

Address by Kathrynne Bomberger, Director-General
International Commission on Missing Persons
Commemoration of the International Day of the Disappeared
31 August 2009

We are gathered here today to commemorate those persons who are missing from armed conflict, crimes against humanity and other violations of human rights from around the world. We are here to remember those persons who have been effectively deleted because they belonged to the **wrong** nationality, religion, race, class, gender or political group.

We are also gathered here today to pay our respects and to show compassion to the **families** of the missing and disappeared. Their pain and suffering is increased by the lingering uncertainty regarding the fate of a loved one. The United Nations and the European Court for Human Rights have classified this continual suffering as a form of mental torture.

For over a decade, ICMP has been assisting the governments of the Western Balkans in addressing the issue of persons missing from armed conflict that occurred during the period 1991 to 2001 in the region. Those who disappeared are often missing as a consequence of the actions of governments or institutions acting on a government's behalf, which attempted to eradicate communities based on their national identity or religion.

The attempts to systematically hide the mortal remains of persons who were forcibly disappeared and then killed were elaborate and extensive. Over the years, ICMP has assisted in uncovering mass graves hidden in cemeteries under marked graves in the heart of Sarajevo, in wells, and in caves where heaps of garbage, rubble and even animal carcasses were thrown on top to hide the evidence.

Victims have also been found in remote fields surrounded by deadly landmines, on mountain tops, in ravines, after being thrown over cliffs, or under the houses and in the backyards of refugees returning to their homes.

They have also been found in football fields and abandoned factories and warehouses. In some cases bodies were burned or thrown into rivers, thus decreasing the likelihood of ever

finding them. Or their bodies were bulldozed out of one mass grave and moved to a series of secondary graves in an attempt to hide them forever.

Equally daunting is the process of addressing the needs of the surviving relatives and others who rightfully demand answers. This situation has been especially difficult given that some government officials are either reluctant to provide such information, or may be actively engaged in concealing it. As one former regional politician put it “if there is no body, there is no crime.”

There are also the attempts by some self-interested politicians and others to exaggerate the numbers of missing persons and to distort and manipulate the process of searching for missing persons to their own advantage, so as to augment the sense of suffering and entitlement of their particular national group.

Efforts, such as those of the Missing Persons Institute for BiH to move towards a universal approach to the issue, where persons are searched for without regard to religious or national origin, are becoming stronger, but it is still an uphill battle in a region where aggressive nationalism flourishes.

The success of state-level structures and legislation that transcend nationalistic agendas and approach the issue in a universal sense are the only long-term hope for relatives of the missing to continue to find answers regarding the fate of their loved ones, to exert their rights and to commemorate the missing. The Council of Ministers, the Entity Governments and the Brcko District recognized this and should be praised for creating the Missing Persons Institute.

The technical challenges faced by the regional governments to locate, recover and identify missing persons are also daunting. Even taking into account the fact that hospitals were damaged, and that few technical experts remained in the region after the conflicts, it defies the ability of any country or region, even the most advanced, to deal with the overwhelming task of finding 40,000 missing persons and to do so in a manner that respects the needs of families, the requirements of proper criminal judicial investigations and the long term societal necessity to provide an historically accurate accounting of atrocities that can counterbalance unsubstantiated and politically motivated narratives.

This last point cannot be underestimated. As the countries of the Western Balkans build or create new states, they continue to struggle with notions of identity, as well as the issue of how to deal with the past, and these two elements are often purposely interlinked.

The atrocities committed in the previous decade are still wounds that are dangerously susceptible to being re-opened by those who seek political advantage. Given the historical record of the region, where the issue of mass atrocities from WWII was used to inflame the hatred that ignited the conflicts of the 1990s, it is important to provide a counter-narrative based on reliable and accurate information.

I am sad to say that recently, false allegations have been made concerning the missing persons process in Bosnia and Herzegovina, including the process of identifications. These allegations are not only untrue and unwarranted, but they are incredibly hurtful to the families of the missing who have suffered enough.

As is well known to those who again seek to distort the truth, ICMP is an independent, impartial, non-profit international organization, which is funded by governments to help countries confronted with a missing persons problem. Both sponsoring and beneficiary governments rightly demand transparency and accountability from ICMP.

ICMP's DNA laboratory system is accredited to ISO 17025 by the German DACH accreditation agency and it is monitored through a well established quality management system and reviewed by an international group of the world's leading forensic experts through a Steering Committee on Forensic Sciences. Because the credibility of the process is of the utmost importance to the families of the missing, the criminal judicial process and to future peace and stability, the Steering Committee on Forensic Sciences will invite a further external evaluation of our system.

We also call upon all governments and institutions in the region to be similarly transparent and accountable in addressing the missing persons issue, particularly in coming forward with crucial information on the location of hidden and illicit graves and ensuring that the issue is addressed regardless of national or religious origin of the victim.

ICMP's efforts have focused on opening up closed systems, the promotion of transparency and the creation of sustainable rule of law institutions, ensuring dialogue between communities and between civil society and governments, as well as the provision of technical

assistance that allows for the proper recording of mass graves as well as irrefutable evidence of the identity of victims recovered.

ICMP has assisted in making almost 15,000 DNA-led identifications; of which approximately 12,600 are relevant to the Bosnia conflicts and it has assisted in the excavation of over 1,000 sites and the exhumation of over 13,500 sets of mortal remains. Based on reports from governments, ICMP estimates that prior to the application of ICMP's DNA-led identification process in late 2001, approximately 7,000 – 8,000 sets of mortal remains were found and cases were closed relevant to the BiH conflict.

This means that of the estimated 30,000 persons that went missing from the Bosnia conflicts, approximately 20,000 cases of missing persons have been resolved. This is an unprecedented achievement anywhere in the world. Normally when persons are disappeared, they are hardly ever found. One has only to compare the success of Bosnia and Herzegovina with the experiences of Latin America, Cyprus and the Middle East

ICMP now receives delegations from Colombia, Argentina, Cyprus and Iraq, all of which have been dealing with a legacy of missing persons for a much longer period than Bosnia and Herzegovina. They are eager to learn about laws, institutions and technology that can be applied to these cases. Following a visit to ICMP facilities in BiH, the Chief Prosecutor from Colombia wept and described what he saw as a “miracle” that he dreams of replicating in Colombia.

While this is a success story for Bosnia and Herzegovina, for the families of the missing, the process can never be fast enough. In addition, their suffering does not end with finding a missing loved one. For many of them, once a loved one has been found, the more difficult struggle of obtaining justice begins.

For Bosnia and Herzegovina and the other countries in the region and the world, it is important to understand that the families of the missing have rights, including the right to know the fate of a loved. Therefore, real success in addressing the missing persons issue is measured by the ability of governments to take responsibility for locating, recovering and identifying the missing and to provide accurate and reliable information not only to the victims, but to all citizens.

Therefore in Bosnia and Herzegovina, I call once again for the implementation of the Law on Missing Persons for Bosnia and Herzegovina and the creation of the Central Records of the Missing Persons Institute.