

Locating and Identifying Missing Persons: A Guide for Families in Bosnia and Herzegovina



Contents

Introduction	3
ICMP Question and Answer Guide	5
Frequently Asked Questions	6
Institutions Involved in the Search for Missing Persons in Bosnia and Herzegovina	6
Central Records of Missing Persons (CEN)	8
Legislation	9
The Role of ICMP and International Assistance to Bosnia and Herzegovina	10
Locating, Recovering and Identifying the Missing	10
The Role of Civil Society	16
Instructions for Use of the ICMP Online Inquiry Center	17
If Your Question is Not Answered	19



INTRODUCTION

Locating and Identifying Missing Persons: A Guide for Families in Bosnia and Herzegovina

ICMP's mandate

ICMP endeavours to secure the co-operation of governments and other authorities in locating and identifying persons missing as a result of armed conflicts, other hostilities or violations of human rights, and to assist them in carrying out these tasks. ICMP also supports the work of other organizations in their efforts, encourages public involvement in its activities and contributes to the development of appropriate expressions of commemoration and tribute to the missing.

Full details of ICMP's program of assistance to Bosnia and Herzegovina and its results to date are available on www.icmp.org.

Sponsors

ICMP receives funds from donor governments and from foundations for its work. The publication of this guide and the public information campaign that preceded it has been generously supported by the Government of the United Kingdom through their Embassy to Bosnia and Herzegovina.

Introduction to the guide

This guide is designed to provide an overview of how the issue of persons missing from the 1992-1995 armed conflicts is dealt with in Bosnia and Herzegovina. The guide provides a review of the institutions that are involved, how the rights of the relatives of the missing are addressed, and how the process of locating, recovering and identifying missing persons is managed.

Included in this guide are a number of sections outlining key elements relevant to the missing persons' issue. The first is the "ICMP Question and Answer Guide", addressing many of the enquiries received during ICMP's February/March 2011 

INTRODUCTION (continued)

→ outreach project. This guide focuses upon many aspects of the missing persons' process in BiH that feedback has indicated are unclear. Incorporated are answers to questions pertaining to processes and timelines, as well as the institutions involved and the role of families and civil society. This guide is also intended to explain the method of DNA-led identifications, and the course of action taken to guide the process from discovery of a possible grave site to DNA-led confirmation of identity. This information elucidates the various steps involved in searching for and identifying missing persons.

The second part provides information on the ICMP Online Inquiry Centre, which searches ICMP's record of 150,000 genetic profiles to retrieve information on the missing through an interactive online search engine. It is designed to enable families of the missing to report unregistered missing persons and to seek information regarding the identification process. Once registered, families may also provide additional information to supplement the existing database.

Contact information for the relevant agencies that are engaged in the missing persons' issue is presented on page 19. Families are also directed to the links provided for the 'BiH Law on Missing Persons: A Guide for Families of Missing Persons' in BCS, on page 9. It has been written to inform families of the missing about the rights stemming from the law to which they are entitled. Copies are available from ICMP and MPI.

Intention

The approach to resolving the fate of missing persons in Bosnia and Herzegovina is unique. It involves the courts, specialized state level institutions and specific laws, and has been developed to provide the most effective solution to the issue.

However, the process is complex and involves the use of advanced forensic technology. This guide is intended to provide a resource for families of the missing; to enable them to make informed decisions and have access to as much information as possible.

ICMP Question and Answer Guide

The Locating and Identifying Missing Persons: A Guide for Families in Bosnia and Herzegovina relates to the process of search for missing persons in Bosnia and Herzegovina and is a direct product of feedback from a series of town hall meetings - The Search for the Missing: Public Outreach and Access to Information - held by ICMP throughout Bosnia and Herzegovina.

The production of this guide is based upon the belief that clear information and an informed public are a prerequisite to ensure access to justice. With the understanding that the search for missing persons can be complicated, this guide seeks to concentrate many of the key concepts in an accessible format for general consumption.



