

SPEECH BY KATHRYNE BOMBERGER, ICMP DIRECTOR-GENERAL ON THE 7TH BIENNIAL MEETING

**The International Association of Genocide Scholars
Sarajevo, Bih, 9-13 July 2007**

Prevention of Aggressive Nationalism and Ethnic Cleansing

Ladies and Gentlemen,

I would like you all to consider for a moment what the term missing person means and what it means to be the relative or friend of someone who disappeared without a trace during armed conflict.

Consider what it means to have no news of that individual for a decade or more.

Consider the impact on your life when you know that government officials, who may have access to that information, continue to withhold it from you as if your missing loved one never existed....

The first Chairman of the International Commission on Missing Persons (ICMP) - Cyrus Vance - observed that, "peace is a psychological as well as a physical state and helping the grieving is essential to achieving full peace."

Families of the missing are among those most affected by trauma and fear. Not only have they lost family members, but they are often refugees as well. Consequently, they easily fall prey to nationalist political manipulation. Breaking that link is critical to the successful implementation of any post war agreement.

The International Community's first High Representative in Bosnia - Carl Bildt - describing post conflict societies; said that, moving forward depends on overcoming the fears of the past. The recent conflicts in former Yugoslavia vividly illustrate the perils that result from failures to address the past.

In the build up to the recent conflicts, opportunistic nationalists exploited post Second World War efforts to conceal previous inter-ethnic and political atrocities. They grossly exaggerated or grossly understated the number and inferred the existence of hidden mass graves to stir up ethnic hatred, fear and distrust. Concealed mass graves are analogous to political landmines that threaten the stability of societies for generations to come.

There have been more recent attempts to abuse the issue of missing persons for political gain. Extreme examples include the Government of the Republika Srpska, denying that 8,000 men and boys were missing from the fall of Srebrenica in July 1995 and, the Milosevic regime seeking to hide evidence regarding the disappearance of over 800 persons from Kosovo. In both cases, the governments tried to conceal the fact that atrocities were committed.

With no binding international legal instruments to address the human rights aspects of missing persons from armed conflicts and crimes against humanity, the regions of the former Yugoslavia were hard pressed to address the reality of over 40,000 persons missing at the end of hostilities.

To assist in finding a solution President Clinton announced the creation of ICMP. In his words the primary tasks of ICMP were:

[To] secure the full co-operation of the parties to the Dayton peace agreement in locating and identifying the missing from the four year conflict and to assist them in doing so....to support and enhance the work of

[other organizations in their efforts]...[to] encourage public involvement in its activities and....to contribute to the development of appropriate expressions of commemoration and tribute to the missing.

Overcoming political inertia on the ground was a high priority for international and local policy makers in the aftermath of the war. Recognizing that uncertainty over the fate of the missing was an obstacle to reconciliation and peace-building in the region, Cyrus Vance invited eminent representatives of the international community to act as ICMP Commissioners, while governments of the region nominated representatives to participate in decision-making and to secure local political commitment.

Then ICMP started to develop a three part approach to the problem. Working directly with governments and using forensic sciences, and through supporting civil society actors, ICMP has achieved results in a way that has ensured sustainability and encouraged local ownership of the process.

By embedding our efforts within the domestic structures of the locations in which we work, ICMP has acquired a unique expertise in guiding post-conflict states through the difficult task of accounting for the past. In so doing, states not only meet their human rights obligations they also build institutional capacity that promotes long-term public confidence in state prosecutors, the police, forensic investigators, judicial systems and in parliamentary systems. Indeed, pursuing answers to questions about gross violations will assist the governments of post-war states to win back the public trust by ensuring fair treatment for victims and ensuring that perpetrators of atrocities cannot escape justice.

Bosnia provides a good example. The state government has, with ICMP assistance, drafted and adopted unique, enabling legislation, such as the Law on Missing Persons. It has also established the Missing Persons Institute, which is an institution responsible for pursuing cases of missing persons regardless of national identity. Civil society initiatives have encouraged the development of cross-boundary networking between associations of family members that exert pressure on governments to release information on the whereabouts of mass graves. These groups have also lobbied for and received the same rights and social benefits as those of families of veterans or fallen soldiers. And, these networks of associations have also facilitated the collection of blood samples from survivors to assist in the DNA-led identification process.

