

UNKNOWN FATE UNTOLD GRIEF



**ICRC activities on behalf of missing persons
and their families from the conflicts in
Croatia, Bosnia-Herzegovina and Federal
Republic of Yugoslavia/Kosovo**



ICRC

EXECUTIVE SUMMARY

A decade since the wars in former Yugoslavia began, thousands of people who went missing during the hostilities in Croatia and Bosnia-Herzegovina are still unaccounted for. The recent conflict in Kosovo has added its own toll of people who have disappeared without trace.

Over 31,500 people are still listed by the International Committee of the Red Cross (ICRC) as missing in connection with these conflicts. And this figure is not yet definitive. In the past two years, over a thousand new enquiries have been made to the ICRC in Bosnia-Herzegovina alone. Yet only a fraction (8,202) of those who have disappeared over the last decade have been accounted for.

The ICRC has played an active role in locating people who disappeared during the conflicts in former Yugoslavia since 1991. This is part of the ICRC's mandate to protect and assist victims of armed conflicts. The ICRC's approach is based on the need to clarify the fate of missing persons and to address the needs of their relatives, who live in the anguish of uncertainty.

Whilst it is the responsibility of the authorities to ensure clarification of the fate of missing persons and support to the relatives, the ICRC seeks to back this process. Its role is to lend its services and expertise to bring the different authorities together in the search for information and answers.

In a first phase, the ICRC tries to trace the person using all information available. It submits the details of the case to the authorities and asks them for an answer.

If this proves unsuccessful, a second phase is activated. Here, the focus shifts from the missing person to his or her family. The ICRC continues to seek answers from the authorities to transmit to the families. It also supports other ways of finding answers, to that effect working in close coordination with other organizations. For instance, the ICRC actively supports the process of exhumation and identification of human remains, either through logistical support, collection of ante-mortem data, or projects such as the Book of Belongings. The ICRC considers the needs of the families of missing persons and how best to respond to them. This includes addressing legal problems, helping to create family associations and providing psychological or other support.

In its response, the ICRC always bears in mind the role and responsibility of the authorities. It takes into account the need for sustainability due to the long-term nature of the problem. The ICRC also seeks complementarity with other actors, liaising closely with the relevant government ministries, local authorities, international institutions, UN agencies, NGOs and other organizations on all aspects of the search for the missing.

The International Red Cross and Red Crescent Movement, with its vast network of staff and volunteers worldwide, can make a unique contribution towards resolving the highly complex issue of the missing. In much of the former Yugoslavia, Red Cross Societies and the ICRC work together to gather information and support the families of the missing. Further afield, in countries where such families live as refugees, national Red Cross or Red Crescent Societies facilitate contacts there with the ICRC through the Red Cross tracing service, and keep the issue of the missing in the spotlight.

Despite the difficulties and challenges of the task, the ICRC is resolved to continue seeking answers. The authorities' willingness to fulfil their obligations by releasing information is crucial to establishing the fate of the missing. Only then can their relatives begin to rebuild their lives.

ACRONYMS

BiH	Bosnia and Herzegovina (Bosnia-Herzegovina)
DNA	Deoxyribose Nucleic Acid
FRY	Federal Republic of Yugoslavia
ICRC	International Committee of the Red Cross
ICMP	International Commission on Missing Persons for the former Yugoslavia
ICTY	International War Crimes Tribunal for the former Yugoslavia
IHL	International Humanitarian Law
MPI	Missing Persons Institute
NGO	Non-Governmental Organization
ODMP	Office for Detained and Missing Persons
OHR	Office of the High Representative
OSCE	Organization for Security and Cooperation in Europe
RCM	Red Cross message
RS	Republika Srpska
SFOR	Stabilization Force
UNMIK	United Nations Mission in Kosovo
UNSRSG	United Nations Special Representative of the Secretary General

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Part I The Context

1. From a regional perspective

The wars in Croatia in 1991 and 1992, in Bosnia-Herzegovina (BiH) from 1992 to 1995, the military operations in the three former UN Sectors in Croatia in 1995, and the conflict in Kosovo in 1998-9 have left thousands of families throughout the region still searching for missing relatives. Irrespective of their origin or location, they face a long and painful wait for news of the fate of their loved ones.

The ICRC has 31,541 people listed as missing in relation to the conflicts in Croatia, BiH and Kosovo, a figure which represents only those people whose families have opened a tracing request with the Red Cross. To date, only a fraction of those sought have been found (cf. Annex 1), and only a handful of them alive. Most were discovered and exhumed from mass graves. In many other cases, the human remains have not been found, leaving the families with a testimony from a witness or a confirmation from local authorities. This

is sometimes difficult for families to accept as confirmation of the fate of a relative.

There are still people in BiH, Croatia, Kosovo and elsewhere in the FRY who are only now coming forward to submit tracing requests. Over the past two years, more than one thousand new submissions have been made to the ICRC in BiH alone. Most of them were made by people who have explored every other avenue without success, or by recently returned refugees who have come home after years abroad.

The lack of progress in finding answers about the fate of the missing is not only giving anguish to the families, who are still waiting for news, but it is also creating great frustration for the authorities and the many other players engaged in the search. The issue of missing persons is a thorn in a country's side. It is a constant reminder of the conflict, hampering efforts at reconciliation and a return to peace and stability.



A woman lights a candle for her missing husband. Thousands like her are still searching desperately for news of their relatives who went missing in war-time.

ICRC Definition of Missing Persons

Circumstances leading to a disappearance can vary tremendously. It is therefore not surprising that there is no single definition of the terms “disappearance” and “missing person”.

The ICRC considers a person to be missing if this person has disappeared against his or her own will, in a conflict situation, and if this person cannot be found, despite all action taken to this end.

Inherent to the definition of a missing person is the fact that the person is being missed by someone, either relatives or friends. The issue of missing persons is thus intrinsically linked with the issue of the families, of their search for an answer, of their pain and uncertainty.

In practice, the ICRC records as “missing”:

- any person whose family has reported his or her disappearance either directly to the ICRC or through a Red Cross National Society; or

- any person for whom there is an eyewitness testimony of his/her death, although the human remains have not been found; or
- any person who was detained and then registered by the ICRC, or whose detention was notified to the ICRC by the authorities, and subsequently remains unaccounted for.

In Kosovo, for example, this means someone who:

- disappeared as a result of events in the province since January 1998; or
- was reportedly arrested in relation to the conflict, and has not been located in a place of detention or elsewhere; or
- was reportedly abducted by armed groups or civilians and has not been seen since; or
- was reported dead, but whose body has not been found.

2. From an individual perspective

“At least if I knew he were not alive it would be easier for me” explained a woman from Kosovo whose husband went missing in 1999. “The anguish of not knowing is horrible. You hear so many rumours here and there....”

With no proof that their loved ones are dead, many relatives of the missing continue to nurse faint hopes that they may be alive. But the longer people wait the harder the silence is to bear. Moreover, without proof one way or the other, the bereaved are unable to complete their mourning. “We are neither in the sky nor on earth, we are in between,” was how another woman whose husband has disappeared described her state of mind, adding how hard it was to make decisions in such circumstances. Indeed, for many families, life freezes; they are left hovering, stuck in the past, unable to grieve, unable to move forward, to make plans or to think about the future. Each family wants a specific answer to its individual case. They need to know the truth, even if the news is bad.

The uncertainty of not knowing what has happened to a loved one is devastating, but when the person was the head of the household, or the family’s only breadwinner, deeply troubling practical concerns about everyday survival also come into play. And when the family is, in addition, displaced from its home by war, the resulting emotional and physical strain is further intensified.

Although many women and children appear on the ICRC’s lists of the missing in the Republic of Croatia, BiH and in Kosovo, the vast majority of those on such lists are men (cf. Annex 1). The implications for mothers and wives are enormous. They must somehow cope with bringing up children without a father, and take on perhaps unfamiliar responsibilities as provider and guide; explaining to young children that someone in the family has disappeared can be the hardest task of all. Moreover, they must win acceptance in society of their new role, and clarify their legal status in order to claim certain rights.

One of the greatest difficulties for a woman who has lost her spouse is the need in some cases to declare him dead in order to be able to claim a widow's pen-

sion and other rights relating to inheritance, property and remarriage. It is a vicious circle in which uncertainty, pain and the need for support go hand in hand.



A little girl with a photo of one of her parents who disappeared during the war. Explaining to young children that a parent or close relative has disappeared can be the hardest task of all.

3. Current situation

Missing Persons in Croatia

The time frame concerned is the conflict in the Republic of Croatia from 1991 to 1992 and the military operations in the former UN sectors in 1995.

As at summer 2002, the fate has been clarified of half of the 5,152 missing persons for whom official tracing requests were submitted through the Yugoslav and Croatian Red Cross Societies in relation to the 1991-1992 conflict (3,839 tracing requests submitted) and the 1995 military operations in the former UN sectors (1,313 tracing requests submitted). This is mainly thanks to active tracing by the Red Cross (the ICRC and national Red Cross Societies) and the exhumation and identification process which, until recently, was

mainly focused on the 1991-1992 conflict. Over 1,304 missing persons were located alive and over 1,305 dead.

Recent developments:

Following the political changes first in Zagreb and then, at the end of 2000, in Belgrade, the authorities' approach to the issue — which had for years been characterized by a high degree of politicization and mutual mistrust — evolved considerably on both sides in a positive manner. The working climate within the Joint Commission meetings, which are the forum in which the Croatian and Yugoslav authorities are addressing the issues of detainees and missing persons, has become much more cooperative (cf. also p. 22).

A Missing Husband

Mrs H has moved four times since the war in Bosnia began in 1992. The 43-year-old mother of three is currently living in a partially reconstructed house in a village in Central Bosnia, which was allocated to her by the local authorities. She is originally from a village which came under siege in 1992. When it happened, her husband and the other men from the neighbourhood took to the hills. Later, eyewitnesses recall seeing over a hundred men being rounded up in the woods and led away. None of them has ever come back.