Frequently Asked Questions

Q: How do I report a missing person?

You should report a missing person by personally contacting Missing Persons Institute of Bosnia and Herzegovina (MPI BiH) via phone, fax, mail or email. You can also verify the status of a missing person through ICMP at the Online Inquiry Center via its web page. Contacts for both organisations are shown on page 19 of this guide.

Q: Should I have to pay anything to provide a blood sample / to the Court Appointed Medical Expert / for the DNA process / for the identification?

- No. You should not be asked to pay anything towards the cost of identification. ;
- All costs of search and excavation of graves are covered by MPI ;
- Burial costs are also covered by MPI;
- All costs of blood collection and DNA testing are covered by ICMP;
- It is the responsibility of a court appointed medical expert to issue a death certificate and there is no charge for this service though there may be a small administrative charge to receive copies of the documents;
- If you are asked to pay anything then you should report this to MPI who will investigate.

Q: I gave a blood sample years ago, but still did not receive an answer. Should I provide a blood sample again?

There is no need for an additional blood sample from any individual who donated blood earlier, but it could be helpful to check the ICMP Online Inquiry Center at www.ic-mp.org to confirm that sufficient family reference samples have been provided.

Q: I gave blood years ago, so why is there no DNA match?

The most likely explanation is that the mortal remains of your family member have not been recovered. Other reasons could be that ICMP has not been able to obtain or extract a DNA profile from the mortal remains that were recovered. Or it could be there are not close enough relatives of a missing person who could provide blood sample to make a match.

Q: What about families where all the members have died or disappeared and if there is not enough family relatives to give blood?

This can be a significant problem for identification, and there will be cases like this where DNA identification is not possible. In some cases, existing DNA profiles of missing persons already held by ICMP, together with circumstantial and other evidence, could permit an identification to be made.

Q: Will my missing relative be identified if I do not give blood?

For an identification to be made using DNA it is necessary that

you or other family members provide family reference samples.

Q: Why are there so many bodies that have been exhumed but are still not identified?

It can be a very lengthy process for identification to be made when there are so many thousands of cases. At any given time, there are always identifications waiting for completion. Particularly complicated cases require much more time.

Additionally, the most significant causes for the failure to identify bodies are:

- not enough family reference samples have been provided;
- there are no surviving family members to give reference samples;
- or the body may not be related to the armed conflict and therefore doesn't match any of the family reference samples

Q: What if I have information on the possible location of a grave site?

You can contribute to this process by providing information to MPI or the State Prosecutor's Office. All information will be investigated.

Institutions involved in the search for missing persons in Bosnia and Herzegovina

MPI (Missing Persons Institute)

Q: What is the MPI and what is its role?

MPI is an independent state-level institution, whose mandate is to search for missing persons from the armed conflict relevant to Bosnia and Herzegovina and the Region. MPI operates on principles of impartiality and non-discrimination on the basis of ethnic affiliation, gender, race, language, religion, political or other beliefs, social origin, financial status, or the victims' roles in armed conflicts or other hostilities. MPI was created in 2005 and is co-founded by the Bosnia and Herzegovina Council of Ministers and ICMP. It became operational in 2008 and it:

- collects, processes and systematises information on missing persons, individual and mass graves;
- established and manages the CEN; keeps records and notifies families of missing persons, including issuing certificates on disappearance and identity of victims as stipulated by the Law on Missing Persons
- finds, checks and marks the locations of mass and individual graves;
- informs judicial authorities about the possible location of graves and requests a Court Order for investigation;
- participates in excavations and exhumations of mass and individual graves;
- participates in autopsies, anthropological examinations

- and identifications;
- cooperates with international and domestic organisations and institutions engaged in resolving the issue of missing persons;
- provides support to families of the missing and their associations, including projects put forward by the MPI Advisory Board;
- safeguards mortal remains following their identification until handover of the bodies to the family members or burial;
- covers the costs and provides support to families of the missing to organise the funerals of their relatives;
- cooperates with relevant authorities in Croatia, Serbia, Montenegro and other countries, in accordance with the laws of Bosnia and Herzegovina and international agreements;
- informs the public about the outcomes of investigations and established facts.

