

**SPEECH BY ICMP COMMISSIONER KNUT VOLLEBAEK  
NORWEGIAN AMBASSADOR'S DINNER**

**23 APRIL 2014**

Your Excellencies, Ladies and Gentlemen,

I would like to thank Ambassador Vibeke Lilloe for hosting this dinner and for providing me with the opportunity to meet all of you. Many of you have contributed over 20 years to what has become an unprecedented effort to account for missing persons from the conflicts of the 1990's.

I would also like to thank Kathryne Bomberger, the Director-General of ICMP and the staff of ICMP, for organizing this visit for me and for the great work they are doing for the Commission.

It is nice to be back in Sarajevo in my new capacity as ICMP Commissioner. Fortunately things have changed for the better since my first visits to BiH in the early 90s. However, the political climate in the region of the Western Balkans remains a turbulent one and the conflicts of the 1990's continue to cast a shadow over today's political scene. At the same time excellent progress has been made by the states in this region to assume responsibility for investigating atrocities committed during the conflict. This includes, most critically, attempts to fully account for the over 40,000 persons who went missing during the armed conflicts in the former Yugoslavia.

In this number of 40,000, I include not only persons missing from the 1991-1995 conflicts, 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. For those of you who are unfamiliar with the issue of missing persons, I would like to underscore that this achievement is unique.

There are no parallels, or comparable efforts anywhere in the world to account for missing persons following conflict or systematic human rights abuses.

In Europe in particular, 20% of all OSCE member states have a missing persons' problem. This includes Cyprus, Georgia, Armenia, and Azerbaijan, to name a few. In these countries, little, if any, progress has been made in properly accounting for the missing and investigating what caused the disappearances. In addition, we are witnessing a new tragedy unfolding in Ukraine, where there are already strong indications of persons being disappeared for political reasons.

If we look around the world, the situation is even more alarming. Millions of persons are missing from conflict and human rights abuses, as well as organized crime and forced migration. Argentina, Chile, Guatemala, the Central African Republic, Rwanda, Libya, Iraq, Lebanon, Syria, Sri Lanka, Kashmir, Indonesia, East Timor, the Philippines, Burma... the list goes on.... Indeed, it is very hard to think of a single country that is not affected by this tragic issue.

Ladies and Gentlemen, the achievements in the Western Balkans and particularly in Bosnia and Herzegovina, in accounting for the missing genuinely can serve as a model for the rest of the world.

Of the 40,000 persons missing in the region, Bosnia had the highest number with over 30,000 persons missing from the conflict. Today, more than 23,000 persons have been accounted for; including almost 90% of those reported missing from the 1995 fall of Srebrenica, which is the only recognized genocide on European soil since WWII.

In pursuing the work to search for and to identify the missing persons around the world, we should ask ourselves why this region has been successful and we should analyze the factors that contributed to these achievements. Let me name six factors from our perspective at the ICMP:

- **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 historical achievement for the international community to finally focus on the issue through a purpose-specific international commission.

- **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 International Criminal Tribunal for Rwanda and the International Criminal Court, represent an historical shift in dealing with the crime of missing persons and ensuring that these cases must be documented and perpetrators brought to justice.

- **A recognition of the role of the state following hostilities:** The creation of the Missing Persons Institute in Bosnia and Herzegovina in 2005, is a demonstration of the political will of the state. The state chose to search for the missing regardless of the ethnic, religious, or national origin of the person being searched for, or maybe even more important, the role of that person during the conflict. Without the political will of the state to search for missing persons in a non-discriminatory fashion, it would be impossible to find anyone. An example is Lebanon where, over forty years later, less than 1% of the missing from the civil war have been found. In this regard, Croatia, Serbia

and Montenegro should also be commended, and ICMP hopes that these states will soon sign an ICMP Declaration on the role of the state in addressing the issue of persons missing from armed conflict.

- **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. Again, this Law should serve as a model for other states.
- **Advancements in science:** The countries of the Western Balkans also benefited from breathtaking advancements over the last several decades in the use of forensic genetics to identify missing persons. ICMP was the first organization to harness these advancements and apply them to resolving missing persons cases. 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 to identify the missing. The results far exceeded our initial expectations, but they also created new challenges.
- **The engagement of civil society and the families of the missing.** Fundamentally, this issue is about the living. It is about the disappearance of someone you love. It is about the lingering, torturous uncertainty concerning the fate of that person: What happened to them? Where are they? Who is concealing this information and why? Are they dead or might they still be alive?

The agony of this uncertainty is recognized to be a form of mental torture for the families of the missing. We realize this as we follow the events concerning the Malaysia Airlines flight that went missing. If only all of our efforts to find the missing, regardless of the circumstances, could be this focused.