Recently Mrs H joined a group of other displaced women from her old neighbourhood who meet each month to discuss their difficulties and seek solutions to their problems. Two therapists lead the sessions, offering counselling and advice on how the women can come to terms with their situation. "It helps me a lot just to participate," says Mrs H, for whom sharing her feelings with the others eases her burden.

But the burden of her loss weighs her down again when she gets home. She worries most about her children growing up without their father. "There are

lots of bad things going on around here," she confides, "young people are taking drugs and so on. Without their father to guide them I am afraid they might be led astray".

Until now, Mrs H has not thought to have her husband officially declared dead, although she will need to do so in order to claim his pension. "I just can't do it" she says, bluntly. What she would really like to do is to return to her own home, but it was destroyed during the war. "Without help to do the repairs, how can I go back?" she asks.

Seated on a hard-backed chair in the bare room of her temporary home, she pours coffee for the visitors. Outside a sharp wind is blowing. The room itself is warm, heated by a woodfire stove that is also used for cooking. The rest of the half-rebuilt house is freezing. "I don't see any life for myself, nor for my children, if we stay here," she says finally. "But neither can we go home. The kids have lost their father, I have lost my husband, our only breadwinner, and our house is in ruins."

In the Republic of Croatia, the year 2001 saw the first large-scale exhumations carried out in the former UN Sectors. These have already led to the presumed identification of dozens of human remains. In the FRY, the authorities are in the process of exhuming a number of bodies recovered in the Sava and Danube rivers between 1991-1993.

Missing persons in Bosnia-Herzegovina

As a result of the 1992-1995 conflict in BiH, thousands of persons went missing. To date, the ICRC has gathered 20,786 tracing requests from the families, relating to as many missing relatives. The fate of 3,699 of them has been clarified (304 were found alive, while the human remains of 3,395 persons were either directly buried by the family or handed over to them). The ICRC has received information, both from official sources and through eyewitness testimonies, about the death but not the location of the human remains of

another 850 missing persons. The fate of 17,087 missing persons registered by the ICRC has thus not yet been solved.

Recent developments:

So far, the authorities have concentrated their efforts on the exhumation and identification process and have neglected the exchange of information, thus only partially fulfilling the general principles of international law and the obligations under the 1996 Dayton Peace Accords.¹

The ICRC has lobbied to re-establish the Working Group on Missing Persons, which was suspended in 1999.² Representatives to this Working Group from the State level were finally appointed in May 2001, and the Entity-level delegations (from Republika Srpska (RS) and the Federation of BiH) were appointed in the first half of 2002.

¹ See pages 11 and 23

² See page 23

The International Commission on Missing Persons (ICMP), which was set up created in 1996 at the G-7 Summit, in Lyon, France, is carrying out an identification programme which works through mass DNA analysis (cf. p. 29).

Missing persons in Kosovo

Of the 5,603 tracing requests so far submitted to the ICRC by the families, nearly 3,709 remain unanswered. New cases are still being reported on an almost daily basis (some 500 cases were opened in 2001). Around 1,314 people have been located alive, most of them in prisons, where they were visited by the ICRC after their arrest/disappearance. More than 500 cases were resolved either through the exhumation/identification process or through the families themselves who had received assurances from eyewitnesses that their relative had died, and subsequently informed the Red Cross.

Recent developments:

The political changes in Belgrade have enabled a dialogue to be initiated between the FRY/Serbian author-

ities and the administration of the United Nations Mission in Kosovo (UNMIK). On the Belgrade side, the cabinet of the President of the FRY played a leading role in this respect in the first half of 2001, while the Coordination Centre for Kosovo and Methojia (CCKM) took over at the end of the summer. In Kosovo, a body called the Office for Missing Persons, or OMP, was created within the Justice Department, to coordinate the activities of the different units connected to the tracing of missing persons.

A cooperation forum dealing with missing persons and detainee issues, called the Joint Commission, is being set up by the FRY authorities and UNMIK. It oversees joint identification work, the transfer of human remains, and the joint follow-up of allegations of hidden detention (cf. p. 23).

Meanwhile, following the revelation of the existence of mass graves in Serbia proper (around Nis and Belgrade) in late spring 2001, some 430 bodies were exhumed and autopsied.

Part II. Searching for Missing Persons

Roles and responsibilities

The authorities' responsibility

In times of conflict as in times of peace, **it is the authorities who must take responsibility for solving cases** of missing persons. They are in charge of investigating cases of disappearances which occurred on territory under their control. It is they who must determine the whereabouts or the fate of the person and inform and support the relatives — for, under international humanitarian law (IHL), the families have a

right to know the fate of their relatives (see “Missing persons and IHL” below). Where necessary, the authorities must ensure that criminal proceedings are initiated and reparation paid. The authorities are thus also responsible for coordinating the work of all humanitarian organizations or other actors involved in the process of resolving cases of missing persons. Hand in hand with this comes the families' right to know what happened to their relatives, which is also enshrined in IHL.

Missing Persons and International Humanitarian Law

The obligation of each party to a conflict to take the necessary measures to clarify the fate of a person notified as missing by another party, and to inform the families, is a well-established rule of international humanitarian law.

Specifically, this refers to:

- the right of families to know the fate of their missing relatives, in accordance with Article 32 of Protocol I Additional to the Geneva Conventions, and
- the obligations of the Parties to respect the provisions set forth in Article 33 of Protocol I additional to the Geneva Conventions namely:
 - to search for the persons who have been reported missing by an adverse Party, as soon as circumstances permit, and at the latest from the end of active hostilities
 - to facilitate the gathering of information necessary for such a search
 - to notify every arrest, transfer, release or death in captivity to the Central Tracing Agency of the ICRC
 - to carry out a search for persons having died in other circumstances as a result of hostilities.

A number of other provisions of the four Geneva Conventions and their Additional Protocols relate to the issue of missing persons and specify the responsibilities of the parties to the conflict as well as the role of the ICRC:

- Articles 14, 15, 16, of GC I;
- Articles 122 and 123 of GC III;
- Articles 136 and 140 GC IV and Articles 32-34 of Additional Protocol I of 1997: these refer to situations of international armed conflict;
- Articles 123 GC III and Article 140 GC IV recognize the role of the Central Tracing Agency of the ICRC to gather and transmit information on protected persons from one Party to another, most notably in cases where a person has been notified as missing.

More detailed provisions may be specified in relation to a specific conflict, for example, the Dayton Peace Accord for Bosnia and Herzegovina. Under the terms of this agreement, the Parties are obliged to:

“... provide information through the tracing mechanisms of the ICRC on all persons unaccounted for. The Parties shall also cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for.” (Annex 7, Article V)

A humanitarian issue

The issue of missing persons is a humanitarian one. It is about people suffering as a result of acts of violence or the disappearance of a loved one. However, in order to deal with this properly and resolve the cases of missing persons, the authorities have to adopt the right policy: one which gives priority to the missing person and his or her family. Sadly, in situations of conflict, the issue of missing persons can quickly become politicized. The parties to the conflict all too often use the issue for political aims. One party may want to foster distrust of the other party by claiming that it is secretly detaining people; while another may seek to inflate the numbers of its own missing, thus implying greater acts of wrongdoing by the other side.

The role of the ICRC

In this kind of situation, the role of the ICRC as a neutral and independent organization is to advise the authorities in making wise decisions that take full account of long-term needs and the humanitarian nature of the problem, and to recognize that it is their responsibility to address it. The ICRC's role is to lend its services and expertise to bring the different authorities together in the search for information and answers. The ICRC seeks to back this process in many ways, ranging from the drawing up of lists of missing persons to the provision of logistical support for the exhumation and identification of human remains. These various methods are examined in more detail in the next part of this report, which discusses the ICRC's approach and working methods in the search for missing persons.

Whether in Croatia, Bosnia-Herzegovina or Kosovo and elsewhere in the FRY, resolving cases of missing persons is **one of the ICRC's main operational priorities**. The ICRC constantly reminds the authorities concerned of their responsibility to provide information and answers to the families.

2. ICRC APPROACH

A needs-based approach

The ICRC's approach is based on the needs of missing persons and their families.

The need to know the fate:

We have seen that the families' first and most important need is to know the fate of the missing person. The situation of families of missing persons is unique in that they have not received definite proof that their relative is alive or dead, and are left in a state of perpetual doubt. When it turns out that the missing person is dead, the families express the need to receive the human remains, as this helps them to accept their relative's death. A testimony by an eyewitness or information received from the authorities can also help; however, they are not as definite as the recovery of the human remains.

The need to overcome psychological trauma:

With time, many families come to accept the fact that the missing relative will never return and is in all likelihood dead; they can complete the mourning process, and move on with their lives. Some families, however, cannot accept this, and remain trapped in a cycle of anger, grief, depression, and denial. They are afflicted by pathological grief, and need external support to help them break this cycle, in the form of counselling and therapy.

The need to bury human remains and commemorate:

Once the human remains have been recovered, they can be buried by the family and a ceremony can be held. Many families, even those who have not received a body, have made courageous efforts to organize events to commemorate and remember their missing relatives.

The need to solve economic and legal problems:

The vast majority of missing persons are men and were the family breadwinners. Their disappearance leaves their families in a very difficult economic situation. The families also have to negotiate legal and administrative hurdles in order to settle matters related to pensions, inheritance and property rights.



Women pray together at a memorial in honour of their missing relatives.

These needs give rise to the following overall aims for the ICRC:

- During the conflict: preventing the disappearance of missing persons;
 - After the conflict: obtaining information about the fate of the missing persons, supporting the process of recovery of human remains, and helping address the economic, legal and psychological needs of their families.
- A humanitarian approach**
- The ICRC's activities are also guided by its fundamental working principles of humanity, impartiality, neutrality, and independence:
- *Humanity*: all of the ICRC's activities in tracing missing persons are guided by the interests of missing persons and their families. The ICRC considers missing persons and their families as victims of armed conflict. Their families are now entitled to answers and help.
 - *Impartiality*: the ICRC gives the same care and attention to all cases of missing persons, and makes no discrimination according to nationality, religion, ethnic group or gender.
 - *Neutrality*: the ICRC does not apportion guilt or blame to any party, and it offers its services to those in need without discrimination.
 - *Independence*: the ICRC remains independent of external influences, in particular political and commercial interests.
 - *Confidentiality*: its pledge of confidentiality ensures that the information it receives is treated as such. On the basis of its mandate under IHL it is absolved from giving testimony either to local courts, or to the International War Crimes Tribunal for the former Yugoslavia (ICTY) in the Hague.

