THE MISSING
AN AGENDA FOR THE FUTURE
29 October - 1 November 2013, The Hague, The Netherlands
icmp International Commission on Missing Persons

CONFERENCE REPORT
“When we speak of a missing person, we mean someone being missed by others. It is those that remain behind who experience the anguish of uncertainty and who turn to State authorities for answers and resolution.”

Her Majesty Queen Noor
1. Introduction

Today there are millions of reported cases of missing and disappeared persons from armed conflict and human rights abuses around the world. In addition, thousands of persons go missing every year as a result of disasters, human trafficking, organized violence and other causes. Developments in the last two decades have seen an evolution in how the issue of the missing has been addressed, particularly following conflicts and disasters. Because of this, the scale of the problem has become better known, guidelines, standards and policies on the missing are being more efficiently defined, and advances in science and informatics now make it possible to locate the missing more effectively than ever before. Still, the extent to which these new capabilities are applied continues to depend on the circumstances under which a person has gone missing, as well as on who is searching for that person and to what end. To provide effective guarantees against persons going missing and to safeguard the rights of relatives of the missing, it is necessary to look beyond traditional categorisations and to view the issue as an integral part of human rights and human security. Providing effective redress to the problem of the missing must, therefore, form part of a more broadly comprehensive global effort to reduce human vulnerability, enhance political participation and expand access to justice and economic rights.
“The issue of missing persons is as old as mankind itself. Yet there is virtually no understanding of the global dimension or the true scale of the problem. There are no guidelines regarding the responsibility of states to address this problem in all its facets.”

**Thomas Miller**

“In human rights work, and in particular in missing persons work, human lives hang in the balance in protecting data tightly, and yet getting accurate overall statistics requires sharing of data. The principles of privacy need to be ‘baked in’ to organizations, where technology translates directly into leverage and efficacy.”

**Andreas Wigger**

“Families of missing persons must feel that others in their community and in society at large are aware of their loss and their hardship and support them in the long term. When families participate, they make use of their existing strengths while developing new ones.”

**Brian Behlendorf**
The ICMP Conference, The Missing: An Agenda for the Future, sought to provide an overview of how responses to the issue have evolved, a survey of the challenges that are being faced, and a vision for the future. The Conference was preceded by a series of roundtable discussions of which the first, in The Hague, included international and other organizations, and the second included academics from the socio-political sciences, hosted by the University of Sussex. A third roundtable discussion took place in Sarajevo, Bosnia and Herzegovina, with stakeholders from the former Yugoslavia, including representatives of families of missing persons, government institutions, NGOs, media representatives, policymakers and the courts.

With support from the City of The Hague, the world’s international city of peace and justice, the Conference was held at the Peace Palace from Tuesday 29th October to Friday 1st November 2013. As the first Conference of its kind, it sought to address missing persons issues comprehensively, whether as a result of war, human rights abuses, disasters, organized violence, migration or other involuntary causes. It also examined missing persons processes with regard to their legal, technical and societal implications. It delivered cross-cutting recommendations and opened the way to formulating new initiatives.

The Conference brought together participants representing States, international and non-governmental organizations, including victim and survivor groups, the private sector, academia, journalists and others. Participants represented senior policymakers, human rights organizations, judicial organizations, defence and security organizations, scientists, emergency response organizations, specialized ministries and institutes, as well as the media.

The Conference was divided into three broad thematic topics:

1) Persons missing as a result of armed conflict and human rights abuses, including enforced disappearances;
2) Persons missing as a result of disasters, both natural and man-made;
3) Persons missing as a result of other causes, including organized violence (drugs, human trafficking, terrorism), and persons missing through migration.

In addition, delegates discussed cross-cutting issues and future challenges, including aligning global and domestic initiatives, building domestic ownership, strengthening the role of the judiciary, in particular that of prosecutors and investigators, ensuring the rights of survivors, improving global capacity to respond to missing persons issues, exploring the availability and quality of missing persons data, and enhancing preventive measures and preparedness.
3. Opening Address by Her Majesty Queen Noor

Opening the Conference, ICMP Commissioner Her Majesty Queen Noor reviewed capacities applied and progress made on the missing persons issue in the former Yugoslavia, where an estimated 40,000 persons have been listed as missing as a consequence of the armed conflicts of the 1990s. More than 70% of the missing in the former Yugoslavia have been accounted for today. In Bosnia and Herzegovina specifically, where an estimated 30,000 persons went missing, 74% have been accounted for. And concerning the fall of Srebrenica in 1995, following which more than 8,000 persons were reported missing, almost 7,000 have been located in illicit mass graves and their remains reliably identified and returned to their families for burial and commemoration.

Her Majesty recalled that these relative numbers indicate progress that contrasts with that reported from other parts of the world. Efforts to locate the missing in the former Yugoslavia have been supported by the sustained engagement and cooperation of domestic institutions, including the countries’ political authorities and criminal justice systems. These institutions have attempted to separate the issue of the missing from the politics of the past. Her Majesty emphasized that the families of the missing have neither been left alone, nor have they simply been recipients of international assistance. Instead they have been articulate and engaged participants in the process of locating their missing relatives. Working across national, religious and ethnic boundaries, the families have built a functioning civil society network and have directly participated in operational processes, including providing ICMP with almost 100,000 records of personal information on the missing, including genetic samples that have made it possible to identify their missing loved ones.

An important condition for the progress made in the Western Balkans relates directly to the rule-of-law approach that has been taken, including working to standards of evidence that are required in civil legal processes, criminal prosecutions, and for the purposes of issuing reliable death certificates. Applying the kind of advanced technology that is commonly used in countries that maintain current rule-of-law standards has made it possible to mount reliable and effective investigations in order to clarify the fate of the missing and has strengthened the rule of law itself. Her Majesty reminded participants that wrongs which have taken place in the past, especially disappearances, represent a fundamental violation of the rule of law and human rights guarantees. Post-conflict reconstruction and reconciliation must involve the reinstatement of the rule of law and of human rights as key components of the effort to establish a just and peaceful society. Only the State can reinstate rights and guarantees that have been violated.

“FAMILIES NEED AND DESERVE INFORMATION ABOUT THE PROCESS OF LOCATING THE MISSING, CONSISTENT, EFFECTIVE TWO-WAY COMMUNICATION CHANNELS, INFORMED CHOICES, OPENNESS, SENSITIVITY, EMPATHY, NON-JUDGMENTAL ASSISTANCE, PSYCHOLOGICAL SUPPORT, RESPECT FOR THEIR INDIVIDUAL NEEDS AND PRIVACY, OPPORTUNITIES TO BE WITH OTHERS, TO BE EMPOWERED, AND FINANCIAL HELP.”

PAMELA DIX

“STANDARDS FOR RECOVERY AND INFORMATION SHARING CAN DIFFER BETWEEN COUNTRIES, REMAINS NEED TO BE HANDLED AND STORED WITH CARE, AND RISKS OF MISIDENTIFICATION MUST BE MITIGATED.”

RONALD K. NOBLE

Opposite page: ICMP Commissioner H. M. Queen Noor and Croatian Minister of War Veterans Predrag Matić with ICMP Commissioners Wim Kok and Rolf Ekéus at the Conference.

The Conference included four panels, three covering the broad thematic topics and one on the challenges to global efforts to account for the missing more effectively.

The first panel was dedicated to the issue of persons missing as a result of conflicts and human rights abuses and was opened by the President of the International Center for Transitional Justice, Mr. David Tolbert. Professor Eric Stover of the University of California, Berkeley spoke on the subject of enhancing international community efforts to build national capacity. H.E. Mr. Mohammad Shyaa Al-Sudani, Minister of Human Rights of Iraq, and H.E. Mr. Aram Ahmed Mohammed, Minister of Martyrs and Anfal Affairs of the Kurdish Regional Government, discussed the difficulties of maintaining political momentum to account for missing persons. The challenges in prosecuting perpetrators in missing persons cases were presented by Mr. Manoj Sachdeva and Ms. Fiona McKay of the International Criminal Court (ICC). Former Scottish First Minister Rt. Hon. Lord Jack McConnell reflected on accounting for the missing as a means of deterring and preventing atrocities and human rights abuses. Mr. Andreas Wigger of the International Committee of the Red Cross (ICRC) and Ms. Jasminka Džumhur of the UN Working Group on Enforced or Involuntary Disappearances discussed respectively humanitarian and transitional justice requirements.

H.E. Mr. Ivo Josipović, President of the Republic of Croatia, delivering the panel’s keynote address, emphasized that the issue of the missing not only burdens relatives and friends but is a formidable obstacle to lasting peace and stability. Because of this, he said, the right to the truth is gradually being recognized internationally as a legitimate human right. President Josipović reminded participants that even in Europe, the problem of missing persons is far from being resolved. With some 12,000 people still missing in South East Europe alone, 2,300 in the North Caucasus region of the Russian Federation and close to 2,000 in Cyprus, more needs to be done. This includes deploying efficient investigations and prosecutions to end a climate of impunity. President Josipović acknowledged that this is not an easy task and that it will take courage and time, but it is necessary in the process of healing the wounds of affected societies.

The second panel was dedicated to persons missing as a result of natural and man-made disasters. It was opened by H.E. Mr. Ronald K. Noble, Secretary-General of INTERPOL, who called for a permanent structure for Disaster Victim Identification (DVI) to be established. The challenges of the South East Asia tsunami were presented by Professor Pongruk Sribanditmongkol, who led DVI teams in Thailand in 2004. The Scientific Director of the BKA’s Forensic Science Institute, Dr. Ingo Bastisch, addressed the challenges in coordinating response mechanisms in order to assist countries affected by disasters. Mr. Frank de Paolo from the Office of the Chief Medical Examiner of the City of New York and Ms. Irene O’Sullivan of the Netherlands Forensic Institute reflected further on how to ensure improved coordination between international and domestic actors in responding to disasters, as a key condition for better safeguarding victims’ rights. Ms. Pamela Dix, Executive Director of Disaster Action, addressed the rights of families in disasters. The needs of families are universal and include, among other things, access to information about the process, consistent and effective two-way communication, respect for individual difference, and privacy.

The third panel dealt with organized violence and migration. Delivering the panel’s keynote address, H.E. Ambassador Wil-
liam Lacy Swing, Director-General of the International Organization for Migration (IOM), highlighted the vulnerability of migrants who in transit or at destination lack access to justice institutions to safeguard their rights. Sister Consuelo Morales of the Citizens in Support of Human Rights organization in Mexico, showed how stigmatization can exacerbate such vulnerabilities. Ms. Sara H. Katsanis of the Institute for Genome Sciences and Policy at Duke University, Professor José Antonio Lorente, Director of DNA-PROKIDS (Missing Children Identification Program), and Professor Lori E. Baker of the Department of Anthropology at Baylor University further elaborated on these themes. In particular, the magnitude of the problem of trafficking in human beings was highlighted as well as the importance and challenges of using scientific identification methods in such cases.

The fourth panel addressed the challenges to global efforts to account for the missing. Speakers included Ms. Olgica Božanić of the Families of Kidnapped and Missing Persons of Kosovo and Metohija organization; Dr. Radwan Ziadeh, Director of the Damascus Center for Human Rights Studies (Syria); Professor Michael S. Pollanen, Chief Forensic Pathologist for Ontario; Dr. Ewa Tabeau, former Head of Demographics at the International Criminal Tribunal for the Former Yugoslavia (ICTY); Dr. Jay Aronson, Associate Professor of Science, Technology and Society at Carnegie Mellon University; and Dr. Alex John London, Professor of Philosophy and Director of the Center for Ethics and Policy at Carnegie Mellon University; as well as Mr. Brian Behlendorf, Board Member of the Benetech and Mozilla Foundation.

In his keynote address to the fourth panel, Ambassador Thomas Miller, ICMP Chairman, said there could be no going back to a time when missing persons were simply not found. Accordingly, missing persons cases must be properly investigated through law-based mechanisms and modern forensic methods: justice must be done and criminals must be held to account. Families of the missing must continue to be actively engaged, and more reliable and accurate information must be made available to them, while their privacy and their rights must be better protected.

The closing session of the Conference was delivered by Ambassador Knut Vollebaek, ICMP Commissioner; and H.E. Mr. Frans Timmermans, Minister of Foreign Affairs of The Netherlands, who called for ICMP to work on these challenges as a modern, small and flexible organization, formally established under international law, allowing it to operate even more effectively worldwide. Mr. Timmermans called upon States to support his Government’s efforts in pursuit of this objective. Speaking on behalf of the Government of the United Kingdom, Mr. Alistair Burt MP said the Government of The Netherlands has the full and strong support of the British Government in this regard. US Ambassador to the OSCE, Mr. Daniel Baer, recalled the United States’ support for ICMP’s efforts and ICMP’s origin as an initiative by U.S. President Bill Clinton. Concluding the Conference, summary observations were made by the rapporteur, Professor Jeremy Sarkin, and closing remarks by Ambassador Miller.

“The category of mobile populations at greatest risk of becoming ‘missing’ persons is what we at IOM term ‘vulnerable migrants’ — whether in transit or at destination. These are persons who cannot help themselves, cannot turn to judicial or law enforcement authorities or avail themselves of their own or the host country government’s assistance.”

William Lacy Swing

“Stigma against victims is harder in cases where people disappear in the hands of organized crime, since both society and authority tend to think that the victims were surely involved in crime related business and, therefore, they had it coming, it was their own fate.”