Q: Where are MPI's offices and where can I get information on activities in my area?

MPI is headquartered in Sarajevo but has field offices in Banja Luka, Mostar, Bosnia and Herzegovina, Tuzla, Brcko, East Sarajevo, Dobo, Gorazde, Nevesinje, Orasje, Sarajevo, Sanski Most, Srebrenica, Travnik and Zenica. (Names and contact details of MPI personnel in field offices is available at www.ino.ba). MPI investigators and other field staff are available for any relevant information on the status of individual cases of missing persons and all activities in their area of responsibility.

Q: Who pays for MPI and who checks how they spend the money?

MPI is a state level institution and is funded from the budget of Institutions of Bosnia and Herzegovina which is funded by both entities and by Brcko District. MPI may receive additional funds and support from other sources in accordance with the law (donations, contributions, endowments of citizens, donor countries, organizations, etc.). Financial control is carried out on two levels – by MPI's Supervisory Board comprising of three members, one from each of the constituent peoples of Bosnia and Herzegovina, and the Office for Audit of Bosnia and Herzegovina institutions (Ured za reviziju institucija Bosnia and Herzegovina).

MPI management and oversight bodies

Q: What are the functions of MPI's management bodies?

In order to ensure good governance and equal treatment of all missing persons there are several levels of management and supervision.

The governing, managing and supervisory bodies of MPI are:

- a) the Steering Board
- b) the Board of Directors
- c) the Supervisory Board

Members of these bodies are appointed on the basis of professional qualifications and in accordance with the Constitution of Bosnia and Herzegovina to ensure equal representation of the constituent peoples. Members of the Steering and Supervisory Boards of MPI are appointed by the Co-founders of the MPI (ICMP and the Council of Ministers), following open competition.

- The Steering Board is in charge of preparation of the MPI's program of activities, preparation and overseeing the financial plan and annual balance sheet, adoption of MPI's bylaws, supervision and performance evaluation of the members of the Board of Directors, submission of reports to the Co-founders, and other duties. The Steering Board is composed of six members, two from each of constituent peoples of Bosnia and Herzegovina. Members are appointed for a period of four years, and may not be reappointed. The Steering Board reaches its decisions by consensus.
- The Board of Directors is composed of three members who are appointed (and relieved of duty) by the Steering Board of MPI on the basis of professional abilities and relevant working experience, for a period of four years. Members of the Board of Directors hold the position of Chairman for eight months on a rotating basis. The Board of Directors manages the Institute and is responsible for organizing, managing, and representing the Institute, for the legality of its work and carrying out the decisions of the Institute's Steering Board. The Board of Directors reaches its decisions by consensus.
- The Supervisory Board of MPI is composed of three members. The Chairman and members of the Supervisory Board are appointed for a period of four years and may not be re-appointed. The Supervisory Board reaches its decisions by consensus. The Supervisory Board of the Institute reviews the financial reports of the Institute, the annual report and the annual balance sheet; it also reviews and inspects accounting and informs the Co-founders, Steering Board, and Board of Directors on the results of their inspections.

Q: What is MPI's Advisory Board and who are the members?

The Advisory Board of the Missing Persons Institute is made up of representatives of family members of the missing and works to ensure that the interests of family members are taken into consideration by the Missing Persons Institute.

The Advisory Board comprises of six representatives of family associations of missing persons: two Bosniak, two Croat and two Serb representatives. Women and men are equally represented. Family associations of the missing nominate candidates for the Advisory Board who are then appointed by the Missing Persons Institute's Steering Board. Members of the Advisory Board are appointed for a fixed term of four years.

Q: What is role of the MPI Advisory Board?