A pragmatic and sustainable approach

The ICRC also has a sustainable approach to tracing missing persons, which focuses on building the capacity of local institutions — both governmental, such as the commissions on missing persons, and non-governmental, such as the associations representing the families of missing persons.

Strong, sustainable national mechanisms are vital in this respect, as tracing missing persons and supporting their families is a long process which can take decades. As an illustration of this, the International Tracing Service in Bad Arolsen, Germany, and most of the Red Cross Societies of Eastern Europe are still extremely busy today tracing persons who went missing during the Second World War. For instance, they handled over 360,000 requests for information in the year 2000.

In order to ensure sustainability, the ICRC favours methods and tools which are defined and developed by the authorities concerned.

A global network

The International Red Cross and Red Crescent Movement has made enormous efforts to search for the missing in former Yugoslavia over the past decade. This has involved not only ICRC delegations all over

the region (see map below), but also a vast network of many National Societies both within the countries concerned and further afield, where the relatives of missing persons are living as refugees.

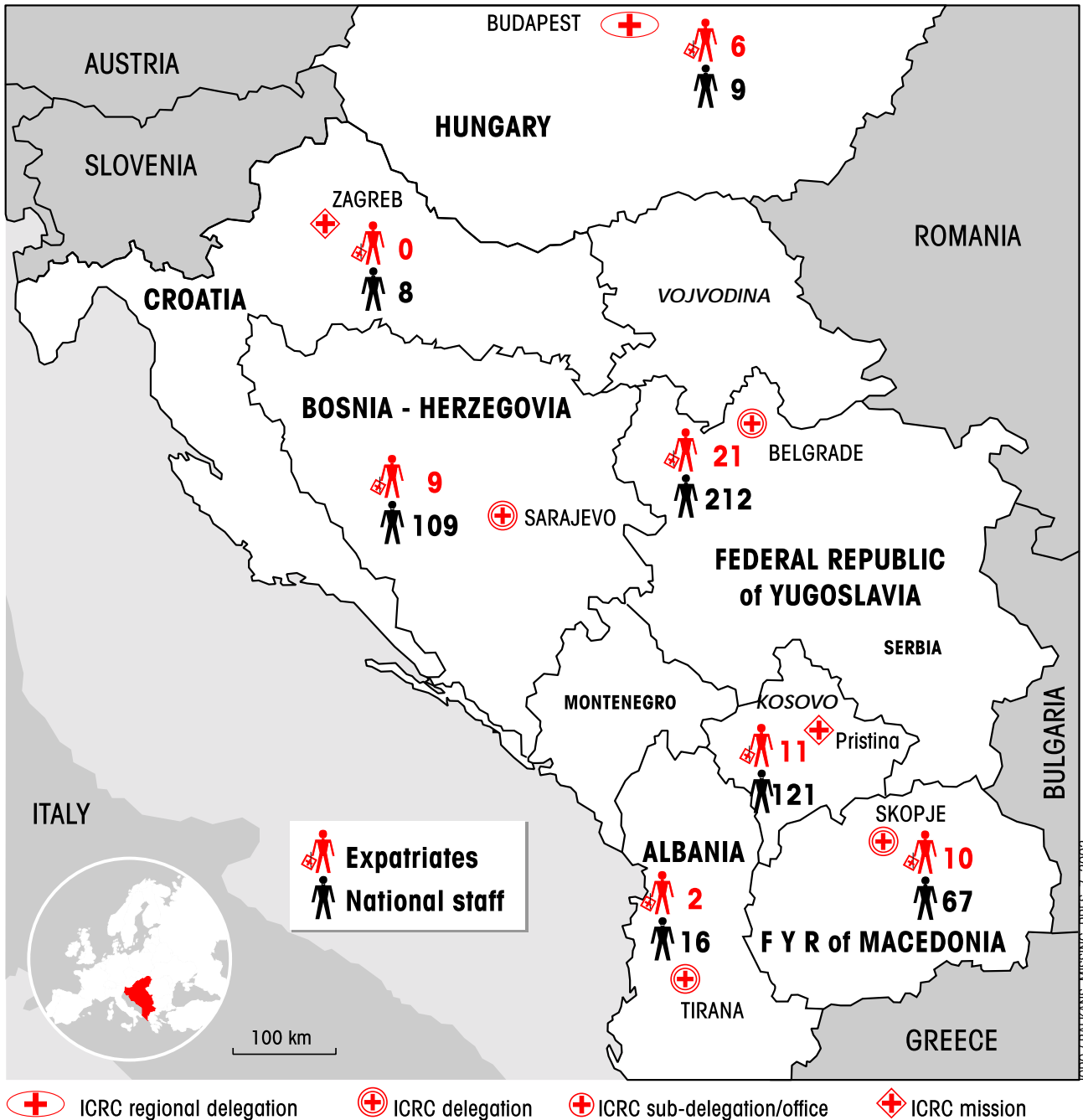
Many local Red Cross branches and offices have played, and continue to play, a crucial role at both the community and national levels. Their work involves collecting and transmitting tracing requests and Red Cross messages to the ICRC, maintaining contacts with families and individuals, facilitating the identification process, and collecting information about allegations of mass graves and other relevant information which is passed on to the authorities.

An integrated approach

Experience shows that, in tracing missing persons and supporting the families, the best results come from an integrated approach, which combines several strategies and responds to all the needs of the missing persons and their families:

The ICRC tackles the problem of missing persons through four main strategies, which are looked at in detail below. These are: tracing; obtaining answers from the authorities; support for exhumation and identification; and support for families.

ICRC PRESENCE IN THE REGION



ICRC / BALKANS_MISSING_PRES_7_2002

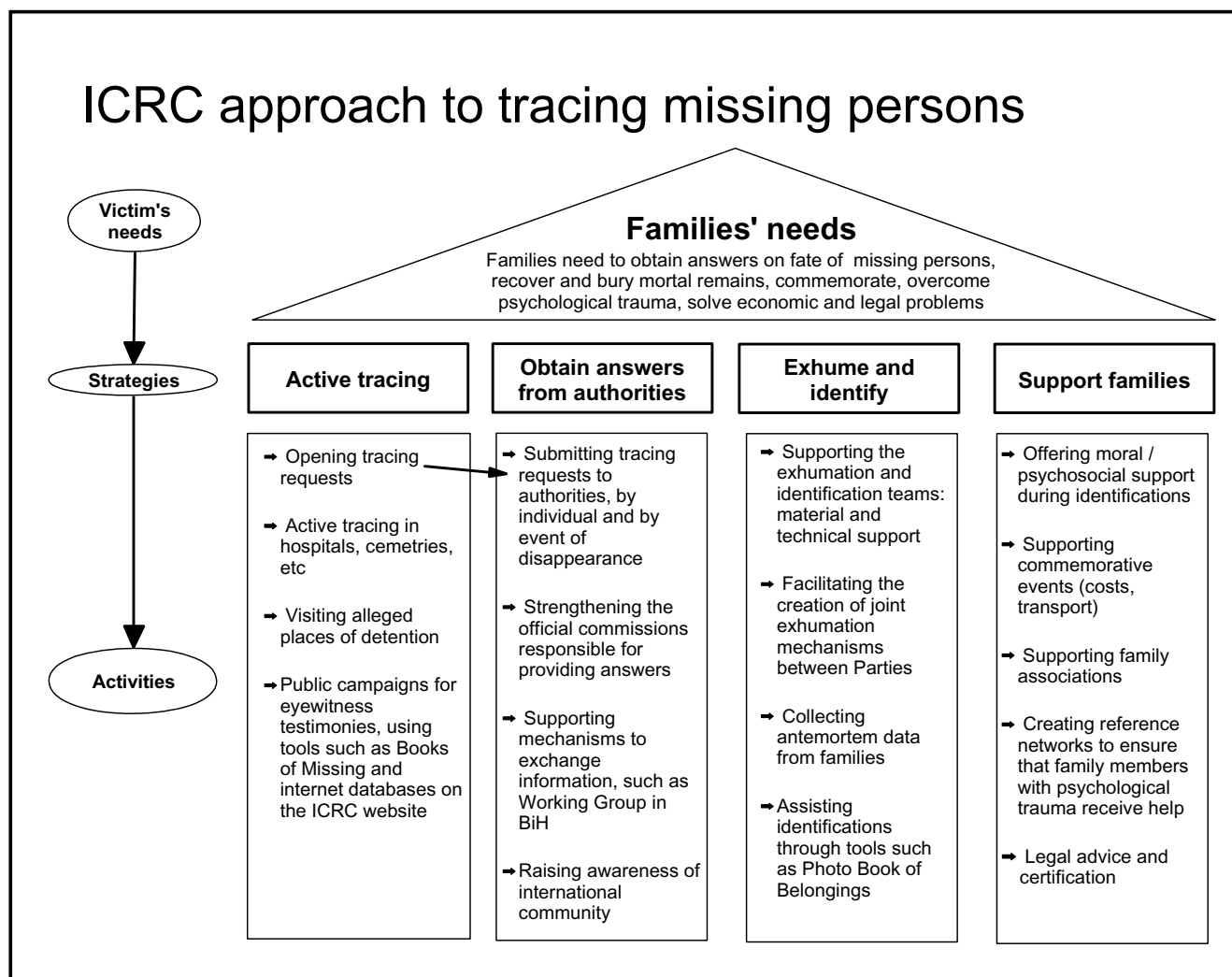
3. WORKING METHODS IN THE SEARCH FOR MISSING PERSONS

a. Tracing

Tracing work involves all efforts that are made to locate missing persons, for example inside prisons or among displaced civilians. It also includes searching for information on missing persons in hospitals and cemeteries, and organizing public campaigns calling for witnesses to come forward. However, all leads are gradually explored and the possibilities for successful tracing diminish.

