

Speech by Dutch Foreign Minister Bert Koenders at the International Commission on Missing Persons (ICMP), on the occasion of its 20th anniversary and the opening of its new headquarters in The Hague

The Hague, 7 July 2016

Your Majesty, your Excellencies, ladies and gentlemen,

In October 2015, Maha Mekkawy went on hunger strike in Cairo, Egypt. By that time, her husband Ashraf Shehata had been missing for almost two years. She was desperate for answers.

Mr Shehata, a lawyer and father of three, disappeared from work one day, after stepping outside to take a phone call. He has not been seen since.

For Ms Mekkawy and her children, a long and painful quest for answers began that day. She was told that her husband was being held by Egypt's Homeland Security agency. 'I spent many hours with officials at the Ministry of Interior, but in vain. There were no investigations,' she told the *Daily News Egypt* newspaper.

'I was facing harassment by the police. Eventually, one honest Homeland Security official wrapped it up for me by saying: "Start a media campaign, get on TV, because they are never going to give you an answer.'

This painful – and painfully familiar – story illustrates two things.

First, the issue of missing persons is a human rights issue. Enforced disappearance is a violation of the human rights of those who go missing and their families.

And second, families are forced to resort to desperate measures to get answers about the fate of their loved ones. The rights of survivors to truth and justice should be an integral part of governments' missing persons policies.

These two points underlie my core message to you today: the need for accountability and its importance for prevention. Incidents like Mr Shehata's disappearance are rarely isolated. In Egypt, local watchdogs estimate that hundreds of people have gone missing in similar fashion in recent years. Some of them have showed up later in detention facilities. But the fate of many others is still unknown.

Establishing the truth of what happened is not just important to the families of the disappeared. It is also crucial for society as a whole because of the scale and impact of such atrocities. Truth-finding should be a national undertaking. And there must be accountability and justice to prevent such acts from happening again.

Ladies and gentlemen,

Let me elaborate my first two points:

People go missing for many reasons. Conflict, government repression, natural disasters, organised crime, voluntary or forced migration. For my government, the issue of missing persons is first and foremost a human rights issue. And protecting and promoting human rights is a cornerstone of Dutch foreign policy.

Enforced disappearance as a deliberate tool of government repression is rife. It is a gross violation of multiple human rights, including the right not to be subjected to torture, and the right to personal dignity, to humane conditions of detention and to a fair trial. Under the Rome Statute of the International Criminal Court, enforced disappearance is a crime against humanity.

The Netherlands upholds the legal framework on enforced disappearance. We host the ICC. We are an active member of the Human Rights Council and have signed and ratified the Convention for the Protection of all Persons from Enforced Disappearance.

Many people go missing as a consequence of conflict. Today's large-scale conflicts in the Middle East and Sub-Saharan Africa have resulted in millions of disappearances. We are shocked by reports of widespread human rights abuses and crimes against humanity perpetrated against civilian populations on a regular basis.

The Netherlands, as a matter of principle, supports full and independent international investigations into these abuses to establish the truth of what happened. In the UN Human Rights Council, we have continuously supported the Commissions of Inquiry on Syria and North Korea. And we have called for independent investigations in Yemen, Burundi and Congo, to name just a few. We support local organisations that document abuses for use in fact-finding and criminal accountability processes. And we regularly call for the UN Security Council to refer the situation in Syria to the ICC.

These conflicts have triggered mass migration and tens of thousands of people have not only suffered unspeakable human rights abuses, but have gone missing altogether. Many human rights organisations have reported on what happens to refugees along unsafe routes. Most recently Amnesty reported large-scale sexual violence against women refugees in Libya. Europol has reported that an estimated 10,000 refugee children have gone missing since arriving in Europe.

We cannot stand idly by as men, women and children are exposed to hardship and danger. During my country's presidency of the EU, I underlined our shared responsibility and sought political solutions. To save lives, fight trafficking networks and address the root causes of irregular migration. My ministry is looking into working with ICMP to make a record of Syrian migrants who have gone missing.

Ladies and gentlemen,

As I said, my core message is that accountability is a preventive measure. Seeking the truth for the families of missing persons and ensuring justice for the victims is crucial to the resilience of society to mass atrocities.

When people go missing – violently or otherwise – it leaves a gaping wound that harms us as individuals and as a society. We need to know what happened and come to terms with it so as to be able to move on. We need to know the truth. This is a profound human experience. And it is a necessary experience to ensure resilience – for individuals and for society as a whole.

Truth is important, and so is justice. Ensuring that the perpetrators are held accountable is an essential step that helps families and society move beyond grief. Society and the international community cannot allow a culture of impunity to persist. Those responsible for disappearances must be held accountable. So accountability should be an integral part of any approach to this problem.