The Advisory Board does the following:

- it serves as a link between Family Associations and MPI

and provides information to individuals searching for missing persons about the process of locating missing persons;

- it monitors the activities of the MPI
- it advises MPI's governing bodies;
- it publicly promotes the issue of missing persons, and
- it proposes projects and initiatives relevant to the work of MPI.

Q: How can I contact MPI's Advisory Board?

MPI's Advisory Board can be reached directly by phone 033 703 286, by mail: Hamdije Cemerlica 2/15, 71 000 Sarajevo, email info@ino.ba or by fax 033 703 685.

Central Records of Missing Persons (CEN)

Q: What is the Central Records of Missing Persons (CEN)?

The CEN is a database of all information on missing persons from Bosnia and Herzegovina. It is managed and updated with new information by MPI, as prescribed by the Law on Missing Persons. It was created by combining 13 separate databases with information on missing persons collected by the former Federation Commission on Missing Persons, Republika Srpska Office for Missing and Detained, the State Commission on Missing Persons, the International Committee of the Red Cross and ICMP. Information that is currently in the CEN is the subject of detailed verification to make sure it is complete and accurate. Once completed, Bosnia and Herzegovina will have an accurate register of all reported missing persons including information concerning the place and circumstances of disappearance, recovery and other information important for determining the identity of missing person.

Prosecutor's Office and the Court of Bosnia and Herzegovina

Q: What is the role of the Prosecutor's Office and the Court of Bosnia and Herzegovina?

In Bosnia and Herzegovina, the BiH Prosecutor's Office holds jurisdiction over war crimes cases. Since January 1, 2011, the Special Department for War Crimes of the BiH Prosecutor's Office is responsible for exhumations and identifications in Bosnia and Herzegovina. In practice that means that the BiH Prosecutor Office's field teams (insert small map here, found below) and the prosecutors carry out exhumations, identifications and other related activities within war crimes investigations. Exhumations and identifications within investigations opened by canton/district prosecutors before January 2011 will be closed by these prosecutor's offices. The Bosnia and Herzegovina Prosecutor's Office carries out exhumations and identifications on the basis of information received from individuals, MPI, law enforcement agencies, intelligence agencies, or any other sources and in accordance with court orders issued by the Court of BiH. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina has jurisdiction over criminal offences defined in the Criminal Code of Bosnia and Herzegovina and other laws of Bosnia and Herzegovina (Article 13 of the Law on Court of Bosnia and Herzegovina and Article 23 of the CPC of Bosnia and

Herzegovina). The Court has further jurisdiction over criminal offences prescribed in the Laws of the Federation of Bosnia and Herzegovina, Republika Srpska and the Brcko District.

Q: What is the role of the War Crimes Department?

One of the three departments within the BiH Prosecutor's Office is the Special Department for War Crimes. It employs fourteen national and one international Prosecutor and is the largest department in the BiH Prosecutor's Office. The Department is divided into teams which cover specific geographical regions. Each team is headed by a national prosecutor:

- **Team 1** covers the region of Northwest Bosnia and part of Posavina;



- **Team 2** covers the region of Central Bosnia;
- **Team 3** covers the region of Eastern Bosnia (the Drina Valley) and part of Posavina;
- **Team 4** covers the region of Sarajevo and Eastern Bosnia including Foča;
- **Team 5** covers the region of Western Herzegovina and the Neretva Valley;
- **Special Team 6** for the area of Srebrenica.

The War Crimes Department deals with cases referred by the ICTY to the national judiciary, cases in which the national institutions had previously conducted investigation and all new cases.

Q: What do Crime Technicians do?

As every exhumation site is considered a crime scene, a crime scene investigation or reconstruction is conducted with the aid of a specialist in criminalistics (crime technician) or some other discipline who assists in gathering and recording evidence and other forms of data. This data may later be used in court trials if a criminal proceeding is brought. The crime technician is also in charge of labeling of all evidence found, record keeping and at a later stage, preparing an autopsy report containing information about the results of examination performed on the mortal

remains found at the crime scene.