During the conflict

During the conflict, the ICRC does all it can to prevent people from going missing in the first place. It makes representations to the warring parties in order to ensure respect for IHL, in particular to ensure that non-combatants, such as captured fighters, civilians and wounded, are treated with respect and dignity. These representations are made at all hierarchical levels as part of an ongoing dialogue between the ICRC and all parties to the conflict. It also visits detainees in their places of detention, registers them, and keeps track of them until they are released.



Loss of contact can be caused by the displacement of part of the family. In this case, the ICRC will try to locate the family member through its network of offices in the countries affected by the hostilities, and contacts with Red Cross and Red Crescent tracing services abroad.

Loss of contact can also be due to the arrest of the person sought. In this case, the ICRC will search in all places of detention where he or she may be detained, and seek notification from the relevant authorities. The person sought might also have been killed during the hostilities, and the family might not be aware of his or her death.

The search starts with the opening of a tracing request, which is the main tool used by Red Cross and Red Crescent tracing services all over the world to reunite

families separated by armed conflict or natural disaster. It is a form containing personal information about the enquirer, personal information about the person to be traced, and all details about the circumstances of loss of contact which are relevant to the search.

After the conflict: tracing missing persons

The situation changes completely once hostilities have ceased and normal means of communication have been re-established. During the first weeks, all those who have the opportunity to return home or make contact do so. As the weeks and months go by, it becomes increasingly clear that those still unaccounted for will probably never return: they become missing persons, and the focus of the search turns towards the recovery of human remains or information confirming their death.



Gathering all relevant information from family members is an important first step in tracing missing persons.



The search for a missing person starts with the opening of a tracing request. This is the main tool used by Red Cross and Red Crescent tracing services all over the world to reunite separated families.

Prison visits

After the conflict, the ICRC continues to visit prisons and look for missing persons. In the Federal Republic of Yugoslavia, for example, of the 5,696 people reported missing during the Kosovo conflict and its immediate aftermath, 1,382 were located alive, many through ICRC prison visits; they were being held by the Serbian authorities, but the families had not been informed.

Even once all prisons have been explored, many families of the missing still cling to the hope that their loved ones might be alive; they believe that they might have been captured rather than killed, and are languishing somewhere in prison, hidden from view. They report allegations to the ICRC that their missing relative is detained, sometimes based on rumours or

other unreliable information. Although the ICRC believes that, years after the end of the conflict, there is little chance of locating missing persons in detention, it carefully explores all well-grounded allegations of 'hidden' detention, and also submits the allegations to the authorities.

Active tracing

The ICRC also starts searching all other possible leads. Hospital, morgue and cemetery records from all the affected countries are painstakingly matched with the ICRC's lists of missing persons. Institutions such as old-people's homes and psychiatric institutions are also visited, in the hope that a relative might simply have been left behind. With the same aim and whenever possible, the ICRC also tries to crosscheck data-bases and lists of other organizations.

Public campaigns

The ICRC has also initiated several campaigns to call for testimonies by witnesses. These campaigns are based on the assumption that, in some cases, there are people who have actually seen the death of one or more of the missing persons, and can provide this useful information to the family. Witnesses can be detainees who shared the same cell as a missing person, or who survived a military operation during which large numbers of people were killed.

Public campaigns are conducted to raise public awareness about missing persons and make sure that every-

one knows how they can contribute to addressing the problem. For example, in Tuzla, when the fourth edition of the Book of the Missing was launched (cf. p. 20), meetings were held in all municipalities with all the key stakeholders who might be able to provide information, in particular the local police, municipal authorities and civil society organizations.

In Kosovo, a video - "Missing, the right to know" - was produced and released at the launching of the second edition of the Book of the Missing in May 2001. This video was widely shown throughout Kosovo.



ICRC delegates listen as a man tells how he lost trace of his family during the war.

Communicating the findings to the family: a painful task

When the ICRC obtains information about the fate of a missing person, it then informs the family. In a minority of cases, the person is found alive. However, for the overwhelming majority of missing persons, the result of tracing is the confirmation of death or recovery of human remains. Breaking such terrible news is a very sensitive task and is always carried out in person by an experienced ICRC or Red Cross worker. It is always a great shock to the family involved, and it has to be done in a compassionate way. Red Cross staff involved in this difficult task have received training, and are now also given support to help them avoid traumatic stress and burnout.

In cases where a confirmation of death has been received but the person's body has not been found, the ICRC has decided to leave the file open until the human remains are retrieved and returned to the family. Nearly half the names published in the addendum to the fourth book of the missing in Bosnia-Herzegovina in November 2000 fall into this category.

For many of the families to whom this applies, learning the truth at last, despite not having their loved one's body to bury, may go a long way to easing their pain.

Books of the Missing

A major tool for tracing are the 'Books of the Missing' published by the ICRC. These are lists of all persons for whom a tracing request has been opened. The list contains the full name, date of birth, gender, and place and date of disappearance. The books list the people by name, place and date of disappearance.

The aim of the Books is to allow potential eyewitnesses, primarily, but also all others, to see whether they possess any useful information that may clarify the fate of a missing person, which can be transmitted to the family via the ICRC. The Books are therefore above all tracing tools.

They are also useful during exhumations. As the names are also listed by place of disappearance, the Books are useful in trying to establish which possible missing persons might be in the mass grave which is being exhumed.

The books also have considerable symbolic value and have played a significant role in enhancing awareness of the problem of missing persons.

Books of the Missing were produced for BiH and Kosovo:

- The fourth edition of the **BiH** 'Book of the Missing' was published in 1998 and contains over

18,400 names, including those of persons whose death had been confirmed but whose remains had not been found. An addendum to the fourth edition of the book, bearing a further 1,032 names gathered over the following two years, was published on 21 November 2000. Two versions of the Books exist, sorted by name and by place of disappearance.

- The first edition of the 'Book of the Missing' concerning the **Kosovo** crisis was published in May 2000 and contains 3,368 names. A second edition listing 3,525 missing persons was published ten months later.

The Books were distributed widely, not only to all ICRC and local Red Cross offices in BiH and Kosovo, but also to the authorities and all humanitarian actors elsewhere in the FRY, the former Yugoslav Republic of Macedonia, Croatia, Albania, and to Red Cross tracing services in countries hosting refugees from the region.

The names in the Books of the Missing for both BiH and Kosovo are also published on the ICRC's website on its "family links" page: www.familylinks.icrc.org. The names are in a searchable database, and an electronic form can be used to transmit information about the fate of a missing person to the ICRC.

A Missing Son

Sixty-year-old CM, who is living as a refugee in Belgrade, is a teacher from the Krajina region. He is also the president of an association for missing persons. Mr M, whose only son Z is missing, believes that the common denominator that unites all the families whose loved ones have disappeared is hope. Not hope for a successful outcome to their search, for after six long years of waiting since the end of the war there are fewer and fewer people who believe that their missing relatives are still alive. Rather, they hope that it just might be possible to find their loved ones' human remains.

"As time went by, the faith that I had that I would see my son again started to wane" explains Mr M. "I told myself that I should redirect my thoughts to bear on reality. My greatest wish now is to find my son's body and give him a proper burial. And believe me", he adds softly, "I do believe that the families who succeed in doing that are the lucky ones."

Twenty-one-year-old Z was called up when fighting started around Knin, the capital of the Krajina region. However, he was sent, not to the front line, but to play the saxophone in a military brass band. He disappeared without trace on 4th August 1995, the day before Croatian soldiers entered the town. "I still do not know why he did not pull out with the rest of the troops" says his perplexed father, who fled from home the same day with his family.

At first, Z's parents never entertained any thoughts that their son might be dead, believing instead that he might have been captured. He was only a musician after all, hardly even a soldier.

CM's darkest fears were finally confirmed when he received a report from the Croatian Helsinki Committee addressed to the family association for which he works. It included a list of dead Serb soldiers and some eyewitness testimonies. There, in a footnote, was his son's name.

"Even now, I cannot say that I am absolutely sure it is true, but bearing in mind the number of years that have gone by, and the credibility of the source, I do believe that this was genuine information" says Mr M with sad resignation.

Even harder than finding out the truth, was the thought of telling his wife. "For a moment I wondered whether it would not be better if I left her to live in hope, but decided against it," he confesses.

When she heard, his wife bore the news without shedding a tear. "She is that kind of woman, she keeps the pain to herself," confides her husband. The first time he heard her crying was a year ago during a visit to a family cemetery. He knew then that it was time for the two of them to start talking about their son's death if the wounds were ever to heal.

"What we are hoping for now is that his body might be found," MC explains. "We often speak about the exhumations, and what we are going to do when we get his human remains, and where to bury them. And, believe it or not," he adds, "talking about it makes us feel better."

b. Obtaining answers from the authorities

Submitting data to the authorities

As stated above, responsibility for providing answers to the families of missing persons lies with the relevant authorities. In order to help them with this task, the ICRC regularly and systematically provides them with all the relevant information:

- Lists of all the tracing requests which still have to be resolved;
- A summary of each tracing case;
- Updates on cases solved through other means, such as exhumation or an eyewitness testimony.

In 1998, the ICRC also started providing the authorities with submissions grouping together all missing persons according to the “event” during which they disappeared. These are known as “**submissions by event**”. The aim is to facilitate the authorities’ search, as the submissions could serve as a starting point for their investigations. These submissions by event provide:

- A description of the circumstances during which a group of missing persons disappeared;
- A list of all persons concerned.

In Kosovo, for example, where the ICRC began collecting information on missing persons in 1998, 54 such events involving the disappearance of over 1,800 persons have been documented and are in the process of being submitted to the appropriate authorities so that research can be carried out to account for these missing persons.