Consuelo Morales
Regardless of the circumstances in which individuals have gone missing, addressing the issue from a number of perspectives, including that of truth and justice, involves ensuring peace and justice in the world. Resolving missing persons cases is a way of contributing to rebuilding societies that have been affected by calamities, ending cycles of violence and ensuring economic development, non-repetition and prevention.

During the last two decades there have been notable advances in how the issue of the missing has been addressed, particularly following conflicts and disasters. In the aftermath of the attacks in New York City on 11th September 2001 the majority of persons killed and missing were identified and their remains returned to their families. The effort by police forces from around the world to account for persons who went missing as a result of the 2004 South East Asian Tsunami is an example of the increasing ability to pull together resources at an international level, making it possible to account for a significant number of missing persons.

Much has been done to develop processes to locate the missing. However, while capability and capacity have been enhanced with new methodologies and scientific advances, there is a need for legal and societal frameworks to catch up with these developments. These modern approaches have had an impact on the development of countries emerging from conflict, or following large-scale disasters. In regions where countries have successfully addressed missing persons cases following conflict, such as the countries of the former Yugoslavia, Chile, Argentina, East Timor and South Africa, these countries increasingly assume ownership of the processes.

Recent advances have been facilitated by broader movements in different parts of the world to build a peaceful society by strengthening the rule of law. In this context, families of the missing are not only exercising their right to know the fate of their missing relatives but have sought justice and reparations. Law-based, forensic approaches that conform to the requirements of courts of law are becoming the norm. Furthermore, developments in the field of genetics and other modern forensic methods, as well as advanced database informatics, have made it possible to locate and identify persons with a level of certainty that was not previously accessible or affordable. With more missing persons being accounted for from recent conflicts and disasters than ever before in history, progress is beginning to become quantifiable.

While progress has been considerable, there is still a lack of standards regarding the responsibility of States to address this problem in all its facets. There are no universal guidelines, or legal frameworks in place that victim or survivor groups can refer to. In particular, there is still no permanent international mechanism to address this global problem. The problem of missing persons does not respect borders, whether persons

5. Advances in Dealing with the Missing
are missing as a result of conflict, human rights violations, disasters, organized violence or refugee flows or migration. In this regard, the issue of the missing warrants a more structured and sustainable international response.

General understanding of the global dimension or of the true scale of the problem of the missing is still limited. The World Disasters Report of 2012 noted that between 2000 and 2012 an average of 100,000 people were killed each year as a result of disasters; how many remain missing is not known. Migration has a severe impact on the issue of the missing. There are believed to be 72 million enforced migrants of whom 15 million are refugees. These people are vulnerable all along the migratory route, from point of departure to their final destination. However, not enough is known about the effects of this vulnerability especially in cases where persons go missing.

There are clear signs of a systematic shift towards a more international and more inclusive perspective. Evidence of this since the 1990s can be found, for example in the establishment, inter alia, of the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Court for Rwanda, as well as other international and hybrid courts. The efforts of IOM concerning missing persons have focused attention on persons missing as a consequence of migration. Experience arising from the 2004 Tsunami, including the efforts of INTERPOL and others to establish a permanent platform to respond to disasters, is also a highly relevant development.

"ICMP is capable of playing a role on the world stage. Its special expertise will be needed as long as there are missing persons from conflicts, natural disasters and human trafficking."

**Frans Timmermans**

"Civil society should play a significant role in collecting information from the families of the missing and the government ought to open its files to investigating agencies to allow families to know the fate of their loved ones."

**Radwan Ziadeh**

"Our duty is to continue to strengthen the rule of law further and to bring justice to the relatives of missing persons who are still waiting to learn about the fate of their beloved."

**Ivo Josipović**
6. The Way Forward

Current processes dealing with missing persons are still compartmentalized. Thus, for example, the problem of the missing is covered in international humanitarian law by the Geneva Conventions. As far as disappearances are concerned, the issue is covered generally by the Declaration on the Protection of All Persons from Enforced Disappearance and the International Convention for the Protection of All Persons from Enforced Disappearance. Disappearances that are widespread or systematic may be covered by the Rome Statute of the International Criminal Court. Other legal instruments that play a role with regard to the missing include the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, of 1985, the Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the UN in 2005, and the Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, 2012. However, these instruments are often not comprehensive, and are often non-binding. There are also regional variations. While the rights of families of the missing have been considerably strengthened under the jurisprudence of the European Court for Human Rights, the Inter-American Court of Human Rights and the African Commission on Human Rights, inter alia, such protections are neither uniform nor universally available.

The architecture of the international system is also not designed specifically to deal with the missing. While there have been major developments over the last 20 years with the establishment of the ICC, the ICTY and the ICTR, as well as hybrid courts in places such as Cambodia, Sierra Leone, and Timor-Leste, to make individuals accountable for serious international crimes, there has been little focus on all categories of the missing. Attention has been given to the issue by truth commissions, various UN bodies, regional commissions, and regional courts; all of these institutions have critical roles to play as far as these issues are concerned but more can be done. Global initiatives require improved cooperation among States, including better information sharing and the utilization of advanced communication and data processing mechanisms.

In wars, according to the European Institute for Security Studies\(^1\), during the 1990s globally, almost 4 million people died, 90% of them civilians. A ratio of 10 civilian deaths for every combatant killed is also reported for wars fought since the

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\(^1\) A Secure Europe in a Better World, p.5
mid-20th century. By contrast, for the First World War that ratio is estimated at nine combatant deaths for each civilian killed. Assessing numbers of civilian deaths is a complex matter and average ratios may be off the mark for specific wars. Nevertheless, it is clear that the impact on civilian populations of military confrontations in the 19th century or even in the First World War was different from the impact of modern warfare. As a result, there are practical problems today in applying the rules and customs of war to persons missing as a result of hostilities. In particular, warring parties in the 19th century could be reasonably presumed to know best the whereabouts and identity of persons who went missing during conflict, but this is no longer the case.

Ascertaining the true extent of the problem of the missing remains difficult because of a lack of accurate data. In this regard there is a need for more research and there is a need to monitor and record more and better data so as to make it possible to prepare for and respond to crises when they occur. A rule-of-law approach has been taken by ICMP which has included working to a standard of evidence required for legal processes, including for the criminal prosecution of perpetrators. This has also been necessary in order to issue reliable death certificates, which are necessary under inheritance law or to remarry. Specific, highly reliable methods have been needed in order to locate and identify the missing. ICMP made a decision to use DNA as the first line of identification in the former Yugoslavia in order to provide scientific accuracy and objectivity in making identifications, and in turn to produce irrefutable evidence about who has gone missing, or who has been killed. The approach has been equally successful in assisting the identification of persons missing as a result of disasters and other causes.

“I DARE TO SAY THAT, TODAY, THE RIGHT TO KNOW THE TRUTH, THE RIGHT TO JUSTICE AND THE RIGHT TO AN EFFECTIVE INVESTIGATION ARE GUARANTEES THAT ARE EXPECTED OF STATES.”

Knut Vollebaek

Opposite page: Gerald H. Butter from the City of The Hague, ICMP Commissioner H.M. Queen Noor and Deputy Mayor of the City of The Hague Marnix Norder at the Conference dinner. Top page: Director-General of the Iraqi Ministry of Human Rights Arkan Thamer, Director-Manager of the Iraqi Martyrs Foundation Nasir Sha’alan, Iraqi Ambassador to the Netherlands Saad Ibrahim al-Ali, Chairman of the Iraqi Committee of Martyrs, Victims and Political Prisoners Sheikh Mohammed al-Hindawi, Iraqi Minister of Human Rights Mohammad Shyaa Al-Sudani and the Minister of Martyrs and Anfal Affairs of the Kurdish Regional Government Aram Ahmed Mohammed attending the Conference. Bottom right: President of the International Center for Transitional Justice David Tolbert and Faculty Director of the Human Rights Center at the University of California Eric Stover talking to a participant.
7. Technology and its Challenges

The rapid development of DNA methods in the late 1980s has revolutionized medicine, basic life science research, and forensics. The experience of the ICMP provides an example of the effectiveness of incorporating a database-driven, integrated DNA identification system that is cost-effective and has come to be used in numerous missing persons contexts. However, with the advent of next generation techniques, the world will again be challenged to meet the need for ever more sophisticated analysis tools.

Harnessing the rapidly developing techniques of forensic science for identification of the missing, and ensuring that the science of identifying the missing follows rigorous standards and best practice wherever it is applied is a challenge for the future. Integral to this is preparedness and planning, so that applicable forensic science techniques can be called upon efficiently with respect to time and cost. Because the need for scientific victim identification can occur anywhere and at any time, assessments are needed, current deficiencies have to be defined and the use of standing mechanisms has to be explored, so that an efficient, safe and reliable global resource can be established.

While the capabilities of modern science have been demonstrated, application also raises questions: how should new techniques be used, who should have access to them and how much should they cost? Will less wealthy or less advanced countries be required to keep up as best they can? Or will there be international mechanisms and shared resources, or institutions that can provide standing capacity and cost effective scientific solutions to serve the global community instead of each country setting up their own system? Should a single government maintain permanent facilities of sufficient capacity and staff, when they will be called upon only very rarely without warning? Is it not better to have a shared mechanism for standing capacity? Applying scientific methodologies in politically charged settings where stakeholders may have vested political interests in outcomes of missing persons processes demands safeguards and commitments, including commitments to human rights, at the domestic and the international level. Tendencies towards rushed, ad hoc responses lead not only to a lowering of the standards and effectiveness of missing persons processes, but must also be seen critically with a view to these commitments.

An important question related to advanced forensic sciences concerns the potential for possible misuse. Examples include the tracking of unwanted immigrants, the augmentation of criminal databases to include innocent people, and real or perceived threats to privacy that can discourage relatives of the missing and others from participating in missing persons processes, and thus deter them from exercising their rights. The effective and efficient use of advanced scientific methods in the missing persons context must hence be accompanied by adequate protections, both technical and legal. Such protections need to be available at both the domestic and the international level if advances in science are to continue to support the exercise of human rights and contribute to the full implementation of the rule of law.

While scientific capabilities are evolving quickly, international and domestic law is lagging behind, and this presents a global
challenge to accounting for the missing. International legal instruments that address the use of genetics for instance exist in the context of medical research, but generally do not provide guidance in the context of forensic applications in the missing persons context. Important principles are to be found in Human Rights Council Resolution 10/26 on Forensic Genetics and Human Rights (2009), which urges that the application of forensic genetics in particular be conducted in accordance with international standards accepted by the scientific community for identifying the remains of victims of serious violations of human rights.

The establishment of more efficient databases that can exchange information about missing persons and link domestic and international efforts is important, but this also needs to be subject to protections and safeguards. Protecting data, however, needs to be balanced with the requirements of locating the missing, including the sharing of data. There are examples of improving data sharing while protecting basic rights, such as the “Direct Project” which was an effort led by the U.S. Department of Health and Human Services. This example should be further explored in the context of missing persons. It proposed a community-developed, open standard for the exchange of information through a multi-stakeholder process. The development of this system took guidance from similar standard processes that led to the development of other communication technologies, in particular that of Internet standards.

International bodies such as INTERPOL and ICMP can be expected to play an increasingly prominent role in meeting these objectives. International coordinating bodies can ensure the sustainability of relevant processes by establishing, deploying and coordinating a broader platform for responses than is available to individual countries. A good example of a way forward is the INTERPOL-ICMP initiative for a permanent DVI platform. Given that all countries are vulnerable to both natural and man-made disasters and given that very few have the means or the capability to respond, this platform would have the benefit of improving global forensic capabilities, and expanding access to them.

“IT CANNOT NOW BE AN INEVITABLE CONSEQUENCE THAT PEOPLE ARE SIMPLY LOST. (...) IT IS NO LONGER ACCEPTABLE TO RECOGNIZE THAT THIS IS AN INEVITABLE CONSEQUENCE OF DREADFUL THINGS, BUT WE CAN NOW DO SOMETHING ABOUT IT. WHICH IS WHAT ICMP DOES IN A REMARKABLE WAY.”

Alistair Burt
Establishing effective processes for locating the missing may be viewed as the newest form of transitional justice. Such processes are embedded in the right to truth. Reconciliation in many places is unlikely to happen unless the issue of the missing is addressed. In addition, there now exists a right to remedy, including the right to an effective investigation, verification of the facts, and disclosure of the truth. States have a duty to investigate. Processes to ensure non-repetition, however, are also needed. Putting victims at the centre of these issues asserts their right to liberty, life, autonomy, and development: it is certainly in the public interest to deal with these issues.

The right to the truth is to be found in the Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity, of 5th February 2005, which reaffirms the “inalienable” right to know the truth regarding gross human rights violations, the International Convention for the Protection of All Persons from Enforced Disappearance (2006), the General Comment of the WGEID on the Right to Truth in Relation to Enforced Disappearance (2010), a publication of the Office of the High Commissioner for Human Rights, The Right to Truth, 2006, and the reports of the Advisory Committee of the Human Rights Council on Best Practices and Missing Persons (2010), in decisions of the Inter-American Court of Human Rights, and recently in the European Court of Human Rights in the El-Masri judgment. It is now commemorated on International Day for the Right to the Truth of Victims of Gross Human Rights Violations and for the Dignity of Victims (24th March). This is both an individual and a collective right. Each victim has the right to know the truth about violations against them. Truth is a central response to denial, manipulation and the manufacture of myths surrounding conflict. Greater truth helps to establish who the perpetrators were, who, and how many victims there were, and what was done to the victims by the perpetrators. Individual families want to know what happened, but society as a whole also has a right to know the truth. The truth is a fundamental aspect of ensuring a reliable historical record.