In the Western Balkans, the families of the missing have been the driving force behind this success. They have been relentless and fearless in demanding their rights. Over 90,000 relatives of the missing have voluntarily provided 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 to address the issue of missing persons, it is critical that the families of the missing play an active and central role.

I would like to turn my remarks to discussing the future of the process in Bosnia and Herzegovina and specifically the role that ICMP may be able to continue to play as we wind down our assistance.

There are still approximately 12,000 persons missing in the region of which approximately 9,000 are missing from the conflicts concerning Bosnia and Herzegovina. In order for the remaining missing persons to be accounted for the following must happen:

1. **There must be continued political will:** A non-discriminatory approach to accounting for the missing must be maintained through the Missing Persons Institute and the State Prosecutor's Office. To this end, the Council of Ministers must take full responsibility for managing the Institute and it must streamline its functions;
2. **The Central Records on Missing Persons,** have been established but the verification process has been stalled for what appears to be political reasons. I would like to take this opportunity to state that a failure to complete the verification of these records is contrary to the law and the rights of families

and society to have accurate and reliable information concerning the numbers and names of the missing;

3. **The Law on Missing Persons**, which was created in 2004, must be fully implemented, by completing the verification of the Central Records and by creating the Fund for Families of the Missing. It is a tragedy that this has not happened a decade after the creation of such a historically important Law. Many of the relatives of the missing, primarily women who live below the poverty line, have a right to compensation. In addition, non-implementation of the law directly acts as a barrier to return;
4. **Maintaining a rule of law approach:** The State Prosecutor's Office must remain firm in its commitment to review all 11 mortuaries in BIH to resolve an estimated 5,000 cases of unidentified mortal remains that have been recovered, but which have yielded no DNA matches.

If there is continued financial support from the international community over the next three years, ICMP will continue to assist Bosnia with these cases. But, Bosnian institutions must demonstrate the political will to work with us to resolve this issue;

5. **The use of aerial imagery:** Thanks to the United States, previously restricted aerial imagery has now become available which could help us locate clandestine or mass graves. Through a process of linking data that ICMP has accumulated over the last 18 years, to these images, we could try to find the remaining sites; however, this effort would depend on the financial support of the international community.
6. **The collaborative support of civil society and the families of the missing:** The

families of the missing must remain strong, united and engaged, but they need help from others, including youth groups and other human rights organizations.

Since 1996, ICMP has assisted in the creation and development of law-based institutions in the region, such as the Missing Persons Institute. We have also assisted Bosnia in the creation of the Central Records and we are now working with Missing Persons Institute and the other countries in the region to create a regional list of unresolved cases.

We helped craft the Law on the Missing and the Fund for Families; we have assisted in excavating over 3,000 mass or clandestine graves and we have used forensic genetics to great effect in accurately identifying the missing and using that evidence for court purposes. We have also helped 120 family associations in the region assert their rights and we guided the creation of the Regional Coordination group of families of the missing from Bosnia, Croatia, Serbia and Kosovo.

Following these achievements, we see our remaining role in the region as ensuring that the regional governments continue to adhere to a non-discriminatory, law-based approach. Over the next three years our assistance could include:

- Assisting Bosnia and Herzegovina in locating mass or clandestine graves using satellite imagery;
- Continuing assistance to the State Prosecutor's office in reviewing the 11 mortuaries and hopefully accounting for new missing persons cases through that process;
- Using DNA to continue the accurate identification of the missing, while building local forensic capacity.

However this continued support is based upon two critically important factors:

1. The continued political will of the regional States involved, including most prominently the Government of Bosnia and Herzegovina;
2. Continued financial support from the international community to achieve these goals.

As you know, ICMP's assistance depends on voluntary donations from governments and others. In this regard, we are immensely grateful for the extraordinary support of the donor community. The United States, The Netherlands, the United Kingdom, Sweden, Germany, Switzerland, the Czech Republic, Turkey, the Holy Sea, Spain, Italy, France, and – of course - my own government, as mentioned by the Ambassador, as well as the European Union and others. We hope that the international community will continue this support in our final efforts to assist the region and allow us to leave a permanent capacity to address the remaining cases of missing persons over the long term.

Ladies and gentlemen, Bosnia and Herzegovina is not alone in the world.

We cannot point the finger at any one country, race, nation or religion for committing atrocities and human rights abuses, and we cannot say that the problem of the missing only affects a handful of nations.

The issue of the missing is a global one and we suffer together as a global community when we do not address this problem.

Thank you.