Supporting mechanisms for the exchange of information between parties

The ICRC also facilitates the creation of mechanisms, such as the Working Group in BiH, where the authorities can exchange information.

In practice, however, there are serious constraints which impede the exchange of such information. First of all comes the fear that revealing information about missing persons will lead to the incrimination of those responsible for their death and their extradition to the ICTY in the Hague.

Hatred, pain and distrust also run very high and it is difficult for the authorities to work together. Even when they are willing to do so, they may face pressure from their own constituencies, which do not yet accept

working with the “other side”, even towards a common humanitarian goal.

Another constraint arises when the Commissions entrusted with providing answers have little actual power to do so. Essential links with the authorities who can provide information, such as the Ministries of Defence, can be weak. In this case, the ICRC will strive, by making representations at all relevant levels, to make sure that the Commissions have the support they need.

Despite these constraints, working on building trust and cooperation between former warring parties, in order for them to exchange information, is essential for progress, and will always be a priority for the ICRC. Experience has shown that such perseverance brings rewards: while there might be no progress for lengthy periods, sudden political change can eliminate some of these constraints, and then rapid progress can be achieved.

- **Republic of Croatia/Federal Republic of Yugoslavia:**

In the Republic of Croatia and the Federal Republic of Yugoslavia, a Joint Commission (also known as the MisCom) involving government representatives from both republics was set up in December 1991, under the auspices of the ICRC. Its goal was to clarify the fate of persons reported missing by their families during the war in Croatia. Collecting tracing requests and providing the families with answers was the responsibility of the Croatian and Yugoslav Red Cross Societies, using their vast network of experienced personnel and volunteers. Both National Societies acted as national information bureaux, as provided for in the Geneva Conventions in situations of armed conflict.

Owing to the limited results obtained, the commission was dissolved in early 1994. The two governments, however, resumed their meetings, each with their own commission, in February 1995. In November that year, in parallel to the talks on Bosnia-Herzegovina being held in Dayton, Ohio, in the United States, the Republic of Croatia and the Federal Republic of Yugoslavia signed a cooperation agreement relating to the working procedures of the two commissions, which meet alternately in Zagreb and Belgrade.

- **Bosnia-Herzegovina:**

In Bosnia-Herzegovina, Annexe 7 Article V of the Dayton Peace Accords gives a clear obligation to the Parties to provide information and also formally recognizes the role of the ICRC in the search for the missing. To facilitate the search, the ICRC convened a Working Group which met for the first time in March 1996. It was a unique forum which gathered all those involved around the same table. It included representatives of the three former warring parties, the Republic of Croatia and the Federal Republic of Yugoslavia, the Office of the High Representative, SFOR (the Stabilization Force), the local Red Cross and the families.

The Working Group, which was chaired by the ICRC, was intended to serve as a channel through which all tracing requests would be openly submitted to the relevant authority and through which answers would be received. Between 1996 and 1998 the Working Group held fourteen meetings in which thousands of tracing requests were submitted to the authorities, and all aspects of the issue were discussed intensively. Unfortunately, despite the great efforts made, there was little substantive progress, as the humanitarian perspective was too often clouded by political debates, and a decision was made to suspend the group in April 1999. At present, the ICRC is lobbying for the reconvening of the group which, with a minimum of political willingness by the parties, provides a good mechanism for exchange of information on the missing.

Despite the suspension of the Working Group, the ICRC has maintained a constant, bilateral dialogue with the relevant authorities and has continued to submit tracing requests to them. Furthermore, in conformity with the recommendations of the Peace Implementation Conference in Madrid in 1998, the ICRC persuaded the Justice, Interior and Defence ministries in both entities of Bosnia-Herzegovina to appoint senior officials to coordinate efforts within their respective ministries to follow up on tracing requests submitted by the ICRC.

- **Kosovo:**

The FRY authorities and the UN Mission to Kosovo (UNMIK) are setting up a mechanism to deal jointly with the issue of missing persons. This forum, called the Joint Commission, coordinates the activities of the various actors, functions as an advisory board and promotes speedy handling of the missing persons issue. The ICRC is part of this mechanism and attends its regular meetings. Substantial discussions have been initiated and the conditions seem to be present for an exchange of information which would help shed light on the fate of persons unaccounted for. The two sides have signed three protocols which define their cooperation.

These are:

- a) Protocol on joint verification teams for hidden prisons
- b) Protocol on exchange of forensic experts and expertise
- c) Protocol on cross-boundary repatriation of identified remains.

The ICRC encourages this positive dialogue.

c. Support for exhumation and identification

The ICRC supports the exhumation processes, for instance by providing tools and supplies and transport for workers. At the request of the authorities, it also assists in the identification of exhumed human remains. It should be noted that, while the ICRC provides support, it does not carry out exhumations itself.

Exhumation and identification: the process

The exhumation and identification of human remains have taken on significant proportions in the region, and have provided the best results to date. Moreover, the results offered by the exhumation and identification process are definite: the family receives the human remains which it can then bury and commemorate, thus putting the worst part of their ordeal behind them.

Exhumation teams have accomplished a tremendous task in locating mass graves in which many of the missing persons are buried, and then exhuming the human remains.

The first step is to find the exact location of the grave-site and carry out the exhumation.

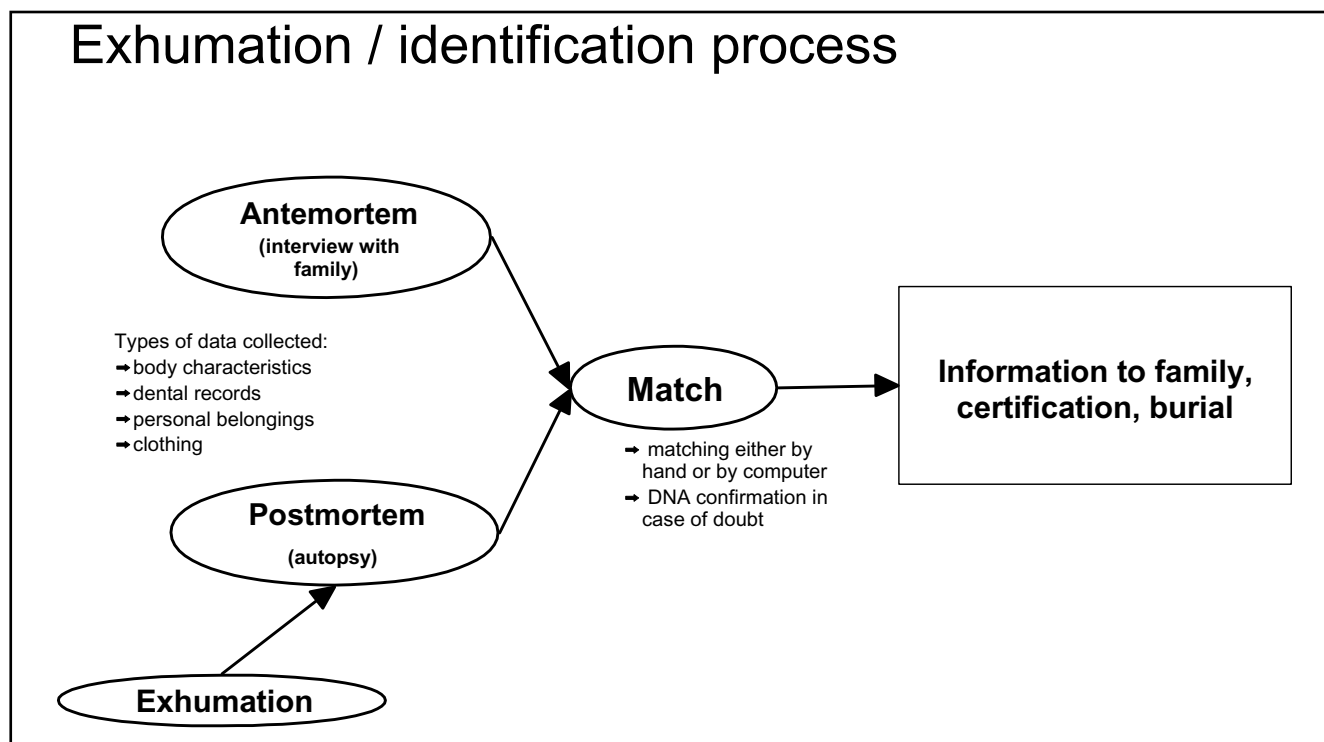
After exhumation, the human remains are examined. All postmortem data is carefully recorded: physical characteristics, dental records and traces of fractures, personal belongings and clothing.

In parallel, antemortem data is collected (cf. p. 29). It is important to determine which missing persons might be in the mass grave. The relatives of the missing persons concerned are then asked to give as many details as possible about the missing person.

The postmortem and antemortem data are then compared, according to a precise process and set of criteria. When antemortem data matches postmortem data, then the body is identified and given to the family. In case of doubt, DNA profiling can be used to provide confirmation.

Obstacles and challenges

A major problem is the lack of information on the location of mass graves. When the respective authorities fail to cooperate with each other and exchange information on this question, they must depend on information from other sources, such as local inhabitants or witnesses. All involved realize that, sooner or later, they will run out of such information, and will be dependent on cooperation in order to make further progress.



Exhumation Identification Process



Identifying exhumed human remains is very difficult because of the size of many of the mass graves. The process becomes ever harder as the years go by.

A further constraint is that not all families of missing persons will receive human remains to bury. In some cases the human remains have been destroyed. The only way these families can receive an answer is if the various parties work together and exchange information.

Another major problem stems from the state of preservation of the remains, which is often poor, years after the end of the conflict. Bodies which were left on the surface or thrown into rivers are often completely destroyed. Bodies which were not wrapped in bags or another form of protection are also difficult to identify. In the case of large mass graves such as those surrounding Srebrenica, body parts became mixed up. Sometimes, graves were relocated which makes identification even more difficult.