“If we, the living, accept that certain victims won’t be identified without even having a conversation about it, then we give license to those who wish to erase them from the Earth.”

Jay Aronson

“We need to improve coordination between international and domestic actors involved in assisting countries in any missing persons scenario, whether after a conflict, or a disaster, or in cases of organized crime and other causes. One thought could be to create a global forum on missing persons, similar to the forum which currently exists on migration.”

Wim Kok

“The participation of international coordinating bodies can ensure the sustainability of this process through establishing, deploying and coordinating multi-country teams that can bear this burden, while the focus of the country can shift to other priority areas.”

Ronald K. Noble

“The tragic events in the Mediterranean, recently on Lampedusa, as an international maritime disaster, a direct effect of illegal human trafficking and the desperation of migrants are truly an example of why a concerted and coordinated approach must be developed.”

Rolf Ekéus
AGENDA FOR THE FUTURE:
RECOMMENDATIONS

1. Recognizing and researching the global scale of missing persons
The international community must recognize the global scale of the problem of missing persons. It should be a global goal to improve the availability and quality of data on missing persons. More research needs to be conducted to this end and resources should be made available for this purpose. Information on missing persons globally must be made available regularly.

2. An international mechanism and standing capacity to deal with the missing
There is a need for an international mechanism and standing capacity that can provide a structured and sustainable response to all missing persons cases, whether from conflict, human rights abuses, organized violence, migration or other causes, and which is accessible to all countries. A global forum on missing persons should be created to strengthen cooperative networks dealing with the missing. Roundtable meetings, such as those held in preparation for this Conference, should be held regularly in order to ensure that the voices of families and survivors, international organizations, the social sciences and other stakeholders are heard.

2a. A Permanent Disaster Victim Identification (PDVI) platform
A permanent DVI (PDVI) platform is needed. A PDVI will create a rapid deployment model which will provide proven, relevant expertise where it is needed, when it is needed, and offer target capacities for throughput data. This will ensure improved and equitable access to DVI resources, which are at present more available to some countries than to others. Funding must be allocated for these processes. Protocols need to be entered into by the relevant actors, to develop cooperation strategies and the technical infrastructure needed for these purposes.

2b. Technical cooperation, coordination, training and capacity building
There needs to be more cross-disciplinary work by forensic experts. A practitioner’s manual on forensic investigation in the missing persons field would be particularly useful. Assistance should also be provided at country level to meet the growing demand for forensic practitioners, institutions and service-providers.

3. Develop domestic and international capacities to link data in order to locate missing persons on an international level

3a. Assisting and involving the families of the missing
A universal missing persons inquiry function should be established to assist families in their search for the missing. In addition, the involvement of families of the missing needs to occur on a much more consistent basis on all issues concerning the missing. Families need to be engaged, listened to, and kept informed. Their consent needs to be sought and obtained more regularly. Families should be regarded as active and engaged participants in any medico-legal investigation. Social trust is important in order to secure their willingness to cooperate with and to support processes and structures.

4. Legal responsibilities, safeguarding standards, data protection and privacy
Legal responsibilities, standards and data protection measures for addressing missing persons scenarios need to be better defined in order to allow scientific advances to be effectively harnessed to provide assistance in accounting for the missing. There also needs to be a forum for the promotion, dissemination and implementation of standards of forensic best practice in the investigation of missing persons cases. To protect missing persons data, in particular the data of families of the missing, a protected personal data depository (“Data Silo”) should be established. Cooperation agreements with law enforcement agencies, including border security agencies and international organizations, need to be entered into. The technical infrastructure required for these purposes has to be created.

5. The role and responsibilities of governments in addressing missing persons cases
The role and responsibilities of governments in addressing missing persons cases need to be clarified. As far as State responsibility for the missing is concerned, governments need to be held accountable for what they are meant to do, and in order to ensure that they comply with the relevant standards contained in international and other laws. Thus, it is important to highlight the responsibility of States on missing persons issues. For instance, ICMP has proposed a Declaration on the Role of the State in Addressing the Issue of Persons Missing as a Consequence of Armed Conflict and Human Rights Abuses. More States must sign and adhere to the standards contained in this declaration.

6. ICMP’s future activities
ICMP should seek to further expand its activities by developing more and deeper partnerships with other organizations, as well as States, incorporating the goals and objectives listed above. At an appropriate time in
the future, a stocktaking should be undertaken through a follow-up Conference in order to assess progress, again addressing the issue comprehensively and in respect of all causes of persons going missing. To this end:

- A global forum on missing persons should be initiated to ensure more effective cooperative networks on missing persons;
- The responsibility of States on missing persons issues should be advanced through appropriate instruments;
- The availability and quality of data on missing persons should be improved, and adequate technical provision for data sharing and analyses should be instituted globally, including a global missing persons inquiry function;
- Standing technical capacities, including a standing Disaster Victim Identification Platform, should be established in the short term to provide improved equitable access to DVI provision;
- An internationally protected personal data depository ("Data Silo") should be made available to all persons as a protective measure and to locate persons who have gone missing.

CONFERENCE PROGRAM

The Missing: An Agenda for the Future

From 29th October to 1st November 2013, The Hague, The Netherlands

TUESDAY, 29TH OCTOBER 2013

Time

Afternoon  Delegate arrival

18h00-20h00 Welcome Reception and Conference Registration hosted by the City of The Hague

  Welcome address
  Mr. Jozias van Aartsen, Mayor of the City of The Hague

WEDNESDAY, 30TH OCTOBER 2013

Time

08h15  Delegate arrival at the Peace Palace, conference registration and coffee

09h00  Opening of the Conference

  Ambassador (retired) Thomas Miller, ICMP Chairman
  Her Majesty Queen Noor, ICMP Commissioner

09h40  FIRST PANEL: ARMED CONFLICT AND HUMAN RIGHTS ABUSES

  Keynote speaker
  H.E. Mr. Ivo Josipović, President of the Republic of Croatia

10h00  Opening of plenary session

  Mr. David Tolbert, President, International Center for Transitional Justice (ICTJ)

  Plenary session discussion to be moderated by Ms. Kathryne Bomberger, ICMP Director-General

10h20  Aligning global and national initiatives

  Professor Eric Stover, Faculty Director, Human Rights Center, University of California, Berkeley School of Law

  • Enhancing international community efforts to build national capacity to address the issue of persons missing from conflict and human rights abuses
  • Enforcing human rights
10h40 Ensuring national ownership
   H.E. Mr. Mohammad Shyaa Al-Sudani, Minister of Human Rights of Iraq
   H.E. Mr. Aram Ahmed Mohammed, Minister of Martyrs and Anfal Affairs, Iraq
   • Creating political momentum to account for missing persons from violent conflict and human rights abuses

11h10 Building local capacity to account for missing persons and responding to the needs of relatives and others
   Mr. Andreas Wigger, Head of Central Tracing Agency and Protection Division, International Committee of the Red Cross (ICRC)
   Ms. Jasminka Džumhur, Ombudsperson, Bosnia and Herzegovina and UN Working Group on Enforced or Involuntary Disappearances (UNWGGEID) Member
   • The rights and responsibilities of civil society, including survivors

11h40 Implementation of the Rule of Law
   Mr. Manoj Sachdeva, Trial Lawyer Office of the Prosecutor, International Criminal Court (ICC)
   Ms. Fiona McKay, Head of the Victims Participation and Reparation Section, International Criminal Court (ICC)
   • Challenges in prosecuting perpetrators in missing persons cases
   • Legal frameworks and victims (survivor rights)

12h10 Resolving missing persons cases as a means to prevent future conflict
   The Rt. Hon. the Lord McConnell of Glenscorrodale
   • Does accounting for the missing deter or prevent future conflict or human rights abuses?

12h30 Conclusion of session and floor open for discussion

13h00 LUNCH

14h00 SECOND PANEL: DISASTERS AND MASS CALAMITIES
   Keynote speaker
   Mr. Ronald K. Noble, Secretary-General, INTERPOL, Lyon

14h30 Opening of plenary session
   Professor Pongruch Sribanditmongkol, Faculty of Medicine, Chiang Mai University, Thailand

   Plenary session discussion to be moderated by Mr. Andreas Kleiser, ICMP Director of Policy and Cooperation

15h00 Harmonizing assistance to countries following a disaster to meet local capacity and needs
   Dr. Ingo Bastisch, Scientific Director, Forensic Science Institute, Bundeskriminalamt (BKA, Federal Criminal Police Office), Germany
   • Challenges in coordinating response mechanisms
   • The role of public authorities, including law enforcement
15h15 The rights of family and next of kin in disasters
  Mr. Paul Slezik, Chief Transportation Disaster Assistance at National
  Transportation Safety Board, United States
  Ms. Pamela Dix, Executive Director, Disaster Action, United Kingdom
  • Locating and identifying the missing
  • Compensation

15h45 Preparedness
  Mr. Frank de Paolo, Office of the Chief Medical Examiner, NYC, United States
  Ms. Irene O’Sullivan, MSc, Senior Forensic Advisor/Scientific Support
  Coordinator, Netherlands Forensic Institute (NFI)
  • How to ensure improved coordination between international and domestic actors to
  respond to future disasters

16h15 Conclusion of session and floor open for discussion

17h00 End of the proceedings

19h00 Conference Dinner, hosted by the City of The Hague
  Keynote addresses
  Mr. Marnix Norder, Deputy Mayor of the City of The Hague, Urban
  Development, Public Housing and Integration
  Mr. Willem (Wim) Kok, ICMP Commissioner

THURSDAY, 31st OCTOBER 2013

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  H.E. Ambassador Rolf Ekéus, ICMP Commissioner
| 09h10    | THIRD PANEL: ORGANIZED VIOLENCE AND MIGRATION                        |
  Keynote speaker
  H.E. Ambassador William Lacy Swing, Director-General, International
  Organization for Migration (IOM)
| 09h30    | Opening of plenary session                                           |
  Mr. Nik Steinberg, Senior Researcher, Americas Division, Human Rights Watch
  Plenary session discussion to be moderated by Mr. Adam Boys, ICMP Chief Operating Officer
| 10h00    | Challenges in locating and identifying missing persons from organized crime, including drugs and human trafficking |
  Sister Consuelo Morales, Citizens in Support of Human Rights, Mexico
  Ms. Sara H. Katsanis, MS, Associate in Research, Institute for Genome Sciences and Policy, Duke University, United States |
10h30 Locating persons missing from migration and displacement

Professor José Antonio Lorente, Department of Legal Medicine, University of Granada, Scientific Director of GENY, Director of DNA-PROKIDS (Missing Children Identification Program)

Professor Lori E. Baker, Department of Anthropology, Baylor University, United States

11h00 Conclusion of session and floor open for discussion

11h45 LUNCH

12h45 FOURTH PANEL: CHALLENGES TO GLOBAL EFFORTS TO ACCOUNT FOR THE MISSING

Keynote Speaker

Ambassador (retired) Thomas Miller, ICMP Chairman

13h15 Opening of plenary session

Henry Erlich, MD. Ph.D., Children’s Hospital Oakland Research Institute (CHORI), United States

Plenary session discussions to be moderated by Ms. Kathryne Bomberger, ICMP Director-General

13h40 Capacities to locate and identify the missing

International capacities

Dr. Thomas Parsons, Director, Forensic Sciences Department, ICMP

14h00 Domestic capacities

Ms. Olgica Božanić, Member of Families of Kidnapped and Missing Persons of Kosovo and Metohija
Dr. Radwan Ziadeh, Director, Damascus Center for Human Rights Studies (Syria)
Professor Michael S. Pollanen, Chief Forensic Pathologist for Ontario, Ontario Pathology Service and Director, Center for Forensic Science and Medicine, University of Toronto

15h00 Accessing and processing missing persons data (databases and data systems)

Mr. Brian Behlendorf, Member of the Board of Directors, Benetech
Dr. Ewa Tabeau, Senior Researcher, Agricultural Economics Institute - Wageningen UR, formerly Head of Demographics, International Criminal Tribunal for the Former Yugoslavia (ICTY)

15h30 COFFEE BREAK

16h00 Applications and implications of new technologies

Professor Manfred Kayser, Chairman of Forensic Molecular Biology, Erasmus MC University Medical Center, Rotterdam, The Netherlands
16h30 Standards, ethics and data protection  
Dr. Alex John London, Professor of Philosophy & Director, Center for Ethics and Policy, Carnegie Mellon University  
Dr. Jay Aronson, Associate Professor of Science, Technology and Society, Carnegie Mellon University

17h00 Conclusion of session and floor open for discussion

17h30 End of the proceedings

20h30 Post dinner drinks reception and screening of a short documentary about missing persons by renowned documentary film maker Jonathan Silver
Hosted by ICMP at The Bel Air Hotel, (Johan de Wittlaan 30, 2517 JR, The Hague). All delegates are invited to attend.