ICMP's forensic teams have pioneered novel, rapid and cost-effective techniques for identifying sets of mortal remains that have been intentionally disturbed. Initially, forensic experts had deemed progress on such complex issues unlikely, since in the process of moving and re-concealing victims, many mortal remains had been dislocated and spread across numerous sites.

Early inability to make positive identifications granted war criminals a measure of protection. Uncertainty as to the identity of those in the graves enabled the denial of atrocities. Indeed, one Serbian government minister reported that many of those buried in a mass grave in Belgrade were Serbs when in fact all 800 were Kosovo Albanian. And, Milosevic's wife is reported to have said that all those buried there were Serbs murdered during Nazi occupation.

ICMP's advances in identification techniques directly undermine these attempts to deny mass atrocities. They bring to light irrefutable evidence that links specific individuals to particular crimes. Through the identification process, then, evidence is uncovered and victims' humanity is restored. ICMP's success in developing these new DNA matching techniques has made it a leader in advancing forensic technologies and is a prime example of science in the service of truth and justice. These efforts have resulted in more than 11,000 DNA-based identifications bringing long-awaited answers to damaged communities.

Using DNA for identifications has become a matter of course in many parts of the world. At the technical level it often represents the only reliable means of identification. At the political level, DNA offers the significant benefit

of scientific accuracy in identifications, thereby pre-empting an often potential exploitation and manipulation of the missing persons issue.

However, these sophisticated technical methods rely upon the political will of governments to deal with the issue of missing persons. Governments should be responsible for trying to address the concerns raised by human rights violations committed by a previous regime. They should investigate and publicly disclose reliable facts about the missing. In addition, victims should be able to assert their legal rights for truth and justice in determining the fate of missing persons, as well as for related social and economic rights. Finally, for the sake of society and future peace in the region, states must comply with international judicial mechanisms such as the ICTY.

The ICMP is entering the final phase of its work in the former Yugoslavia. Our goal is to assist the region in making an additional 9,000 DNA assisted identifications by the end of 2010 and to ensure that the families of the missing are able to access their rights. Hopefully the gains made can be solidified into durable and sustainable solutions. ICMP has already begun applying its model to states beyond the Balkans. ICMP is currently working in with Iraq and with Colombia regarding ways in which support can be provided to investigations into unresolved cases.

Sadly, this issue is a global one. In Europe, there continue to be serious concerns regarding missing persons in the regions of Nagorno-Karabakh, Chechnya, Abkhazia as well as in the countries of the former Yugoslavia and on Cyprus. In the rest of the world - Sudan, Rwanda, Cambodia, Algeria, Nepal, the Philippines, Chile, Guatemala, Colombia, Argentina, Congo, Kashmir, East Timor - the list goes on. And it is not only in the area of post conflict assistance. Responses to natural disasters and terrorist attacks also require the sort of technical capacities that ICMP has developed.

The work involved is labor-intensive, politically sensitive, and complex. It requires a diverse range of scientific, diplomatic, and bureaucratic resources needed for the effective resolution of cases and to ensure the rights of families. ICMP is unique in its ability to meet all of these needs in a comprehensive, coordinated approach.

The war that was ended by Dayton/Paris Peace accords, the Kosovo conflict and the crisis in Macedonia have left deep scars in Western Balkan societies and the evasion from justice of persons indicted for war crimes, such as Karadzic and Mladic, makes it difficult for these scars to heal. Refugee displacement is a continuing regional problem that is underpinned by mutual mistrust, political manipulation and the anguish of those most affected by the recent conflicts. The continuing problem of large numbers of missing persons in particular aggravates the situation in the region, especially in Bosnia and Herzegovina and in the context of Kosovo.

Revisionism and the intentional misuse of emotional factors linked to identity and victim-hood are the stock in trade of nationalists and indeed terrorists. Painstaking efforts to establish the truth, to restore identity and to seek redress will ultimately prevent the manipulation of history which is the rallying point for new conflict and new horrors.