Throughout the region, identification of human remains is very difficult because of the size of many of the mass graves, which sometimes hold several hundreds of bodies. The range of possible identities is very high and the matching process very difficult. This becomes even

harder as the years go by, and the relatives can no longer supply reliable antemortem information.

Efforts to date

In Croatia, the government's Office for Detained and Missing Persons (ODMP) is in charge of exhumations which started, together with the identification of human remains, in 1995. In June 2000, the ICRC began re-contacting people who had opened tracing requests for missing persons in the former UN Sectors, in order to collect additional information and to obtain the enquirers' permission to transmit their names and addresses to the ODMP. This office can then contact them directly in its ongoing search, and for the planned exhumation and identification process.

In Bosnia-Herzegovina, following an agreement brokered by the Office of the High Representative (OHR), each party to the conflict is allowed to carry out exhumations on another party's territory. At the beginning of 2001, the coordinating role for exhumations in Bosnia-Herzegovina was transferred from OHR to the ICMP.

One of the most pressing problems for the authorities, both in **Bosnia-Herzegovina** and in **Kosovo**, concerns the large number of exhumed bodies which remain unidentified. In Kosovo, out of more than 3,300 bodies which were exhumed between June 1999 and October 2000, more than one third remain unclaimed. At the same time a considerable number of sites are still to be exhumed. It is a similar story in Bosnia-Herzegovina, where, in Tuzla alone, more than 4,000 bodies are stored in temporary morgues, awaiting identification.

In **Serbia** proper, the first exhumations in relation to the Kosovo conflict were carried out in summer 2001. More than 400 bodies were recovered from five mass graves by teams of national experts. Representatives from the ICTY and the international community were allowed to be present to monitor the work.

ICRC involvement : support for exhumation and identification

In **Bosnia and Herzegovina**, the ICRC has provided substantial logistical assistance in the form of cars,

equipment, protective clothing and body bags to the official Commissions for missing persons.

Families displaced from **Kosovo** who are now living elsewhere in FRY face severe limitations in gaining access to the places where their loved ones went missing during the war. The ICRC arranges transport for families to go to Kosovo to participate in the identification of clothes and belongings found on exhumed bodies. ICRC delegates based in Pristina also remain in close contact with the families of missing living in Kosovo.

Photo Books of Belongings

Today, the ICRC is more closely involved than ever in the identification of human remains from the wars in BiH and Kosovo. One tool in this process are the 'Photo Books of Belongings'.

The Books contain photographs of clothes and personal possessions found either on exhumed bodies or on human remains that were discovered above ground. The books are available for consultation by all who are



Photo Books of Belongings are one tool for identifying missing persons. For families searching for their loved ones, looking at these Books can be emotionally very hard to bear.



A man looks through the Book of Belongings in the hope of recognizing something which belonged to a missing loved one.

seeking a missing person, and are handled by specially trained Red Cross teams who can assist the families during their search. The books are taken to specific locations for viewing, and can also be consulted in local Red Cross and ICRC field offices.

The first Photo Book of Belongings was published in **Bosnia-Herzegovina** in June 2000. It contains over 1,700 photos of clothes and personal possessions found on 354 bodies that were collected from the woods and fields around Srebrenica, where, during the fall of the enclave in July 1995, some 7,500 persons, mostly men and boys, were killed or disappeared over a few days.

A large-scale media campaign accompanied the book's launch, so as to make its presence widely known among Srebrenica's scattered families.

A second Photo Book, published in collaboration with the International Commission on Missing Persons (ICMP) and containing an additional 2,700 photos of clothes and possessions found on another 473 Srebrenica victims, was published on 14 May 2001.

In Kosovo, the photo book initiative was taken up by the OSCE. Working in cooperation with the ICRC, it produced its own Photo Book of Belongings, which was launched in February 2001. It contains 750 photographs of possessions and clothes found with 260 human remains of victims from all the different communities whose members went missing in Kosovo and whose bodies were found during 2000. The Book has been widely distributed in Kosovo as well as elsewhere in the FRY, and in the former Yugoslav Republic of Macedonia, Albania, Bosnia-Herzegovina and Croatia. It is the ICRC's role, through its mobile teams, to present the book to the families using a similar approach to that adopted in Bosnia-Herzegovina.

In 2001, approximately 1,300 people consulted the Photo Book of Belongings in Kosovo at ICRC offices. The sets of belongings of 50 missing persons were recognized by the relatives. Of these, three recognitions have led to a positive identification to date. In cooperation with the relevant authorities, the UNMIK Police/Missing Persons Unit, the ICRC continues to present the Book of Belongings to relatives of missing persons.



A woman looking at the photographs identifies the clothes her husband was wearing the day he went missing.



This woman is still searching for her husband and sons long after the war ended.

In **Serbia** proper, following the first exhumations in relation to the Kosovo conflict, the ICRC, in cooperation with the national Institute of Forensic Medicine, has compiled a first CD-ROM containing photos of clothes and personal belongings found on 77 bodies. It is at present discussing how it can best be used and the possibility of producing other CD-ROMs with the authorities in Belgrade and Pristina.

Antemortem data collection

Antemortem data is information provided by the family which will help identify the missing person. The data collected includes physical information about the missing person, the clothing worn and personal effects carried when last seen, and the dental records. Antemortem data is gathered by means of questionnaires prepared by the forensic specialists of the country which are filled out by the families. Providing this ante-mortem information is often difficult for the families, as it brings closer the probability that the missing person is actually dead. Special training is therefore necessary for the staff and volunteers who conduct the interviews.

In the FRY, the collection of antemortem data is carried out by trained ICRC and Yugoslav Red Cross staff, and by selected members of the family associations who wish to participate. The information is submitted to the authorities and experts involved in the identification process.

In Kosovo, the ICRC, in close cooperation with UNMIK Police/Missing Persons Unit, collects antemortem data on the missing, so that it can be matched with postmortem data, which comes from the autopsies of recovered human remains.

In BiH, Physicians for Human Rights has created a vast database containing antemortem data for more

than 8,000 missing persons from the area of Srebrenica. The database is now physically located at the ICRC office in Tuzla, where it is used by local forensic experts to help identify the bodies they have exhumed.

DNA analysis

DNA analysis is a relatively new method of identification of human remains which can be used to complement other methods. It involves comparing DNA extracted from the remains with DNA from close relatives of the missing person. It is best used to confirm or refute an identification when there is doubt about other evidence coming from, for example, clothing or dental records. It is possible to use DNA analysis in the identification of decomposed or skeletal remains and so is useful when other methods prove ineffective.

Using DNA analysis for identification is not without constraints. Not all human remains render enough genetic material for analysis. Two sorts of DNA are used for the purposes of identification by family matching in exhumed remains. Nuclear DNA, which can provide a positive identification, degenerates quickly and is difficult to extract from bones. The use of mitochondrial DNA does not give the same degree of accuracy but this form of DNA may be extracted from bone. The analysis of mitochondrial DNA is very slow and expensive. However due to rapid advances, these technical obstacles might be overcome.

The International Commission on Missing Persons (ICMP) is developing an identification programme based on mass DNA analysis (see <http://www.icmp.org>).

The Croatian Commission for Missing Persons uses DNA analysis to confirm cases where there is doubt.

d. Support for the families and their associations

Psychological support

In 2000 the ICRC started a psychological support programme in Bosnia-Herzegovina, which is now a model for similar support projects in Kosovo and elsewhere in the FRY. The ICRC's approach to such projects comprises four elements:

- Identification of a reference network of health professionals who can provide help to family members in need of psychological help. The ICRC does not provide direct psychological counselling.
- Specialized advanced training for health professionals who work with people with missing relatives. The purpose of this is to enhance their knowledge and know-how in providing therapeutic care for the families concerned.
- Training of ICRC staff and local Red Cross volunteers on how to recognize families suffering from pathological grief and where to refer them for pro-

fessional counselling. This training also aims to support the workers, as they themselves can be affected by the families' grief.

- Support for the initiatives of family associations, for instance the setting up of support groups for persons with missing relatives. In such an environment, discussion and dialogue flow easily and burdens can be shared. Such interaction can help solve some of the problems linked to bereavement and to the daily effort of survival.

Advice on legal rights

Apart from the anxiety stemming from uncertainty about the fate of a loved one, another important matter to be addressed is that of the administrative and legal issues relating to the disappearance of a family member.

Throughout the region, a woman whose husband is missing must declare him dead, or presumed dead, in order to be able to claim her widow's pension. Many families are not aware of the administrative steps they



Not knowing what happened to a loved one is emotionally devastating. The daily effort of survival adds to the pressure. Outside psychological support and sharing experiences with other families can help make the grief more bearable.



There are strong local initiatives to look for missing persons. Here, children ask where their parents are through a poster exhibition organized by a family association.

need to take; others do not have the money to travel to town to collect the various documents necessary; and most simply do not wish to declare the missing person dead, as this, they feel, would be a betrayal — it would kill the last hope that the person is alive. Many families thus find themselves in a legal limbo, making it difficult to claim pensions, inheritance and property rights, or to remarry.

In BiH, the ICRC has published a booklet in the entirety of Republika Srpska with legal information instructing people on how to pursue their claims. The booklet lists the documents that must be submitted, and identify the institutions that need to be consulted under current law.

In Croatia, BiH and the FRY, the ICRC issues letters to families with missing relatives confirming that they have opened a tracing request. This may help to facilitate various procedures regarding their rights.

For the families themselves, the whole process can be highly traumatic. One woman whose husband is missing explained the feeling thus:

“The most difficult moment for me was when I had to go to court to declare my husband dead. He went missing in 1992, and until today I have received no news about his fate. I have two daughters, one of whom was wounded during the war and in order to get assistance for her I had to declare my status as a widow. This I could not do without my husband’s death certificate. I will always remember the judge’s words when I went to court, he repeated them several times: ‘We pronounce this man dead’. At that moment I felt as though it was I who had killed my husband.”