FRIDAY, 1ST NOVEMBER 2013

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<td>H.E. Ambassador Knut Vollebaek, ICMP Commissioner</td>
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<td>09h10</td>
<td>CLOSING SESSION: THE MISSING: AN AGENDA FOR THE FUTURE (KEYNOTE/SUMMARY OBSERVATIONS BY THE RAPPORTEUR)</td>
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<td>Keynote Speakers</td>
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<td>H.E. Mr. Frans Timmermans, Minister of Foreign Affairs, The Netherlands</td>
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<td>Mr. Alistair Burt MP, The United Kingdom</td>
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<td>H.E. Ambassador Daniel B. Baer, United States Representative for the Organization for Security and Cooperation in Europe (OSCE)</td>
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<td>09h30</td>
<td>Summary observations by the rapporteur</td>
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<td>Professor Jeremy Sarkin, Extraordinary Professor of Law, University of South Africa (UNISA); Member (2008-2014) and Chair-Rapporteur (2009-2012) United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID)</td>
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<td>10h30</td>
<td>Closing remarks</td>
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<td>Ambassador (retired) Thomas Miller, ICMP Chairman</td>
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<td>11h00</td>
<td>End of Program</td>
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<td>Press Conference</td>
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NB: Please be advised that conference content, programming and participating speakers may be subject to change.
Appendix

Report on Roundtable Discussions
1. Introduction

1. In preparation for its international conference, The Missing: An Agenda for the Future, the International Commission on Missing Persons (ICMP) held a series of three roundtable discussions on thematic issues that will be topics at the conference. The purpose of the discussions was to broaden the participation of stakeholders in the conference report and outcomes. This report is a synopsis of the discussions that took place and will be included in the final conference report.

2. The discussions brought together participants representing governments, international and non-governmental organizations, victim and survivor groups, the private sector, academics, journalists, senior policymakers, human rights organizations, judicial organizations, defense and security organizations, emergency response organizations, specialized ministries and institutes, as well as the media.

3. The thematic topics included:
   - Missing and disappeared persons from armed conflict and human rights abuses, including an exploration of the role of national authorities and international institutions in accounting for missing persons;
   - Missing persons from disasters and other mass calamities, including an examination of harmonizing local and international efforts to locate and identify the missing;
   - Missing persons from organized violence, including human trafficking, drug related violence, as well as persons missing from migration and displacement.

4. The roundtable discussions took place in the following locations:
   I. The Hague, the Netherlands, 21st June 2013
      • This discussion primarily included representatives of international and other organizations that are concerned with missing persons in varying contexts, including criminal justice, policing and humanitarian relief.
   II. University of Sussex, The Sussex Centre for Conflict and Security Research, Brighton, United Kingdom, 1st July 2013
      • ICMP is particularly grateful to the Sussex Centre for Conflict and Security Research for hosting this discussion. The Sussex Centre is an interdisciplinary research centre, established in 2011, dedicated to supporting research, and informing public and policy debate, on issues of conflict and security. The core missions of the Centre are to support the development and dissemination of research on conflict and security, building upon Sussex University’s longstanding reputation for rigorous, theoretically informed and challenging scholarship on these and other global issues; and to promote engagement with policymakers and practitioners working on conflict and security issues. In addition to the participants from the University of Sussex, other academics from universities in the UK participated in the discussion.
   III. Sarajevo, Bosnia and Herzegovina, 3rd September 2013
      • This discussion included participants from the region of the Western Balkans. The discussion brought together academics, government officials, journalists, economists, survivor groups, international organizations, NGOs and policymakers.
2. The Hague, The Netherlands

2.1. Discussion

5. At the outset of the Roundtable participants took note that over the last two decades the manner in which the missing persons issue has been addressed has changed. Whereas an almost exclusively humanitarian approach characterized post World War II efforts to account for millions of missing persons, the establishment of the International Tribunal for the former Yugoslavia (ICTY) and later the International Criminal Court (ICC), as well as the international tribunals for Rwanda (ICTR) and Lebanon (STL) meant a steadily increasing role of rule of law processes and institutions in missing persons scenarios. Also in the context of disasters, where humanitarian efforts had likewise prevailed in the past, the functions of public authorities, in particular of law enforcement agencies was increasingly becoming the norm.

6. New technologies have also contributed to this change. Highly developed databases, as well as significant advances in the forensic sciences, along with their widespread use in the criminal justice field, meant that more and better information on missing persons and the circumstances of their disappearance has become available.

7. Lastly, Courts have developed legal frameworks under public law defining the manner in which public authorities shall address missing persons cases. Various legal instruments, including those found in international human rights agreements, such as the European Convention on Human Rights, are now understood to enshrine the state’s obligation to conduct effective investigations regarding missing persons. A range of corresponding rights have emerged, including the right to the truth, the right to justice and the duty of the state to investigate human rights violations. For instance, the United Nations Human Rights Commission stated that the international community should “endeavor to recognize the right of victims of gross violations of human rights, and their families, and society as a whole to know the truth to the fullest extent practicable.”

8. Nevertheless, the issue of missing persons is not yet universally recognized as a stand-alone one. As a complex phenomenon it is necessary to explore its various contexts to examine how might overarching principles be applied to each and subject to which provisions.

2.1.1. Part One: Missing persons as a consequence of armed conflict and human rights abuses

9. In the context of armed conflict, important lessons may be drawn for missing persons processes from the experience of the ICTY, both in regard of efforts to locate the missing and the use of forensic evidence to establish their identity. Ms. Soljan (ICTY) explained that the ICTY conducted excavations of mass graves for the purpose of collecting evidence for its ongoing war crimes prosecutions in The Hague until 2001. At exhumation sites, ICTY scenes of crime officers were instructed to document and catalogue everything they found (e.g. artifacts including identification or other documents, casings, bullets, etc.), which might assist in the identification of the dead. Those working in the field also emphasized in their subsequent reports and/or testimony how every effort was made to document adequately all information that could assist identifications. When the ICTY ceased exhumations and the recovery of remains in 2001, the ICMP, working with local authorities who took over the exhumations, spearheaded the identification of thousands of missing persons in the territory of the former Yugoslavia, including the identification almost 7,000 persons who went missing at the fall of Srebrenica in 1995.

10. In the former Yugoslavia there was consequently a coordinated process of accounting for the missing, first as part of criminal investigations that resulted in locating numerous illicit gravesites. Secondly, the efforts of ICMP enabled the governments of the region to identify the remains of the missing and to provide information on their fate to family members and others. The methods used by ICMP, i.e. forensic DNA, archeology and anthropology, furthermore produced evidence that was admissible at trials. This was especially the case with DNA evidence, which could reliably link the remains of missing persons to alleged crimes, proved highly probative in numerous trials before the Court, and has been used in the ongoing trials Prosecutor vs. Mladić and Prosecutor vs. Karadžić.

11. At the international level, the process of accounting for the missing was not only greatly complementary in terms of locating and identifying the missing, it was also inclusive of the rights of families to know the truth and of efforts to end impunity. As the representative of the ICTY also pointed out, from the prosecution side, the use of forensic sciences enabled connections to be made between primary and secondary mass graves sites and consequently provided a significantly enhanced picture of what had actually happened. From an overall justice standpoint, the use of modern forensic methods and the emphasis on the participation of the families of the missing, has played a significant role in uncovering the truth.

12. The experience in the former Yugoslavia is not a universal one, however. The ICC so far has not specifically addressed the issue of missing persons in current cases. As Ms. Yamaguchi noted, the cases concern ongoing armed conflicts where it is difficult to send investigators and to collect forensic evidence. The ICC’s work is furthermore underpinned by the recognition that the primary responsibility to investigate and prosecute crimes concerned lies with the states involved. Since clearly not all countries have the capacity to undertake effective investigations, there is a need to assist states in building such capacities.
13. Processes in the former Yugoslavia as implemented through the ICTY and ICMP also differ from the approaches of other international actors. As Mr. Mehley of the ICRC noted, the ICRC pursues a strictly humanitarian approach to the problem of the missing, concentrating on the needs of the families of the missing – notably the “right to know” the fate of one’s loved-ones; this includes addressing legal, administrative, socio-economic and psychological/psychosocial issues of the families. Often, families are living in limbo as a result of a family member having gone missing. In some countries, national legislation provides for a legal status for families of missing persons so that – from a legal standpoint – they can move on with their lives. But they may be left with other issues, such as dealing with psychological trauma and with uncertainty, as well as with economic and financial difficulties. The ICRC also works to address preventive mechanisms, i.e. what kind of measures can be taken at the international and national level before persons go missing.

14. As the ICRC noted, such efforts are complementary to a certain degree with those outlined for the ICTY and the ICMP, but not always when applied to a particular context. For instance, according to the ICRC, obtaining information from families of missing may prove to be easier if the purpose is only to clarify the fate of their missing relatives, because using such information simultaneously for criminal justice purposes may cause fears. Also, from a data protection perspective, if families provide information for humanitarian purposes, it cannot be used in criminal justice processes; indeed, any collected data must only be used with the full consent and understanding of those concerned. As the ICRC pointed out, there has to be a balance between the humanitarian and the rule of law based approach to the problem of the missing.

15. Different communities have different needs. While there is a right to know the truth, it was considered very important that this is realized in line with the particular needs and circumstances of families. In particular, statistically well-based needs assessments are necessary to design effective programs that can also be adapted over time. Nevertheless, it was widely acknowledged that the integrated approach in the Western Balkans had yielded unprecedented results.

16. Generally, while the initial response by state actors, especially at the domestic level, is clearly directed at families of the missing, the content of the response develops over time to include numerous actors who contribute in various ways. In aiming to be inclusive, the response has an inherently political element, but in a positive sense, where such inclusiveness seeks to build political will to account for missing or disappeared persons.

17. Reflecting on these political aspects, the representative of the International Centre for Counter-Terrorism, Mr. Knoope, noted that there is a basic question of choices, priorities and money, also for investigative agencies. As a result, in the context of terrorism, locating and identifying the terrorists is often the priority. More needs to be done to locate missing persons without regard to the circumstances or their roles in causing persons to go missing. The representative of the Institute for Historical Justice and Reconciliation (IHJR), Ms. Cissé van den Muijsenberg, noted that priority setting and process planning must consider cultural contexts that require a balancing of international standards with local expectations.

18. Ms. O’Sullivan, Netherlands Forensic Institute (NFI), recalled that managing expectations requires building a broad understanding of the responsibilities of the role of international actors, as well as of domestic counterparts, a task that can be complicated where capacities and knowledge are lacking. Mr. Maat (NFI) in particular pointed out that not only technical processes are often insufficiently understood, but that also the modalities of information processing and data protection can lead to misunderstandings. The representative of the STL, Dr. Acquaviva, emphasized in that regard that while some organizations have privileges and are not obliged to disclose sensitive information, such as ICMP or the ICRC and international tribunals, there is insufficient clarity regarding the ownership of documents and forensic materials and personal data in their archives. The ICTY, for instance, has ownership of forensic documents in its archive; ICMP applies a policy of data subject control over personal data and holds other forensic evidence in a fiduciary capacity.

19. As a rule, the rights of individuals to their information and evidence must be balanced with the public interest. That interest, as Ms. Cissé van den Muijsenberg (IHJR) pointed out, includes the requirements of reconciliation processes. Linking the major issue of missing persons to the broader issue of sustainable reconciliation necessitates the provision of all possible historical data in an accessible manner. For instance, as was noted for the ICTY, the justice sector passing judgments with detailed accounts – the judgment in Prosecutor v. Tolimir relating to crimes that took place in Srebrenica being one example – significantly contributes to establishing unbiased historical narratives. At the same time, the Chamber went to great lengths to protect sensitive personal information and to ensure data subject control over personal data.

20. Concerning historical narratives emerging from forensic data and witness accounts, however, Ms. Cissé van den Muijsenberg (IHJR) noted that while there is a great amount of detail, it is obtained from a limited number of witnesses and sources. The judicial truth is always a product of constraints, and establishing narratives is therefore also about rules, those of evidence and procedure, and the rules used by historians. The rules should complement each other to provide a broader picture and more broadly shared narratives.

21. Dr. Acquaviva (STL) noted that concerning legal frameworks, there is a continuing fragmentation of rules, mechanisms and standards relative to the issue of the missing. Mr. Kleiser (ICMP), concurring, added that the International Convention for the Protection of all Persons against Enforced Disappearance concerns persons going missing
with the involvement of state actors. However, the Council of Europe’s Parliamentary Assembly recently examined the desirability of launching a separate European instrument in view of possible shortcomings of the convention in relation to human rights and the rule of law. The Geneva Conventions again apply to armed conflict and do not confer rights onto relatives of the missing, but postulate obligations on warring parties. Human rights on the other hand always apply and are enforceable. It was also stressed that a very real challenge relates to the actual implementation – or not – by state and non-state actors of existing legal frameworks.

22. Finally, no system is in place to harmonize or combine all these efforts even for practical purposes. While a universal coordination system exists within the UN, i.e. cluster coordination, as Mr. Seen (UNDAC) pointed out, there exists no missing persons cluster. Hence the issue falls on the various players to find a way to coordinate efforts. The INTERPOL representative, Mr. O’Connell, felt that gaps at the international level have been identified and measures to redress these problems are being taken in partnership with ICMP, the EU and others for disaster contexts. The approach taken in disaster situations can be helpful in other contexts as well.

2.1.2. Part Two: Disasters and mass calamities

23. In cases where persons go missing as a result of disasters, law enforcement agencies, including their forensic institutes and services, are increasingly taking the lead in locating and identifying victims. Considering that disasters today have an increasingly international dimension, in particular with regard to disaster victim identification (DVI), practically all states have adopted measures to ensure co-operation in DVI events and to safeguard whenever possible the basic human rights of victims and their families with regard to accurate identifications. In particular, the INTERPOL Standing Committee on DVI has continuously worked to improve standard DVI procedures, to disseminate best practice and to promote their implementation.

24. DVI procedures differ from those following armed conflict and human rights abuses in several ways. They apply more uniform standards of work; as a rule, standards of forensic evidence meet the requirements of courts of law; and they usually produce results more quickly than missing persons processes in post-conflict settings, most likely due to the non-interference of political elements often present in post-conflict settings.