Failure to hold those responsible to account can contribute to renewed violence. Because open wounds tend to fester. And left untreated, the infection can spread.

When the legacies of past crimes against humanity are not adequately addressed through individual criminal accountability, reparations, truth-seeking and reconciliation, tensions remain. And widespread violence is more likely to erupt again.

Unfortunately, history is rife with examples. But there are also many examples of the opposite situation. We know that a painstaking process of addressing the past can lead to a peaceful and democratic present, and prevent recurrences of atrocities.

We all remember the Madres de Plaza de Mayo. Argentina is a good example of a country that ended government-sanctioned disappearances and impunity, and dealt with its past. Many countries in Latin America underwent similar processes. Argentina was an example to others, in the region and beyond.

Right now, we are witnessing a historic *détente* in Colombia. After more than 50 years of civil war, the government and FARC reached agreement on a ceasefire and disarmament just last week. Reconciliation between the parties and rebuilding trust in this country will take an enormous effort. Estimates of people gone missing as a result of this conflict range from fifty to a hundred thousand. Many are believed to have been buried in mass graves.

Fortunately, ICMP will start working in Colombia in the near future. And as a fully fledged international organisation, it will be able to do their work with full diplomatic privileges and immunity. I hope ICMP will be able to help Colombians find the truth, hold those responsible to account and move beyond their grief to establish a culture of peace.

ICMP is well-placed to do this. Through its work in Bosnia and Herzegovina it has shown that missing persons CAN be accounted for.

More than 70 per cent of the missing from former Yugoslavia have been located and identified. The truth about their fate has been established.

Justice is being done. Through the International Criminal Tribunal for the former Yugoslavia and war crimes trials in the successor republics, high-level perpetrators have been made to answer for their crimes.

ICMP has been a major contributor to these results. Because of ICMP's assistance, it was possible to identify seven of the eight thousand victims of Srebrenica. ICMP cooperated closely with the ICTY to provide criminal evidence. The Netherlands has been a big supporter of ICMP's work in the Balkans, both politically and financially.

I was in Potocari almost exactly a year ago for the commemoration of the 20th anniversary of the fall of Srebrenica. As I said to the survivors of that horrible massacre: we cannot free them from their grief. But we can continue to search for and identify the fathers and sons who are still missing today.

The Netherlands is supporting ICMP financially in its efforts to find the missing one thousand, to identify them and ensure they receive a proper burial in Potocari.

ICMP has done excellent and essential work in the Balkans. Their work there is nearing completion. But, as we have seen, the problem of the missing has global proportions.

In support of ICMP's new global mission, my predecessor and I took the lead in a diplomatic effort to help it acquire the status of international organisation. We have also brought ICMP to the heart of The Hague, the international city of peace and justice.

Kathryne,

Let me congratulate you on moving ICMP's headquarters to The Hague and welcome you most cordially. We think ICMP's mission makes it a perfect fit in a city that hosts a multitude of international organisations that promote peace, justice and the rule of law worldwide.

I am very pleased to be here with you today in ICMP's beautiful –and versatile – new offices. I understand it would even be possible to build a laboratory here in these historic premises. But for now, it's wonderful to see them fitted out with Dutch Design furnishings.

Thanks to your excellent timing, we were able to provide you with some choice pieces of furniture from our EU presidency, which ended exactly one week ago. This is a sustainable solution, befitting your new status as a serious international organisation at the forefront of international efforts to address the issue of missing persons.

ICMP's status and international outlook are reflected in its venerable Board of Commissioners. I'd also like to extend to them my congratulations and a very warm welcome.

I'm very pleased to see Her Majesty Queen Noor of Jordan here. Your Majesty, your presence at this event underscores our joint commitment to the cause of missing persons and our countries' close bilateral ties.

I'd also like to take this opportunity to thank Mr Wim Kok, our former prime minister, for his personal commitment to ICMP and to the cause of missing persons in Bosnia and Herzegovina. Mr Kok joined ICMP's Board of Commissioners immediately after leaving national politics in 2002. He has been a strong advocate for ICMP and has ensured my country's continued commitment to missing persons as an issue that needs to be addressed globally.

Let me conclude by expressing our full support for ICMP's efforts to establish a Global Forum on Missing Persons here in The Hague, to bring together various agencies and international organisations working on different aspects of this problem.

As long as people go missing in this world, as a result of conflict, government repression, humanitarian crises, or other causes, ICMP will have a role to play. We are ready to work with you.

We do this for the thousands like Ms Mekkawy and her children who are still awaiting news of the fate of their loved ones. We have a duty to find out the truth about those who've gone missing. And to bring justice to their families.