing. It is also essential to ensure that the mechanisms and methods employed to address this issue from now on conform to human rights standards and to modern 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. Survivors and civil society alike must be granted access to information regarding the fate and whereabouts of missing persons and to a proper investigation of the circumstance, as well as to truth and justice.

Finally, the Declaration seeks to ensure that the wrongs of the past are addressed through accountable and just State institutions.

To carry these principles forward and to contribute to their dissemination, the present Declaration is an open instrument and the signatories to the Declaration invite and encourage others to join them both inside and outside of this region. I refer specifically to Kosovo. I sincerely hope that Kosovo's domestic institutions will soon acquire the requisite capabilities and competencies. Beyond this region, we

hope that other countries, including Chile, Argentina and South Africa will soon become signatories.

In closing, I salute you for the unprecedented achievements your countries have made. Today is an historic occasion. You are marking a fundamental shift in the manner in which the issue of missing persons will be dealt with from now on. As the first signatory states, you are setting an example for others. And, you will continue to do so through your efforts to locate the approximately 12,000 persons who are still missing in this region today. You must remain vigilant in these efforts and committed to the path of peace, truth and justice.

Thank you.