25. Like other agencies, law enforcement agencies have been faced with the challenge of globalization for many years, and there is an ever-increasing need to provide a framework to support police globally and across state borders. Because disasters usually affect more than one country in terms of people lost, locations struck, or through calls for international assistance and relief, INTERPOL, ICMP and others have supported the development of global standards and instruments. As Mr. O’Connell (INTERPOL) explained, these include rapid deployment arrangements, efficient data processing methods, such as FASTID, or ICMP’s Forensic Science Database Management System (fDMS), as well as maintaining commensurate forensic capacities. An important improvement in that regard is the development by INTERPOL and ICMP of a permanent Platform for DVI (PDVI), which will enhance the resilience of standby capability for the global community. Prof. Kapfen (NFI) drew attention to his institute’s Bonaparte application, stressing the importance of making this kind of technology available to authorities everywhere.

26. Mr. O’Connell informed the participants that other players are increasingly becoming involved in DVI provision as well, including private service providers. This instills a new dynamic in which complementarity on the basis of clear terms of reference must be ensured. However, this dynamic should be welcomed because preparedness is not yet where it should be. Prof. Schneider (University of Cologne) added that external proficiency testing programs for forensic DNA testing in DVI scenarios are missing due to a lack of funding, and that there are still significant discrepancies in domestic capacity even between the countries of the EU. Accordingly, there are calls on ICMP and others to devise training and other programs to improve that situation.

27. However, building and maintaining domestic capacities is not easy. For instance, according to Mr. O’Connell, following a recent DVI event in the Philippines, international responders left behind good infrastructure, including laboratories, identification capabilities and related resources. However, when a subsequent flood in the Philippines took the lives of thousands of people these provisions were no longer available. Also international financial support is not always tailored to maintaining DVI capacities. In the case of the flood, for instance, the Philippines received some 20 million Euro in humanitarian aid, but could not use any of these funds for purposes of DVI. Sustaining capacity can therefore also depend on the flexibility of foreign aid. Hence there may be a case for giving international and multilateral preparedness priority over building domestic capacity, especially where such capacity will be rarely needed.

2.1.3. Part three: Organized Crime and Migration

28. There is extensive and varied experience in addressing the issue of missing persons as a consequence of armed conflicts as well as disasters. However, issues related to persons going missing as a result of organized crime – including trafficking in human beings (THB) or as a consequence of migration or displacement – are less explored.

29. One conceptual approach to these contexts of persons going missing, according to Mr. Wyss (IOM), could be made by drawing a distinction between (i) locating the missing by forensic means, i.e. through locating and identifying their remains, and (ii) tracing activities. As a distinction of means, the latter could be regarded as more related to preventing or redressing disappearances. Mr. Kleiser (ICMP) pointed out, that the same could be said also of the forensic approaches. They too have a pre-
ventative effect, if one considers that a disappearance is experienced and suffered by those left behind and that resolving the fate of a disappeared person redresses that uncertainty, or prevents its continuation. In the context of crimes, including war crimes, effective forensic means may also have a deterrent effect. Generally, however, a distinction of means seemed a useful first step to take stock of a cluster of problems that needs to be further explored.

30. Tracing, as employed by IOM for instance, includes the use of a displacement tracking matrix to register internally displaced persons or persons separated from their families and friends following natural or manmade disasters. The International Red Cross and Red Crescent Movement’s global tracing network aims to re-establish contact between separated family members. The ICRC’s work to restore family links goes back to 1870, when it obtained lists of French prisoners held by German forces, and could then reassure the families.

31. ICMP’s forensic activities have become highly relevant also due to increasing numbers of migrant fatalities. In the Mediterranean context alone, where limited statistical information has been compiled, inter alia, by the Dutch NGO United, it is estimated that about 1,000 people perish annually as a result of trafficking or illegal migration. In this regard more work needs to be initiated with countries of origin of migrants and their population, in particular families. This domain has not been sufficiently explored. As an initial step, Mr. Wyss (IOM) suggested the situation in Western Africa, Sierra Leone, and Ghana could be explored and potentially extended to other countries with a view to compiling better data that could be made more broadly available.

32. In relation to the phenomenon of Trafficking in Human Beings (THB), Mr. Stary (Eurojust) pointed out that while the numbers of THB victims are constantly increasing, the number of prosecutions and successful convictions is decreasing. One reason for this trend is that judicial authorities face significant problems obtaining victim testimony. Another problem is that the victims of THB cannot, in many cases, be safely repatriated. This is particularly the case when the perpetrators are located both in the country of destination and in that of origin. While there are no comprehensive statistics on the causes of THB, economic reasons, war, or natural disasters all contribute.

33. Mr. Stary referred to an EC/Eurostat report published earlier in 2013, based on responses from the 27 EU countries plus Iceland, Montenegro, Norway, Serbia, Switzerland, and Turkey. The report covers the period of 2008-2010 and cites a total number of 9,528 identified and presumed victims and an increase of 18% for that period. The number of identified victims in 2010 in the 24 Member States that were able to provide this information is 5,535.

34. Mr. O’Connell (INTERPOL) pointed out that in the medium term, better harmonization of data collection standards and legal provisions ensuring compatibility with rule of law requirements in the field of data processing is needed and that this area of work holds significant potential.

35. Missing persons as a consequence of organized crime, Trafficking in Human Beings and migration are still an unknown quantity. The problem needs to be explored further, in particular with the countries of origin, including Western Africa countries, Sierra Leone, and Ghana, but also in the EU. Furthermore, standardizing data processing, collection and analysis holds significant potential for making progress in this field.

2.1.4. Roundtable conclusion

36. The issue of missing persons is not yet universally recognized as a stand-alone issue. As a complex phenomenon it warrants specialized attention and funding. As different international actors deal with missing persons issues in various contexts with different mandates and objectives, there is a risk of lowering the visibility of the problem as a unique issue, and hence also the prospects for progress in addressing the problem. In addition to developing a global strategy, there is a need for improving international technical capacities, inter alia, of more compatible and mutually accessible data collection and processing systems. It is also essential that a key focus of international efforts be on the needs of families of the missing and their right to know the truth. Finally, international cooperative frameworks should be strengthened, taking into account lessons learned through international police cooperation in DVI events.

Opposite page bottom: ICMP Chairman Thomas Miller, ICMP Commissioner Alistair Burt and United States Ambassador to the OSCE Daniel Baer.
2.2. List of Participants

- Ms. Kathryne Bomberger, Director-General, ICMP, Chair of the Roundtable Meeting
- Dr. Guido Acquaviva, Chief of Cabinet, Special Tribunal for Lebanon
- Mr. Adam Boys, Chief Operating Officer, ICMP
- Ms. Catherine Cissé van den Muijsenberg, Executive Director, Institute for Historical Justice and Reconciliation
- Mr. Ian Hanson, Deputy Director of Forensic Science for Archaeology and Anthropology, ICMP
- Ms. Brenda Hollis, Prosecutor, Special Court for Sierra Leone
- Ms. Nerma Jelacic, Head of Outreach, International Criminal Tribunal for the former Yugoslavia
- Professor Bert Kappen, Professor, Radboud University
- Mr. Andreas Kleiser, Director of Policy and Cooperation, ICMP
- Mr. Peter Knoope, Director, International Centre for Counter-Terrorism
- Ms. Jasmina Kurbašić, Legal Officer, ICMP
- Mr. Anthony London, Reporting Officer, ICMP
- Professor George Maat, Professor Anthropologica, Department of Anatomy, Leiden University
- Mr. Christopher Mehley, Deputy Head Central Tracing Agency and Protection Division, ICRC
- Mr. Mick O’Connell, Director, Operational Police Support, Interpol
- Dr. Christina Oelgemoller, Lecturer in International Relations, Loughborough University
- Ms. Irene O’Sullivan, Senior Forensic Advisor/Scientific Support Co-ordinator, Netherlands Forensic Institute
- Ms. Tanja Pacifico, Special Assistant to the Chief of Mission, International Organization on Migration
- Dr. Thomas Parsons, Director of Forensic Sciences, ICMP
- Mr. Adi Rizvic, Deputy Director of Forensic Sciences, ICMP
- Professor Peter Schneider, Project Coordinator, Institute of Legal Medicine, University of Cologne
- Mr. Sjaak Seen, General Project Manager Merger Emergency Dispatch Centers Rotterdam-Rijnmond & South Holland South, The Netherlands Staff Group Commander USAR.NL and UNDAC member
- Ms. Lada Soljan, Legal Officer, Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia
- Mr. Lukas Stary, College Contact Point on THB and National Member for Czech Republic at Eurojust (Genocide Network)
- Dr. Carla van Dongen, DNA Department, Netherlands Forensic Institute
- Mr. Martin Wyss, Chief of Mission, International Organization on Migration
- Ms. Yayoi Yamaguchi, Associate Legal Adviser at the Office of the Prosecutor, ICC
3. Sussex University, The Sussex Centre for Conflict and Security Research

3.1. Discussion

37. The selected themes debated at the roundtable discussion were divided into the following sessions:
   - The ICMP’s historical mandate and transformations underway;
   - Theorizing the missing
   - Missing persons in post-conflict contexts; and
   - Formalizing the ICMP’s mandate.

38. Participants to the Round Table took note that the ICMP was established in 1996 to help address missing persons issues, in support of post-conflict peace-building and reconciliation under the Dayton Accords. The organization has since provided technical expertise and assistance to the Governments of Bosnia and Herzegovina, the Republic of Croatia, the Republic of Serbia, Montenegro, and the former Yugoslav Republic of Macedonia, as well as to the authorities of Kosovo, and has located and assisted in the recovery and identification of 27,000 persons who went missing during the conflicts in the Balkans including the identification of over 16,000 persons using DNA testing. It has also carried out program work in Africa, the Middle East, South America and South East Asia, as well as in the EU. In addition, since the 2004 South East Asian tsunami, it has addressed disasters, and recently begun cooperation with the International Organization for Migration (IOM) regarding migration-related disappearances.

39. Recently, the government of the Netherlands has launched an initiative to explore the potential to provide ICMP with a permanent international status. As part of this process the ICMP organized a major conference at The Hague Peace Palace from 29th October to 1st November 2013, the purpose of which was to explore future concepts and ideas regarding how to advance a global response to addressing the missing.

40. The ICMP has a strong rule of law component. In the former Yugoslavia it soon established close working relations with the International Criminal Tribunal for the Former Yugoslavia (ICTY). The ICTY has a law-based approach to post-conflict justice and peace-building, seeking to hold perpetrators criminally responsible for acts committed during the conflicts in the Balkans. The ICMP’s mandate in the Balkans includes provisions to directly support this aim. In an effort to find evidence of war crimes, the ICTY was mandated to send teams of archaeologists to various areas of the Former Yugoslavia to exhume mass graves in order to compile evidence that was used to build cases for criminal trials. The ICTY, however, was not mandated, nor did it have the means to identify individual human remains. In this context, the ICMP started working in coordination with Physicians for Human Rights and others to establish mechanisms capable of dealing with the issue of missing persons and used DNA technology to undertake the identification of remains.

3.1.1. The ICMP’s historical mandate and transformations underway

41. The phenomenon of missing persons is as old as humankind and for centuries people have gone missing due to war, and natural or man-made disasters. Before the end of the Cold War, however, the international community did very little to locate and identify individual missing persons in order to reunite them with members of their family. The ICMP was created in 1996 at a G-7 summit to address the problem of persons who went missing during the conflicts in the Former Yugoslavia. The international community felt that the number of missing persons (later estimated at 40,000 individuals – 70% now accounted for) represented a threat to future peace and stability in the Balkans and a potential cause of insecurity and political instability for Europe.

42. The mandate of the organization was to secure the cooperation of governments in addressing the issue of persons missing due to the interrelated conflicts in the Former Yugoslavia. The creation of the ICMP implied a move away from an ad hoc humanitarian approach to missing persons to an approach that is law-based and that requires states to take responsibility for missing persons cases. Given the ethno-sectarian nature of the conflicts in the Former Yugoslavia, the ICMP faced the challenge of ensuring that governments in the region would collaborate in the search for missing persons in a non-discriminatory way regardless of their ethno-religious background, political affiliation, or role during the conflicts.

43. ICMP operates within the legal framework of international human rights law including the European Convention on Human Rights. The ICMP tries to build local legislation and institutions in post-conflict countries that allow the families of the missing to claim their right to information, right to reparation, and right to protection of the information that they share with institutions in charge of searching for their missing relatives.

44. Compared to other conflict-affected societies, Bosnia and Herzegovina and other countries in the Former Yugoslavia benefited from extensive international attention and support in addressing the issue of missing persons, exemplified by the establishment of the ICMP and the ICTY but also by the reference to this problem in the 1995 Dayton peace agreement. The fact that 70% of the 40,000 missing persons in the former Yugoslavia have today been accounted for warrants attention and can be plausibly explained by a number of factors:
The strong international presence and support for the inclusion of the issue of missing persons in international peace agreements and treaties; the law-based approach moving away from an ad hoc humanitarian approach and the protection of missing persons during conflict to an understanding that in a post-conflict setting states should address the issue of missing persons through the establishment of appropriate legislation and institutions as part of transitional justice and reconciliation processes; and the involvement of international and local courts in investigating – not only tracing – cases of missing persons, so that the families of the missing can not only have the bodies of their relatives returned to them but can also seek justice through legal mechanisms.