Support for family associations

Practical support for individual families of the missing, and to members of family associations, is an integral part of the ICRC’s work. Assistance can include practical measures such as the provision of basic supplies to the displaced and destitute, donations of stationery and equipment to enable family associations to set up offices and help in preparing press releases or other publicity materials. It may also involve taking families to identification sites or supporting commemorative events.

Overview of ICRC Working Methods in the Search for Missing Persons

- gathering data on the circumstances in which people disappeared, by interviewing eyewitnesses, and submitting their accounts to the authorities in support of tracing requests;
- supporting the authorities' efforts to set up humanitarian policies to account for missing persons and address the needs of their families;
- supporting the creation of mechanisms bringing together different parties, such as the Working Group in BiH or the Joint Commission in the FRY, to share information and coordinate exhumation and identification work;
- carrying out "active tracing", by visiting hospitals, morgues, places of detention and other relevant locations in order to find possible answers;
- publishing '*Books of the Missing*', listing the names of those for whom a tracing request has been filed. The aim is that potential eyewitnesses and others provide any useful information that may clarify the fate of a missing person;
- producing '*Photo Books of Belongings*', or CD-ROMs, showing personal possessions found on exhumed bodies. These albums are shown by the Red Cross to the families of missing persons in the hope that they might identify the belongings of their missing relative;
- offering practical and logistical support to officials carrying out exhumations of human remains;
- collecting "antemortem data" from the families of missing persons, to be matched by forensic experts with postmortem data from bodies;
- transporting family members to places where personal belongings are displayed, in order to confirm identifications, and sometimes to the places of burial;
- helping associations of families of missing persons by providing them with logistical and other support.

It should be noted that:

- While the ICRC provides support for exhumations, it does not carry them out itself.
- Other identification methods exist that can also complement the means described above. DNA testing, as used by the ICMP, is amongst these additional tools.

In BiH and in FRY, including Kosovo, the ICRC provides several family associations with material and logistical support, as well as financial resources. It also shares its communication expertise for some of their specific projects.

Such support, however, is of necessity modest in scale, and in no way seeks to replace what are the authorities' own responsibilities in relation to the families' welfare.

The ICRC also welcomes the families' own initiatives to help themselves; and as they become empowered they are in a stronger position to help themselves. An example of this was in BiH, where the ICRC hosted an exhibition in Sarajevo of drawings by Srebrenica's children, on the sixth anniversary of the fall of the enclave in July 2001.

Part III Prospects for the Future

Throughout the region, tens of thousands of families are looking for missing relatives. The issue of missing persons is painful and difficult to solve. It is intricately linked to the political and security environment, and very dependent on the good will of the authorities to tackle the problem. In such a highly-charged environment as that prevailing in the Balkans today, it is likely to be many years before an end to the problem is in sight. Much effort has already been deployed by many different actors, both international and local, and much is being done.

The ICRC, as a neutral and impartial organization, remains committed to facilitating this process. It sees its role as urging the authorities to address the issue and to provide information, and facilitating dialogue between the parties in each context. Furthermore, it furnishes them with the necessary support to do so, thus ensuring that they act with the best interest of the missing persons and their relatives in mind.

In its work, the ICRC will continue to be guided by the needs of the families of missing persons, and by their right to know what happened to their loved ones.

ICRC priorities for the future:

Missing Persons in Croatia

- To advocate on behalf of families who have been waiting, some for more than 10 years, and raise public and political awareness of an issue which generates less interest than in BiH and Kosovo.
- To support and reinforce the new climate of cooperation and the confidence-building process between the Republic of Croatia and the FRY, using the institutional weight and specific expertise of the ICRC in the field of missing persons.
- To support and speed up the identification process, using the ICRC's logistical and human resources, by organizing the systematic collection of antemortem data from all families currently living in the FRY, and by transporting family members to the Republic of Croatia to proceed with the confirmation of cases of presumed identification.
- To support the families and their associations by providing expertise, financial and psychological backing and legal advice.

Missing persons in Bosnia-Herzegovina

- Working Group. It is vital to initiate a real exchange of information about the fate of missing persons and the location of burial sites.
- To submit information on missing persons to the authorities, urging them to investigate and find answers for the families.
- To continue supporting the exhumation/identification process, for instance with Books of Belongings and to further exploit identification tools such as antemortem and postmortem data matching.
- To support the families and their associations by providing expertise, financial and psychological backing and legal advice.

Missing persons in Kosovo

- To submit information on missing persons to the authorities and influential political leaders, urging them to investigate and find answers for the families.
- To work in close contact with the representatives of the Joint Commission, support their dialogue, and advocate a humanitarian approach.
- To continue supporting the exhumation/identification process with antemortem data collection and Books and CD-ROMS of Belongings when relevant.
- To support the families and their associations by providing expertise, financial and psychological backing and legal advice.

To achieve this, it is crucial to follow an integrated approach, acting in complementarity with other actors working on the issue. The ICRC will continue to coordinate closely with all other organizations, whether governmental bodies, international or local organizations, in order to maximize the effectiveness of the efforts deployed. The ICRC benefits from the support of the huge Red Cross network that exists throughout the region, and further afield. This network uses proven methods to find answers that are based on the vast experience and expertise of an organization that has been involved in tracing missing persons for more than a century.

However useful and effective the work of the ICRC and the other actors involved in this search may be, the most important element is and remains the political will of the parties concerned to resolve the issue.

The key to success is their willingness to uphold their responsibilities and provide information about the fate and whereabouts of missing persons, and to cooperate with the organizations involved in these efforts.

Given the complexity of the task, and despite the many useful initiatives and projects carried out to date,

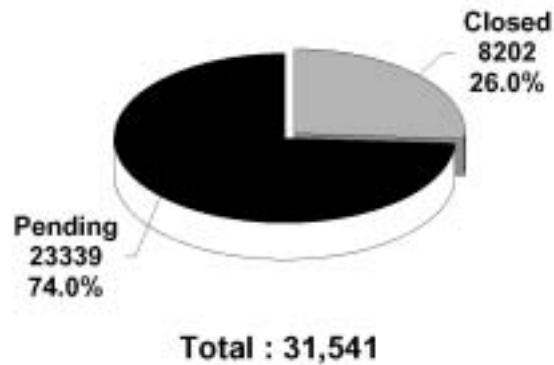
clarifying the fate of all persons who went missing during the conflicts in the Balkans will require time, possibly many years. Policy and projects developed to address the issue must be sustainable, if they are to address the long-term nature of the problem. Moreover, they must be firmly rooted with the authorities, as it is ultimately their responsibility to solve the issue of missing persons.

ANNEXES

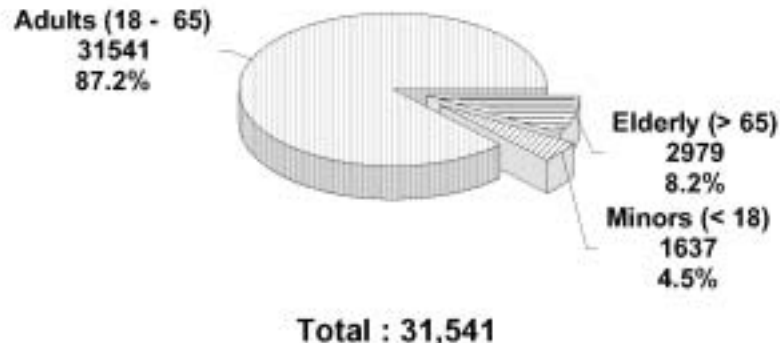
1. Selected **basic data** as to ICRC missing persons tracing request 1999-2002 for Croatia, Bosnia-Herzegovina, and the Federal Republic of Yugoslavia/Kosovo (as at 30 June 2002)
2. **Financial situation** of the ICRC appeals for the three contexts presented in this special report: Croatia, Bosnia and Herzegovina, and the Federal Republic of Yugoslavia/Kosovo.
3. Over and above the contexts presented in this special report, the ICRC has launched an initiative that looks at the issue treated in this special report comprehensively and worldwide. This institutional "**Missing Persons Project**" was presented in its Headquarters Appeal 2002 (pp. 44-45).

ANNEX 1

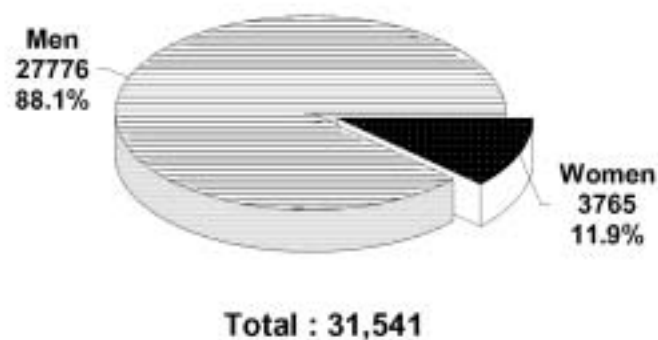
ICRC TRACING REQUESTS - TOTAL OPENED 1991-2002
Croatia, Bosnia-Herzegovina, FR Yugoslavia/Kosovo
(as at 30 June 2002)



ICRC TRACING REQUESTS - TOTAL OPENED BY AGE 1991 - 2002
Croatia, Bosnia-Herzegovina, FR Yugoslavia/Kosovo
(as at 30 June 2002)