The Council of Ministers and the Ministry for Human Rights and Refugees (MHRR)

Q: What is the role of the Council of Ministers, including the MHRR, and what are their obligations?

In 2005, the Council of Ministers of Bosnia and Herzegovina and ICMP signed an Agreement on Assuming the Role of the Co-founders of MPI. Under the Agreement the Council of Ministers is responsible for:

- providing funds for the work of the Institute from the budget of Bosnia and Herzegovina on an annual basis on the basis of a financial plan that is approved by the Co-founders for each calendar year;
- participating in the selection and then appointing the three members of MPI's Steering Board (the other three are appointed by ICMP);
- participating in the selection and then appointing the members of MPI's Supervisory Board (the other three are appointed by ICMP);
- considering and approving MPI's Statute and other bylaws in accordance with Bosnia and Herzegovina legislation.
- considering and approving annual reports on MPI's work

On behalf of the Council of Ministers, the Ministry for Human Rights and Refugees oversees the implementation of the Law on Missing Persons.

Court Appointed Medical Experts

Q: What is the Court Appointed Medical Expert's role?

A court appointed medical expert conducts the autopsy, and DNA sampling is carried out under his/her authority. DNA match reports are returned to the court appointed medical expert, who is in charge of finalizing the legal identification with the prosecutor and crime technicians.

Legislation

Q: What legal rights do I have?

In Bosnia and Herzegovina, the Law on Missing Persons recognizes that families of missing persons have the right:

- to know the fate of their missing family members;
- to know the circumstances, cause of death and the whereabouts of mortal remains;
- to bury the mortal remains with dignity once they have been identified;
- to financial support,
- to temporary disposal of the property of the missing person,
- to coverage of funeral expenses,
- priority in employment and education of children,
- health protection,

- marking the place of burial and exhumation of missing persons.

The Law on Missing Persons also sets out the obligations of the institutions of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska and Brcko District to:

- provide families of the missing and relevant institutions in charge of locating missing persons with all available information;
- provide all necessary assistance to improve the process of locating and identification and the process of resolving cases of disappearances of persons in Bosnia and Herzegovina.

Q: What legislation exists in Bosnia and Herzegovina that regulates the issue of missing persons?

The Parliamentary Assembly of Bosnia and Herzegovina passed the Law on Missing Persons in October 2004 (Official Gazette of Bosnia and Herzegovina No. 50/04, November 2004). The Law established the principles for improving the search process, the establishment of a Central Records of Missing Persons (CEN), the establishment of MPI, realization of social and other rights of family members of missing persons and other issues related to missing persons issue in Bosnia and Herzegovina.

All information relevant to implementation of this Law and rights of the family members are presented in the Guide for Families of Missing Persons published by the Bosnia and Herzegovina Ministry for Human Rights and Refugees in cooperation with ICMP, the International Committee of the Red Cross, the Office of the High Commissioner for Human Rights and the Centre for Freedom of Access to Information. The Guide for Family Members of Missing Persons in Bosnia and Herzegovina and the Law on Missing Persons of Bosnia and Herzegovina can be viewed at:

<http://www.ic-mp.org/wp-content/uploads/2007/11/bosvodoc.pdf>

<http://www.ic-mp.org/wp-content/uploads/2007/11/hrvodic.pdf>

<http://www.ic-mp.org/wp-content/uploads/2007/11/srpvodoc.pdf>

Q: Does a family member have the right to ask for financial support, as determined by Articles 11 and 12 of the Law on Missing Persons?

In accordance with this Law, the family members of missing persons, who were supported by the missing person and who are in need of support, are entitled to monthly financial support.

Financial support is a personal non-transferable right. This financial support cannot be received concurrently with support based on other grounds. In accordance with this Law beneficiaries may choose the more favorable right. The beneficiary retains the right to choose the more favorable right, even after the identification process has been completed or the missing person proclaimed dead. The right to financial support commences from the date of the coming into force of this Law (9 November 2004). Individuals who did not submit tracing requests prior to the coming into force of the Law, can claim this right from the date of submission of the request.