The progress in the search and identification of missing persons varies in different post-conflict contexts and is strongly linked to the political willingness of the international community and local state and non-state actors, their financial resources, and institutional capacity in addressing the issue of missing persons as part of broader political reconciliation and reconstruction processes. This is an important fact that should be taken into consideration when evaluating the work of the ICMP in different geo-political contexts.

Theorizing the missing

A key theme that emerged from presentations and following debate was a critique of bureaucracy in dealing with the issue of the missing. The search for and tracing of missing persons by organizations like the International Red Cross and Red Crescent Society necessarily involves the formulation of legal and bureaucratic categorizations of the missing, which creates hierarchies. Categories establish an order to approach a complex problem, however such categories may also objectify those gone missing and may run the risk of instrumentalizing those who are searching.

This tendency to objectify and categorize the missing persists in contemporary politics. The unraveling of the past that occurs when someone goes missing can cause trauma. Most mechanisms to cope with such trauma, in order to restore a sense of justice and rehabilitation, require some form of collective system. However, as participants noted, bureaucratic or quasi-bureaucratic systems function on the basis of categorization which may offer false promises of certainty. Not unraveling the past and thus refraining from the demand for certainty and accepting living with ambiguity was suggested by some as another legitimate option.

Some participants stressed how ‘the missing’ are seen as objects to be administered instead of irreplaceable human beings. Any bureaucratic entity, however sophisticated, transparent and accountable, is unable to deal with certain notions of personhood. The development of bureaucracy in modern societies has positive and negative effects. There is a need to further explore and understand the interaction between local informal narratives of injustice, human remains and spirits, with more sanitized bureaucratic mechanisms and formal narratives about post-conflict reconstruction and reconciliation in war-affected societies.

The objectification and categorization of the missing is at the core of the tension between an institutional approach towards missing persons and the concerns and priorities of those searching for their family members and friends. The participants in the workshop agreed that there is a need for more people- and family-centered mechanisms to address the issue of missing persons. Such mechanisms should be designed for listening to the families of the missing and be more responsive to their needs, showing greater flexibility and adaptability to local culture, traditions and politics. Families of missing persons benefit from being involved in decision-making processes directly; from actively participating in producing the genetic evidence needed in the search and identification process; and also from defining the outcomes of the process and evaluating when the process has reached sufficiently satisfactory outcomes.

Participants also discussed how the memorializing of those who disappeared or died often involves establishing public memory and reconstructing historical narratives, which can be subject to political usages. For example, in Spain, after the end of Franco’s regime, silence was instituted and the Spanish judiciary stood against the disinterment of dead bodies with the aim of protecting certain political prerogatives and avoiding reopening deep fractures in Spanish society. State-sponsored memorializing has different purposes from memorializing enacted by individual families. It is important to explore how different forms of memorializing construct and consolidate specific narratives such as the narrative of victimhood that can exacerbate tensions between different parties in a conflict. There are also narratives of non-identity, like the emblematic ‘unknown soldier’, which emphasize that the unknown body may have much more significance than the identified body.

A workshop participant explained that practices of collecting, DNA identification and classification of human remains entail not only the physical and chemical treatment of bones but also the social construction of individual and collective identities, narratives about shared experiences and past events that form the bases of ‘bio-citizenship’ and communitarian culture indispensable for reconciliation and rebuilding conflict-affected societies.

The DNA identification method adopted by the ICMP has had interesting effects because it allowed the identification of persons who were not searched for. In some cases, the outcomes of the process have been completely unexpected and have had unintended political consequences. The work of the ICMP allowed the identification and memorializing of missing persons regardless of their role in the conflicts and regardless of whether they were searched for or remembered by the state or non-state actors. Through its work the ICMP uncovered cases of so-called ‘missed missing’ or ‘unmissed missing’ persons, meaning those people who were presumably missing but were not reported or missed because they fell between
the categories of particular societal structures, were not members of any specific national, religious or sectarian community, or were members of marginalized groups such as homosexuals and transgender, whose disappearance was not reported because, for reasons such as particular socio-cultural norms, their families and communities were less likely to come forward and agree to participate in DNA testing with the aim of finding them.

3.1.3. Missing persons in post-conflict contexts

53. Some workshop participants expressed doubts about whether and how the ICMP’s technical success in using DNA testing to identify the bodies of missing persons has contributed towards the organization’s political aim to promote peace and reconciliation in post-conflict settings such as the former Yugoslavia.

54. The international community supports the idea that there can be no peace without justice for the missing and that finding out what happened to missing persons is a moral and ethical responsibility. Some workshop participants, however, argued that the promotion of this idea in war-torn societies dependent on international funding for their subsistence and reconstruction can be seen as a neo-colonial cultural imposition and external political interference from donors and other dominant international actors. Even if international and national actors promote such ideas with the best intentions, discourses of the missing, victimhood and justice may be politically manipulated by various groups to justify their refusal to engage in peaceful dialogue and reconciliation efforts with former enemies.

55. A participant argued that the ICMP’s promotion of the state’s ownership of the process to deal with the issue of missing persons can be particularly problematic in contexts where local civil society does not regard the state as a legitimate and impartial actor. It was noted that this was a common dilemma within internally-led peace-building initiatives, and was not specific to ICMP. It was suggested that a better approach may be to promote the shared ownership and collaboration of different stakeholders including the state, local civil society actors and the international community.

56. Some participants expressed concerns that despite the ICMP’s attempt to contribute to peace and reconciliation, it is unclear whether the organization is actually making any concrete contribution to that goal. The ICMP works towards peace and security in post-conflict settings but its presence and projects potentially have limited life, capacity and impact. Resolving cases of missing persons and supporting the production of knowledge, narratives and policies based on scientific evidence may help, but there is not sufficient evidence to support this claim conclusively. This point was taken up in a lively discussion in which it became clear that there are tensions between ICMP’s methodological individualism, which uses forensic sciences to identify individual remains and respond to individual and family requests, and its broader mandate to facilitate both institutional and societal capacity building and ownership. The case of Bosnia and Herzegovina has been a success in so far as a number of missing people were reunited with their families and there is some evidence of durable ownership build-up for a process of reconciliation.

57. The ICMP’s representative clarified that a large part of the ICMP’s work is to respond to requests from families who explicitly seek justice. In many cases, families of missing persons seek to know the circumstances of their relatives’ death and demand that the people who killed them are held responsible for their crimes. In other cases, members of affected communities may instead prefer to forget past tragedies and focus on their present lives and future projects. War to peace transitions should be based on the freedom of the people involved in the conflict to decide the best way to achieve peace and not be dominated by internationally-promoted ideas that local communities have the right to know what happened to those who disappeared or that there can be no peace in their societies without justice for the missing. A number of participants highlighted that it is an open question whether dealing with the past is a precondition for transition from war to peace and to the creation of more democratic societies. Further research in post-conflict contexts is needed to test such hypotheses.

58. In the history of the protracted conflict in Afghanistan, for instance, disappearances and displacement are two phenomena that have occurred and have had a significant impact on Afghan society. A recent report by the Afghanistan Independent Human Rights Commission (that has not been released) presents evidence of 180 mass graves in Afghanistan resulting from the last 35 years of conflict. The problem of missing persons in Afghanistan, however, is not high on the agenda, either for the Afghan government or for the international community. The Bonn Agreement that led to the establishment of the Transitional Authority in Afghanistan did not even address war crimes or the issue of the missing. The international community has not investigated the past of those who are now in power because their presence and cooperation in the present government is seen as a guarantee of stability and reconciliation for the country. The US and NATO forces, at least initially, concentrated more on fighting terrorism than on peace- and state-building in Afghanistan. This raises questions regarding what distinguishes Afghanistan from other post-conflict contexts where the issue of the missing is addressed, as one of many issues, within formal peace agreements and reconstruction and reconciliation efforts, as for instance in Bosnia and Herzegovina. A possible answer is the geo-political location, including the physical proximity of the Former Yugoslav states to Europe, and therefore the direct and greater interest of EU member states and NATO in the Balkans in ensuring peace and stability at a regional level. The inconsistent international policy attitudes and practices in different post-conflict contexts demand further analysis. Important conclusions can be drawn from some comparative research of multiple post-conflict cases where international intervention is required to address the issue of missing persons. What lessons could be drawn, for instance, from the process and outcomes of ICMP’s work in the Balkans for the organization’s operational approach in
other contexts such as Iraq and Libya?

3.1.4. Broadening the ICMP’s mandate

59. The ICMP was created as an international temporary ad-hoc mechanism to address missing persons cases, initially in the context of the war-torn Former Yugoslavia. Technically the organization has no membership and relies on voluntary contributions and funding from donor governments. During the workshop discussion concerns were raised that reliance on contributions from international donors may influence its mandate with a possible effect of undermining ICMP’s non-discriminatory approach, thereby not funding work in countries that seem of lower priority or interest to donors. The workshop participants suggested that in future arrangements the ICMP might seek to consolidate its autonomous position and better codify the voluntary and unconditional nature of financial contributions from donor countries. The UNHCR may be seen as a positive precedent to mandate extension and suggest ways of funding this important work.

60. It was reported that originally the ICMP received requests for support for cases of missing persons and disappearances in post-conflict settings and the DNA identification techniques were particularly useful in those cases. The organization has received requests by governments to address a wider range of missing persons cases including conflict and human rights abuses, disaster-induced disappearances, displaced people and refugees, trafficked and smuggled migrants, victims of drug related violence, and all sets of missing persons, whether missing for voluntary or involuntary reasons.

61. Different categories of migrants that are dealt with within distinct migration regimes are refugees, internally displaced people, and environmental or disaster-induced migrants. Introducing migration into the area of activities of the ICMP, recently through a cooperation agreement with IOM, indicates a re-conceptualization of international migration realities both at an academic and policy level. The presentations highlighted that talking about the missing does not necessarily mean talking about dead bodies and human remains but also about people who more or less voluntarily have disappeared but who are still alive. There is plenty of research demonstrating that most migrants are in regular contact with their families and many send remittances back home. Where migrants were not in contact with their families as a way of precaution and protection from possible dangers, attempting to identify them and promoting their contact with families and communities in the countries of origin could put their lives in danger. For example, in the case of trafficked children it may not be safe to identify them because in some cases their families as much as law enforcement agents are involved in the act of trafficking. In the case of trafficked women for sex work, the conditions may be similar in the sense that these women may be in danger both in the country of origin and in the destination country. Being identified by their families or the smugglers or traffickers may render them vulnerable to further exploitation and violence. In these cases, effective protection might be to give them new identities, rather than searching for these missing individuals.

62. The numbers of international migrants who die drowning in sea journeys and go unidentified are substantive and keep increasing. In these cases the ICMP’s work could be essential to identify those migrants who have died and disappeared. In these instances, however, how will the identity of the migrants be determined where no identity documents or other indicators of origin and identity are found with the human remains? How will the families of the unidentified migrants be found? This is particularly pertinent where it is unlikely that a country of origin, and therefore citizenship, can be established easily. How will the ICMP negotiate and secure states’ assurances in taking responsibility without reinforcing the securitization and criminalization of migrants who resort to methods such as trafficking or smuggling? Another example is the case of a small NGO in El Salvador which was established to find children who were taken from their families and disappeared during the conflict of the 1980s and were adopted by families in Argentina and in other countries. In this case, it could be argued that a reunification with the biological family – at least by way of contact – might be a positive outcome.

63. It is worth considering some of the consequences of re-conceptualizing migrants, both those who died during their journey and those who are still alive, as missing persons. In particular, when considering another scenario which is identification for the purpose of return, participants noted that it is usually states who have political interests in returning migrants, in particular in the case of so-called ‘failed asylum seekers’ whose identification could have devastating repercussions. In the past decades claiming asylum has become increasingly difficult in Europe. Even where the claim has been filed with the relevant agencies, the asylum claimants, in most cases, had to enter Europe illegally, being automatically included in the category of a violator of immigration rules and a potential security threat to be removed. Given the political environment in Europe, where governments have for a long time been interested in generating biometric information of people who are seen to have illegitimate claims, attempts at finding such persons based on information from a family member would make such ‘missing’ migrants very vulnerable and hamper their efforts to be given the opportunity to rectify their status and to be granted some form of legal residence status in the host country. Asylum seekers, irregular migrants and trafficked persons are aware of their vulnerable condition and fear being imprisoned and deported back to their home country by the host authorities. In the context of increasingly illiberal practices in countries of the global north, this is problematic. ICMP will face a challenge in this regard when established as a formal intergovernmental organization, as – though having international privileges and immunities – it is not free from existing within relationships of power that might override the protection of sensitive information, as has already been witnessed in circumstances where a government claims to be in need of protected data based on claimed terrorist threats.

64. In most post-conflict contexts, the forensic process and
the use of new DNA technologies is a highly controversial issue and a process hard to implement because it entails plugging a scientific method into a highly volatile political and social setting where the ICMP faces challenges in promoting the voluntary participation of families of the missing who are often traumatized, afraid, and need to be informed and educated about the function of DNA identification methods and their use by governments and international institutions. This being noticed, most ICMP-SCSR workshop participants agreed that a carefully thought-through expansion of ICMP’s mandate might produce positive outcomes.

65. Data protection and information-sharing mechanisms, similar to those in place in post-conflict contexts, should be developed to guarantee that migrant genetic information is not automatically accessible or used for purposes of surveillance against the will and security of the migrants and their families. Technologies of identification are used in the UK and other countries for recovery after disasters but also to control and manage populations. These technologies are both social and material; they are forms of socio-technical intervention acting on the simultaneous creation of a range of human and non-human agents. Technologies are made up of such components as flesh cards, chips on passports, check lists and templates, and other types of fashioned objects that shape human relations and interactions between actors. This is problematic in so far as these are technologies of power to be used or abused and ICMP needs to find its place on the scale by careful consideration given its mandate to focus on justice and supporting governments in taking responsibility. It is worth noting in this context that genetic information processed by ICMP is dealt with separately and under seal, and is not shared with INTERPOL or local law enforcement agencies.