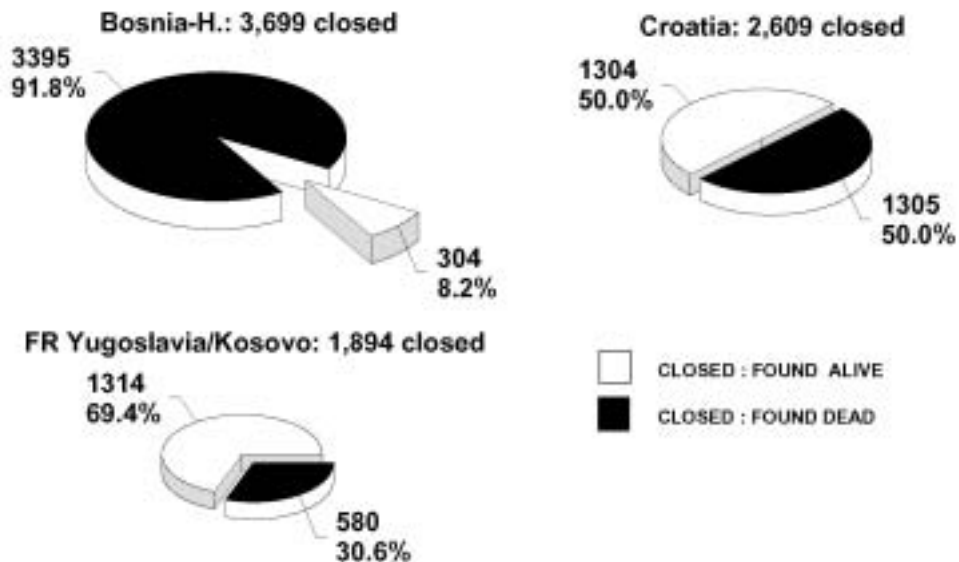
ICRC TRACING REQUESTS - TOTAL OPENED BY GENDER 1991 - 2002
Croatia, Bosnia-Herzegovina, FR Yugoslavia/Kosovo
(as at 30 June 2002)



**ICRC TRACING REQUESTS -
TOTAL PENDING/CLOSED BY CONFLICT 1991 - 2002
(as at 30 June 2002)**



**ICRC TRACING REQUESTS -
TOTAL CLOSED BY RESULT BY CONFLICT 1991 - 2002
(as at 30 June 2002)**



ANNEX 2

In its *Headquarters Appeal 2002* (pp. 44-45), the ICRC presented the "Missing Persons Project" which looks at the issue of missing persons and their families comprehensively. This institutional project is reproduced in Annex 2 of this special report.

As for current operational activities with a view to clarifying the fate of missing persons and meeting the families' needs, these were presented in the ICRC's *Emergency Appeals 2002*, issued in December 2001.

The contexts discussed in this special report - Croatia, Bosnia-Herzegovina, and the Federal Republic of Yugoslavia - are covered by the ICRC's delegations in the FR of Yugoslavia and Bosnia-Herzegovina, and its regional delegation in Budapest (as to Croatia).

The financial situations - as at 31 July 2002 - of these delegations are presented below:

Bosnia and Herzegovina (ICRC Bosnia-Herzegovina delegation)

As outlined in the ICRC *Emergency Appeals 2002* (pages 205-208), the ICRC's overall budget for programmes in Bosnia and Herzegovina was set at SFr 8,026,963 (US\$ 5,380,002 / EUR 5,460,519).

Financial Situation - Bosnia and Herzegovina Emergency Appeal 2002			
as at 31 July 2002 (Cash/kind/services)			
	SFr	US\$*	EUR*
Emergency Appeal 2002	8,026,963	5,380,002	5,460,519
Balance brought forward from 2001	- 436,443	- 292,522	- 296,900
Contributions pledged/received (cash/kind/services)	908,223	608,729	617,839
Outstanding requirements (as against the budget)	7,555,183	5,063,795	5,139,580

*Internal ICRC rates in July 2002: 1 US\$ = SFr 1.492 / 1 EUR = SFr 1.47

The outstanding requirements for this operation - as at 31 July 2002 - stand at 94%.

Federal Republic of Yugoslavia (ICRC FR of Yugoslavia delegation)

As outlined in the ICRC *Emergency Appeals 2002* (pages 223-229), the ICRC's overall budget for programmes in the Federal Republic of Yugoslavia, was set at SFr 28,748,019 (US\$ 19,268,109 / EUR 19,556,476).

Financial Situation - Federal Republic of Yugoslavia Emergency Appeal 2002			
as at 31 July 2002 (Cash/kind/services)			
	SFr	US\$*	EUR*
Emergency Appeal 2002	28,748,019	19,268,109	19,556,476
Balance brought forward from 2001	- 2,774,209	- 1,859,389	- 1,887,217
Contributions pledged/received (cash/kind/services)	8,570,169	5,744,081	5,830,047
Outstanding requirements (as against the budget)	22,952,059	15,383,417	15,613,646

*Internal ICRC rates in July 2002: 1 US\$ = SFr 1.492 / 1 EUR = SFr 1.47

The outstanding requirements for this operation - as at 31 July 2002 - stand at 80%.

Croatia (ICRC Budapest regional delegation)

As outlined in the ICRC *Emergency Appeals 2002* (pages 230-233), the ICRC's activities in Croatia are covered by its Regional Delegation in Budapest. The overall budget for the Budapest Regional Delegation was set at SFr 5,365,349 (US\$ 3,596,078 / EUR 3,649,897).

Financial Situation - Budapest Regional Delegation Emergency Appeal 2002			
as at 31 July 2002			
(Cash/kind/services)			
	SFr	US\$*	EUR*
Emergency Appeal 2002	5,365,349	3,596,078	3,649,897
Balance brought forward from 2001	1,068,778	716,339	727,060
Contributions pledged/received (cash/kind/services)	127,490	85,449	86,728
Outstanding requirements (as against the budget)	4,169,081	2,794,290	2,836,119

*Internal ICRC rates in July 2002: 1 US\$ = SFr 1.492 / 1 EUR = SFr 1.47

The outstanding requirements for this operation – as at 31 July 2002 – stand at 78%.

Non-earmarked contributions

Not included in the above table are non-earmarked contributions received for ICRC operations in Europe and North America amounting to SFr 22,940,800 (US\$ 15,375,871 / EUR 15,605,986). Only part of these funds, however, can be allocated to the above operations.

ANNEX 3

The Missing Persons Project

Action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families

The aim is to heighten awareness among governments, the military, international and national organizations – including the worldwide Red Cross and Red Crescent network – and the general public about the tragedy of people unaccounted for as a result of armed conflict or internal violence and about the anguish of their families

by creating and making available tools for action and communication

in order to ensure accountability on the part of the authorities responsible for resolving the problem of missing people, to better assist the families and to prevent further disappearances.

The project has two general objectives, one internal, the other external. On the internal level, the means and methods utilized by the ICRC in dealing with the issue of missing persons will be examined and an attempt will be made to find solutions that lead to more effective action. Externally, the ICRC will make fresh efforts to mobilize and help increase the efficiency of other agencies and authorities involved in addressing the issue. At the same time, the ICRC's competence in this field of activity will be reasserted.

All the various problems that arise when a relative is unaccounted for are a harsh reality for countless families in all situations of armed conflict and internal violence and even long afterwards. This is not only a tragedy for families; it often creates obstacles for the peace process and post-conflict transition period. The families of the missing are themselves victims who have needs that are not adequately addressed by the ICRC or any other agency.

PROJECTS

In its traditional protection activities, the ICRC endeavours to ascertain the fate of missing persons so as to inform their families. Whenever possible and necessary, this involves:

- restoring family links between isolated or displaced people, refugees, prisoners or detainees and their relatives, through Red Cross messages or by other means;
- obtaining information on all persons detained in connection with the situation of violence or conflict;
- visiting, registering and following up any person detained in connection with the situation;
- collecting information on the deceased so as to notify their relatives;
- providing support to the families concerned;
- approaching the relevant authorities with a view to returning the mortal remains and/or personal effects of the deceased to their families;
- seeking to obtain information from any relevant authority and from individuals on persons unaccounted for, in order to notify their relatives;
- passing on to the relevant authorities all information gathered on events or behaviour leading to disappearances, with a view to ensuring that no more people go missing;
- encouraging the relevant authorities to include in their national legislation and regulations, both civil and military, measures designed to prevent more disappearances.

In many situations, the ICRC cannot perform its duties with regard to missing persons owing to political and/or military obstacles. Not all available and potential means of preventing disappearances and resolving related issues have been analysed in depth to determine whether the ICRC, given its impartial and neutral status, should use them directly or indirectly, and under what conditions.

Moreover, an increasing number of humanitarian organizations are becoming involved in these issues without there being a common approach or any agreed rules of conduct. This may lead to duplication of work or, worse, it may have an additional negative impact on families of people unaccounted for.

In 2002, the following five topics will be tackled by internal ICRC working groups:

Traditional protection activities and restoration of family links

This working group will evaluate all the traditional ICRC activities which contribute directly or indirectly to preventing disappearances and to ascertaining the fate of people unaccounted for so as to inform their families.

Mortal remains

The ICRC policy on mortal remains will be redefined, with regard to the collection of information on the dead, exhumation, identification, and repatriation/transfer of mortal remains, taking into account the requirements and constraints of each case.

Family support

The ICRC policy on support to families of missing persons will be redefined with regard to legal, material, financial and psychosocial assistance, taking needs, requirements and constraints into account.

Collection and management of information

The ICRC's method of collecting and managing information and its IT tools for individual data management, including ante- and post-mortem data, will be assessed. On the basis of the conclusions drafted by the "mortal remains" working group, recommendations will be made as to the tools to be used and the implementation policy to be adopted, which should take due account of data protection concerns.

Ascertaining the fate of the missing: process and organization

The ICRC's policy with respect to ascertaining the fate of the missing will be redefined with a view to determining the best mechanism and process (both structural and financial) for ensuring an appropriate response to the problem and to the needs of families. This should include the role and responsibilities of the relevant authority(ies), of the families (and their associations, if any) and of all others concerned.

PROJECTS

The project team and working groups will mobilize governmental and non-governmental experts on all these topics in order to fuel the debate on the issue, work out common and complementary approaches and raise awareness of the suffering caused by disappearances. The working groups will receive support from the ICRC delegations and their operations in the field.

These internal and external processes are expected to yield two results. First, new internal guidelines on activities designed to resolve and prevent disappearances will be drafted. Secondly, recommendations for best practice in activities aimed at preventing and resolving disappearances and addressing related issues should be agreed upon in consultation with governmental and non-governmental experts, and submitted to an international conference bringing together all experts concerned in early 2003.



ICRC

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