3.1.5. Conclusions and recommendations

66. The ICMP is working to shed light on the issue of missing persons in an international environment that is mostly unfamiliar with this important theme. The one-day workshop on ‘Missing Persons and the Work of the ICMP’ was welcomed as a stimulating day by all participants. Participants had the chance to learn and increase their understanding with regard to the problem of missing persons. It was appreciated that the ICMP’s work is situated within the context of a very politically sensitive environment. The ICMP has been the subject of a number of books and has published articles as well as informative materials also available online on the website of the organization (www.ic-mp.org) in order to raise this awareness.

67. A number of crucial questions were raised and discussed during the workshop and there is still need for further research-based evidence to address unanswered questions and to inform policies and practices that have an impact on state and non-state actors alike. The academic participants offered a number of interesting contributions and recommendations that would inform the ICMP’s Hague conference in October-November 2013. The following are the key recommendations that the participants of the workshop wished to contribute, showing their interest in being involved in future dialogue and initiatives concerning the issue of missing persons:

a. The ICMP should clarify that the organization has a political mandate to promote peace and reconciliation in post-conflict contexts, pursued through the provision of technical expertise and services to support the process of search and identification of missing persons in different contexts. The outcomes of these processes are not predetermined and in some cases could be completely unexpected, bringing about unintended political consequences. The ICMP is mandated to walk a fine ethical and political line in the quest for missing persons. By extending its activities to groups of persons who have gone missing through events other than war and war-like situations the ICMP and its governing body are called upon to critically question whose interests are served by identifying those gone missing on grounds other than war;

b. To contain the negative effects of bureaucratic objectification and categorization of missing persons, the participants called for more people and family-centered mechanisms designed for listening to the families of the missing and showing greater flexibility and adaptability to local culture, traditions and politics;

c. War to peace transitions should be based on the freedom of the people involved in conflict to decide the best way to achieve peace and justice, rather than by internationally-promoted ideas such as that persons need to know what happened to those who disappeared or that there can be no peace in their societies without justice for missing persons. It is still an open question whether and how dealing with the past is a precondition for transition from war to peace and to the creation of more democratic societies, though from ICMP’s perspective the right to know the truth is central to the achievement of a peaceful society following war and to the reinstatement of rights and guarantees violated during it. Further comparative research in post-conflict contexts is needed on these issues.

d. In the event that they want to work through this historical trauma, families of missing persons should be offered greater opportunity to participate in decision-making processes and in DNA testing exercises. This would empower them in defining the outcomes of the process and in establishing when the process has reached a satisfactory outcome. Giving them the chance to participate in DNA testing exercises is critical because they are empowered and directly involved in the creation of institutions responsible and capable of solving the problem of their missing relatives;

e. Data protection and information-sharing mechanisms, similar to those in place in post-conflict contexts should be developed to guarantee that migrant genetic information is not accessible or used for purposes of surveillance against the will and security of the migrants and their families.
3.2. List of Participants

- Dr. Jan Selby, Director, SCSR; Senior Lecturer in International Relations, University of Sussex, Chair of the Roundtable Meeting
- Dr. Louise Askew, Independent Researcher
- Mr. James Barnes, Associate Tutor, Anthropology, University of Sussex
- Professor Richard Black, Head of School for Global Studies, University of Sussex
- Ms. Kathryne Bomberger, Director-General, ICMP
- Professor David Chandler, Professor of International Relations, University of Westminster
- Ms. Yi-Lan Chou, MA Student, Conflict, Security and Development, University of Sussex
- Mr. William Da Rosa, Associate Tutor, International Relations, University of Sussex
- Dr. Lucy Easthope, Teaching Fellow in Mass Fatalities and Pandemics, University of Bath
- Professor Jenny Edkins, Professor of International Politics, Aberystwyth University
- Dr. Andrei Gomez-Suarez, Associate Researcher, University of Sussex
- Dr. Vanessa Iaria, Researcher, University of Sussex
- Mr. Zdenek Kavan, Lecturer in International Relations, University of Sussex
- Mr. Andreas Kleiser, Director for Policy and Cooperation, ICMP
- Ms. Natasha Leite de Moura, MA Student, International Relations, University of Sussex
- Ms. Dejana Mekanić, MA Student, International Development, University of Sussex
- Dr. Christina Oelgemoller, Lecturer in International Relations, Loughborough University
- Dr. Ceri Oeppen, Lecturer in Human Geography, University of Sussex
- Dr. Maja Petrovic-Steger, Research Fellow; Director of Studies in Archaeology and Anthropology, University of Cambridge
- Mr. Christian Stray, MA Student, Conflict, Security and Development, University of Sussex
- Dr. Elspeth van Veeren, Post-Doctoral Research Fellow/Lecturer in Political Science, University of Sussex/Bristol University
- Ms. Joanna Wood, Centre Administrator, SCSR, University of Sussex
4. Sarajevo, Bosnia and Herzegovina

4.1. Discussion

68. ICMP hosted a regional roundtable to discuss a set of issues that will help define an agenda for the future of the missing persons issue, based on the experience of the missing persons process in the Western Balkans.

69. The roundtable was structured around four sets of questions. First, what is the role of the international community in assisting countries recovering from armed conflict or human rights abuses? Are there standards that should be applied by the international community to respond to afflicted states? Second, what are the responsibilities of afflicted states in addressing this issue? What are the rights and role of victims groups and civil society in addressing the issue? Third, are criminal investigations and prosecutions a deterrent to accounting for the missing, or are they a motivating factor and under what conditions? Fourth, does addressing missing persons cases from armed conflict, human rights abuses and organized violence contribute to ending the cycle of violence and to eventual economic development? The roundtable concluded with a final session in which participants identified the lessons learned from the Western Balkans, and how they may be applied to other missing persons scenarios globally, such as disaster response, trafficking and migration.

70. In her introduction, Kathryne Bomberger, ICMP Director General, emphasized a paradigm shift in how the issue of missing persons has been considered and addressed in recent years. Comparing the ratio of killed civilians with combatants in World War One (1 civilian for every 7 combatants) with conflict at the end of the twentieth and the beginning of the twenty-first century (9 civilians for every 1 combatant killed), she explained that the dynamics of conflict had fundamentally changed, adding that in conflict today “the majority of missing persons are not combatants but civilians.” The 1990s witnessed a shift of approach, from a humanitarian orientation to a rule of law one. This development was underpinned by the establishment of the ICTY and later the ICC. As a result of these changes in the nature of conflict and law based approaches to addressing missing persons cases following conflict, in the former Yugoslavia more than 70% of the 40,000 persons missing from the conflicts have been accounted for. The question follows: how can positive experiences from the Western Balkans be applied in other parts of the world in different scenarios?

4.1.2. Part 1: What is the role of the international community in assisting countries recovering from armed conflict or human rights abuses? Are there standards that should be applied by the international community to respond to afflicted states?

71. There was broad consensus that international institutions had played an important role in the process of accounting for missing persons in the Western Balkans, one that has benefited the domestic authorities that bear the primary responsibility for addressing the issue.
72. Saliha Đuderija, assistant to the Minister for Human Rights and Refugees of Bosnia and Herzegovina, noted that “the international community was a key factor in overcoming political obstacles to resolving the fate of the missing. Prior to 1996 we had ethnically segregated committees that worked on the principle of reciprocity. With the assistance of the international community we were able to create a non-discriminatory process that would account for everyone, regardless of ethnic, religious or national background.”

73. Ivan Grujić, Assistant to the Minister for Homeland Defenders and Intergenerational Solidarity of the Republic of Croatia, noted that “The international community is not ideal, but it has played an extremely important role in terms of the missing persons issue. He stressed the important role of the international community in fostering regional cooperation which has been critical to the success of the missing persons process in the Western Balkans as well as how it has encouraged the authorities to resolve the issue of the victims, helped build capacities, provided resources and helped to implement the regulations adopted by the state. “We must work to ensure that an international organization has a strong mandate relating to the issue of missing persons so that it can apply standards in future conflicts that unfortunately did not exist here [in the Western Balkans],” said Colonel Grujić. “Nowhere,” concluded Colonel Grujić, “has such a large percentage of the missing been accounted for. It would be very good if the lessons learned from this region could be transferred elsewhere.”

74. Milutin Mišić, a member of the Missing Persons Institute Board of Directors, BiH, underlined that “the question of missing persons ought to be a question and problem for the state,” but that to date the state had an incentive to hide behind international community efforts which has led to complacency on the part of the State. He concluded: “When will we convey sufficient responsibility to the institutions of BiH?”

75. Anisa Sučeska, BIRN, BiH, commented on the dependence that had grown on the international community. “I think we are afflicted with the syndrome of victimization. We are only one chapter in a series conflicts in the world that occurred almost simultaneously. We are now angry that the international community changed its focus, rather than accept the fact that it needs to help other victims. However, we must insist that the international community complete the process that began here.”

76. Vesna Teršelić, an NGO activist and human rights defender, Croatia, stated that it was “because of the requests of associations of families of missing persons and human rights organizations, and because of the involvement of the international community we now have the standards that we have, whereas in the 1990s we did not have any standards at all.” Ms. Teršelić discussed the rights that victims have subsequent to massive and systemic violations of human rights, namely rights to truth, to justice, to reparation and non-repetition. She suggested that the international community enshrine these rights and the corresponding obligations of the state in a convention. “There are still a lot of steps [to be taken], but international contributions may take the form of the building of standards based on lessons learned from this region,” said Ms. Teršelić.

77. Lejla Hadžimešić, human rights expert, BiH, echoed Ms. Teršelić’s opinion about “how important it is to standardize this area and that the lessons learned in this region are transferred to other areas,” stressing in particular “the four rights outlined by Ms. Teršelić, as well as the fight against impunity.” “When standardizing, it is very important because this field showed that the formation of the ICC and the ICTY did result in a new shift,” said Ms. Hadžimešić.

4.1.3. Part 2a: What are the responsibilities of afflicted states in addressing this issue?

78. There are many lessons learned from the Western Balkans. It has created institutions to address missing persons cases specifically, such as the commissions on missing persons in Croatia, Kosovo and Serbia and the Missing Persons Institute in Bosnia, as well as War Crimes Prosecutors’ offices which are tasked with investigating among other issues, crimes related to disappearances. These institutions are unusual and do not exist in most countries.

79. Aida Ćerkez, an Associated Press journalist, commented on the intergenerational cycles of violence, and how, now, as a result of the international community’s efforts to address the issue of missing persons no one will be able to manipulate numbers of missing persons in the future as a catalyst for renewed conflict. She added however that, “it seems to me that we have identified more than 70% of the missing only because of the pressure from the international community. Why do we not take responsibility? Will the process continue without the conditions of the international community?”

80. Sandra Orlović, Executive Director of the Humanitarian Law Center, Serbia, emphasized the obligations of the state to resolve the issue of missing persons. “These obligations are deeply embodied in international law, and stem from a number of conventions that are present in our legal systems, and articulated through mechanisms of transitional justice,” she said. Ms. Orlović expressed skepticism however that the missing persons process could move any further forward in the Western Balkans until facing the past becomes a part of the agenda of the political elites in the region. What is critical is that states must assume ownership of the problem and must want to find their citizens.

81. Saliha Duderija stressed that “each state must have a highly visible national vocational and professional mechanism that must operate in a transparent manner [to address the legacies of a violent past]. Such mechanisms should however not absole other participants in the process (police, prosecutors, etc.) from fulfilling their duties. In BiH, the mechanisms exist, but they are not effective because there is no political will to make major break-
throughs because we are still distrustful of one another after the last conflict.

82. Adnan Rizvić, ICMP, suggested that the state’s role can be seen in two ways: establishing and supporting mechanisms to resolve the issue of missing persons as well as mechanisms which aim at prevention in the future. The latter, he said, were not yet developed. Therefore historians need to deal with this issue and only then will the next generation be able to capitalize on our experience. Governmental bodies need to document and record the truth and make it the basis for a better future. “This issue should be resolved in order to push forward the process of reconciliation and peace in the future,” said Mr. Rizvić.

83. Sven Milekić, Youth Initiative for Human Rights Croatia, drew attention to the fact that even if a state may appear to show political will to address a certain issue, the adoption of laws to that end is often not enough. “Some laws exist on paper and the form is done, but they are not applied.” “No matter who comes to power, there is no readiness for dealing with the past or the promotion of reconciliation and peace in the future,” said Mr. Milekić.

84. Ivan Grujić commented that “three things fall under the obligation of the state: the obligation to resolve, accountability and political will.” The key is “still genuine political will,” said Colonel Grujić, “which is operationalized through the adoption of national legislation, the efficient operation of institutional mechanisms for the protection of the families of missing persons and the resolution of their cases, the prosecution of perpetrators and marking events and places of suffering as an expression of respect for the victims.”

4.1.4. Part 2b: What are the rights and role of victims groups and civil society in addressing the issue?

85. Olgica Božanić, a member of the Association of Families of kidnapped and missing persons from Kosovo and Metohija, Serbia, commented that the role of families of the missing is to form associations, to lobby for our rights and to apply sustained pressure on the government [to fulfill its obligations]. “We collect and disseminate information from institutions and international and non-governmental organizations to our members. We demand justice and the criminal prosecution of all perpetrators. We also realize the importance of networking and established two years ago, a regional coordination body, which deals with the issue of the missing on non-discriminatory principles. Today we lobby for the states in the region of the Western Balkans to sign a Declaration of best practice principles in terms of locating recovering and identifying missing persons, as well as for 2014 to be marked as the Year of the Missing.”

86. Ljiljana Alvir, President of the Union of Killed and Missing Homeland Defenders, Croatia, emphasized that, “associations of families of missing persons have played a key role in the process of searching for missing persons because […] families are the most committed to resolv-

87. Anisa Sučeska commented on the need to address the intergenerational transfer of trauma from one generation to another. Although the media is not usually considered a part of civil society, Ms. Sučeska suggested that, like civil society, the media has a significant role to play in combating hate speech and moreover in educating youth about dealing with the past so as to avoid the intergenerational transfer of trauma.

4.1.5. Part 3: Are criminal investigations and prosecutions a deterrent to accounting for the missing or are they a motivating factor and under what conditions?

88. Lejla Hadžimešić opened the third session with an unequivocal dismissal of the need to discuss whether or not persons should answer for the crimes they have committed; there is no alternative to achieving justice and guarding against impunity. She emphasized “in terms of non-repetition, by convicting perpetrators, a clear message is sent to the world – international law does not welcome crimes and if someone dares to create a destructive ideology again, he/she will know there is no escape from conviction. In addition, convictions make it more difficult for a potentially monstrous criminal ideology, according to international law, to build a critical mass of supporters, because young people have already learned through their education that such deeds are punishable, against the international law and definitely prompt condemnation.”

89. Mioljub Vitorović, war crimes prosecutor, Serbia, noted that “of course you need to prosecute every crime and every war crime must be prosecuted. […] War crimes trials can be an obstacle if there is no coordination, and if the witness discloses information [about clandestine gravesites of missing persons] and nothing is then done for years.” However, he added “if there is good coordination, it is a very efficient mechanism. […] From experience I know for sure that every time you succeed to bring witnesses who testify about what happened, especially those who admit their guilt, it motivates others who killed to admit their crimes and ease the soul because a normal man cannot live with the fact that he killed others burdening his soul.”

90. Anisa Sučeska: “The answer to this question is that [criminal prosecution] is an obligation and no discussion. But trials do have an effect on public transparency of the process and access to information. Testimony can be a positive element in raising public awareness. Yet there is a dangerous move across the region for anonymization of data from war crime trials.”
91. Ljiljana Alvir discussed the example of the Ovčara trial relating to the massacre of Croatian civilians at the Ovčara farm in eastern Slavonia in 1991 by the JNA and Serb paramilitaries. “We have already noted a positive approach to the presiding judge in the Ovčara case who permitted wider questioning of the indicted and witnesses to elicit information related to missing persons. We even recommended to the International Criminal Court that it permit wider questioning in its hearings to obtain information related to the missing.”

92. Ivan Grujić: “There is clearly a responsibility of states to prosecute and punish offenders. […] It is necessary to give the perpetrators the opportunity to disclose information and receive more lenient treatment through plea-bargaining. We have positive experience where criminal prosecution led to specific information.”

93. Olgica Božanić: “The Hague Tribunal worked for three years on an indictment for the kidnappers of my brothers. They passed the indictment on to UNMIK, later to EULEX. In the end they were charged with expulsion, not murder, and were acquitted. How can I trust international justice mechanisms, let alone domestic mechanisms? It is therefore necessary to interview suspects and witnesses and members of their families as early as possible so as to save lives.”

4.1.6. **Part 4: Does addressing missing persons cases from armed conflict, human rights abuses and organized violence contribute to ending the cycle of violence to eventual economic development?**

94. The fourth session of the roundtable provided a forum for discussing the broader purpose of efforts to locate, recover and identify missing persons. Do such efforts contribute to economic development? Do they contribute to a sustainable peace, reconciliation and the rule of law?

95. Svetlana Cenić, an economist, BiH, noted: “People often ask me when will things get better and my answer is, when you look in the mirror and face yourselves. So far I have not succeeded as an economist to calculate the missed financial opportunities and how much all of this [addressing the issue of missing persons] is costing us. Anyone who is engaged in development economics in post-conflict societies will know that between 1945 and 1993 there were 174 wars and 34 % of the wars were between states, while 66% were civil wars, mostly in developing countries. And in those countries that experienced civil war and where the wounds were not healed, the country fell ill again and again war broke out. Truly the unresolved issue of missing persons and war crimes, and the fact that there is no one who wants to look in the mirror, leads to instability and lack of progress. Politically it is profitable to prolong this process; the cheapest populist campaign still deals with the question of the missing. Economically it is disastrous because no one invests in the afflicted country. Internal conflicts are the most pernicious for society and we know this only too well and it is the most difficult to imagine their consequences and the most difficult to admit guilt. These conflicts lead to all manner of divisiveness, which from an economic perspective is a disaster. What is the value of one man? How to calculate the value of lost people? How much does it cost to find one person? How much does resolving this issue cost? What is that cost and the general loss to society?”

96. Milovan Kubat, Head of the DNA laboratory at the Zagreb Institute of Forensic Medicine, stated “it is a sad success of the process that we have achieved our business in making identifications of the missing. In the areas where we were able to finish the job ethnic intolerance fell sharply and this is definitely one of the prerequisites for economic development.”

97. Svetlana Cenić concluded that not dealing with the past is costing BiH millions, and this situation has arisen because “nobody is prepared to focus on all victims equally and politicians and decision-makers postpone the solution to the problem, they relativize and politicize it, without resolving it.”

98. Aleksandar Trifunović, Editor of BUKA [NOISE], BiH suggested that if the issue of dealing with the past, including the issue of missing persons, is kept on the margins of public debate it constitutes “a new tool for conflict.”

99. Saliha Đuderija commented on how the economic cost of not dealing with the past is often neglected. “Time has shown that this issue should be given priority instead of many other issues, because it is a prerequisite for stability and subsequently for economic development,” she said.

100. Sven Milekić stressed the importance of dealing with the past for economic development. “We cannot expect prosperity of society when war criminals are walking among us, and we pretend that everything is normal. We need further research on this topic because people do not know enough about the connection between this issue and economic development.”

101. Svetlana Cenić drew attention also to the importance placed on property over people: “The largest campaign since the war was for the return of property, not finding the missing. It seems property is more important to us than people.” She commented on prioritization of issues vis-à-vis budget allocations and state funding. “In every budget [in BiH] there is money for veterans associations, and before elections additional funds are made available to the union of public administration and religious communities and political parties. When this is all combined, you can make three more [missing persons] institutes and pay all the forensics in BiH,” she said.

4.1.7. **Part 5: What are the lessons learned from the WB and how can they be applied to other missing persons?**

102. Adnan Rizvić suggested that based on what has been learned from the Western Balkans, a missing persons process activity checklist should be developed for other
afflicted countries. Prior to that there is a need to define what was successful in the Western Balkans and what should be done differently in other regions of the world. “It is obvious that the joint intervention of international and domestic institutions coupled with political will and the participation of civil society proved successful,” said Mr. Rizvić.

103. Anisa Sučeska summed up the facts that were presented during the course of the roundtable. “More than 70% of missing persons have been accounted for thanks to the cooperation of the international community, domestic authorities, the prosecutor’s offices and civil society in a scenario that is unique, and the process took place within a legal framework to support families of the missing. In the last decade in the UK and USA millions of children disappear annually, and in Brazil some 40,000 children disappear annually due to drug use and trafficking. In India, 35,000 children have been found dead. They too were victims of human trafficking. We do not have the right not to help them because the problem is essentially the same. The role of government is the same, [...] and there is the same need of the families to find their relatives, and the same need for international standards.”

104. Drawing on the experience of BiH, Ms. Sučeska stressed the need for the international community to have at its disposal “an international body that, in cases of conflict, would enter the afflicted country and begin to collect data in a non-selective manner and begin a certain process in time.” Such a body is required “because the state must have a resource that will help it to build its own capacity.”

105. Following Ms. Sučeska’s intervention, Ivan Grujić suggested, “the international community and its mechanisms has an important role here. The war has caused the impossible and the development of civil society and we need a certain amount of time to make these processes start. Croatia has still not completed the process of accounting for the remaining missing persons. This is the hardest part of the job.”

106. Vesna Teršelič reminded the participants of the need to collect data about the killed and the missing, i.e. all human losses relevant to dealing with the past and missing persons processes. “It is important to look at the experience in the collection and classification of data, exhumation, identification, in phases and also transfer data to local actors. One of the problems with international actors in former-Yugoslav countries was that they either carried their data away with them, or destroyed it, never having submitted data photocopies for custody to independent institutions in the region,” said Ms. Teršelič. She emphasized the importance of documenting human losses including missing persons so as to leave an accurate historical record and to contribute to reconciliation.

107. Concerning documentation, Kathryne Bomberger underscored the importance of making data available to states so as to end speculation about numbers of victims. “This is something that we hope we will continue to develop. The difficulty is how to create a global database that will contain information about missing persons for various reasons, but protect personal data at the same time,” said Ms. Bomberger.
4.2. List of Participants

- Ms. Kathryne Bomberger, Director-General, ICMP, Chair of the Roundtable Meeting
- Ms. Ljiljana Alvir, President of the Union of Associations of Families of Captured and Missing Croatian Defenders - Republic of Croatia
- Ms. Olgica Božanić, Secretary, Association of Families of Kidnapped and Missing Persons from Kosovo and Metohija
- Mr. Goran Bubalo, Project Director, Catholic Relief Services
- Mr. Ibro Bulić, Prosecutor, Prosecutor’s Office of Bosnia and Herzegovina
- Ms. Svetlana Cenić, Political Analyst and Economist, Consultant Economist
- Ms. Aida Čerkez, Journalist, Associated Press
- Ms. Salima Duderija, Assistant to the Minister of Human Rights and Refugees, Bosnia and Herzegovina
- Col. Ivan Grujić, President of the Commission on Missing and Detained Persons and Assistant to the Minister of Homeland Defenders of the Republic of Croatia
- Ms. Lejla Hadžimešić, Human Rights Advisor to the UN Resident Coordinator, UN/OHCHR
- Mr. Matthew Holliday, Justice and Civil Society Coordinator, ICMP
- Mr. Adis Hukanović, Activist, Youth Initiatives for Human Rights, Bosnia and Herzegovina
- Ms. Advija Ibrahimović, Member, Association “Women of Srebrenica”
- Ms. Seida Karabašić, Project Manager, Member of the Steering Board, Association of Women “Izvor” Prijedor
- Dr. Rifat Kešetović, Court Medicine Specialist, Clinical Centre Tuzla
- Ms. Samira Krehić, Head of Political Unit, Western Balkans Program, ICMP
- Dr. Milovan Kubat, Forensic Pathologist, Department of Forensic Medicine and Criminology
- Ms. Claudia Kuljuk, Chief of Cabinet, Western Balkans Program, ICMP
- Ms. Lejla Mamut, Human Rights Coordinator, Swiss Association Against Impunity (TRIAL)
- Mr. Sven Milekić, Program Coordinator, Youth Initiatives for Human Rights Croatia
- Ms. Lina Milner Enercrantz, Regional Coordinator for Missing Persons Issue, ICRC
- Mr. Milutin Mišić, Member of the Board of Directors, Missing Persons Institute of Bosnia and Herzegovina
- Ms. Sandra Orlović, Executive Director, Humanitarian Law Center
- Mr. Adnan Rizvić, Deputy Director of Forensic Sciences, ICMP
- Ms. Anisa Sučeska, Country Director Programme Manager, Balkan Transitional Justice, Balkan Investigative Reporting Network (BIRN)
- Ms. Vesna Teršelić, Director, Documenta - Dealing with the Past Center
- Mr. Aleksandar Trifunović, Chief Editor, BUKA magazine
- Mr. Mioljub Vitorović, Deputy War Crimes Prosecutor, Republic of Serbia Office of War Crimes Prosecutor
- Mr. Miodrag Živanović, Professor, Faculty of Philosophy Banja Luka

Top of this page: Roundtable discussion in Sarajevo.
About ICMP

ICMP is the only specialized international organization of its kind whose sole mandate is to address the issue of missing persons. The ICMP was created at a G-7 Summit in 1996 to work with governments and others to help them to account for persons missing from the conflicts of the 1990s in the former Yugoslavia. ICMP was later mandated to work globally and to respond to cases of missing persons resulting from disasters and other causes.

ICMP provides a comprehensive approach to assisting governments and others. It helps build institutional infrastructure in afflicted states. It works with civil society to ensure the active and meaningful engagement of stakeholders. It provides technical assistance to governments in locating, recovering and identifying the missing. It supports the work of the judicial sector. As part of its technical assistance, ICMP maintains the world’s largest and most efficient DNA laboratory system dedicated exclusively to identifying missing persons. It has created a database that is capable of processing information on cases globally. ICMP promotes transparency and accountability and seeks to ensure the consistent application of standards, including the protection of personal data.

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Top page: ICMP Commissioner Wim Kok, Minister of Foreign Affairs of the Netherlands Frans Timmermans, ICMP Chairman Thomas Miller and ICMP Director-General Kathryne Bomberger after the Conference in The Hague.
Our Commissioners

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RT Hon Alistair Burt MP
H.E. Ambassador Rolf Ekéus
H.E. Wim Kok
H.E. Ambassador (retired) Thomas Miller (Chairman)
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H.E. Ambassador Knut Vollebaek
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