Q: Who can apply for financial support?

According to the Law on Missing Persons, family members of missing persons that may apply for financial support - when the Fund for Missing Persons is finally established - include:

- a child born in or outside marriage;
- an adopted child, as well as step-children who were supported by the missing person;
- a spouse or an extramarital partner;
- parents (step-father, step-mother);
- adoptive parents;
- a brother or sister of a missing person.

The Role of ICMP and International Assistance to Bosnia and Herzegovina**Q: What is ICMP's role?**

The International Commission on Missing Persons is an international, independent, human rights / rule of law organization that was established at the initiative of U.S. President Clinton in 1996 at the G-7 Summit in Lyon, France. Its primary role is to ensure the cooperation of governments in locating and identifying those who have disappeared during armed conflict or as a result of human rights violations. ICMP also supports the work of other organizations, encourages public involvement in its activities and contributes to the development of appropriate expressions of commemoration and tribute to the missing. ICMP receives voluntary donations from donor governments to assist countries that have missing persons as a result of armed conflict or disaster.

ICMP has pioneered a unique high throughput DNA-led process to identify large numbers of persons missing from armed conflict and violations of human rights. ICMP maintains the highest throughput capability for DNA-based identifications in the world, operated through its Bosnia and Herzegovina-based laboratory system and integrates the use of forensic archaeology and anthropology in the identification process.

In addition to its technical support in the identification process, ICMP is the co-founder of the Missing Persons Institute of Bosnia and Herzegovina. It also contributes to transitional justice activities, provides legislative support and helps in the development of networks of civil society organizations which advocate for truth, justice, and for the rights of family members of missing persons.

ICMP manages and operates a Forensic Data Management System that tracks the missing from recovery to identification. Information held by ICMP relevant to the missing is available to the public through the ICMP Online Inquiry Center. This online tool allows families of the missing and others to track missing persons' cases; if families have reported a missing person to ICMP, the Inquiry Center will allow them to find information on the status of the case.

Q: What kind of oversight mechanisms exist at ICMP?

The ICMP DNA laboratory system is internationally accredited to very high standards (ISO 17025) in a rigorous on-going process that includes technical inspections and a review of all methods and quality control procedures.

ICMP also participates in international proficiency testing to confirm accurate testing methods.

All aspects of ICMP's Forensic Science Division are advised by an external Forensic Science Steering Committee, made up of some of the world's most prominent forensic scientists. Their names and their qualifications are listed on ICMP's website at <http://www.ic-mp.org/committees/steering-committee-on-forensic-sciences/>

ICMP works together with international experts on the US Scientific Working Group on DNA Analysis Methods Missing Persons Committee, and is a member of the Board of the US Scientific Working Group on Disaster Victim Identification.

ICMP is a standing participant in regular meetings of the European Network of Forensic Science Institutes (ENFSI), and the European DNA Profiling Group (EDNAP).

ICMP's scientific procedures are regularly presented at international scientific conferences and many of its methods are published in scientific journals.

Locating, Recovering and Identifying the Missing**Locating and Recovery of Mortal Remains****Q: How does MPI get information on the location of hidden graves?**

MPI uses a variety of sources such reports from witnesses, government records, information from court proceedings, police documents and conducting MPI's own field investigation in order to develop leads on the location of potential clandestine graves.

Q: How does ICMP become involved in exhumations?

At the request of MPI, ICMP provides expertise in locating and exhuming mortal remains using advanced techniques in forensic archaeology. Technical assistance may include mapping, digital photography, and documentation of the exhumation process.

Q: What is involved in an exhumation?

Proper excavations involve the recovery of mortal remains and other evidence from mass graves or other clandestine sites. The remains are collected in a way to promote identification of the individuals. Information about the site is documented to establish a historical record.

Q: Who is in charge at the excavation site and why is the Prosecutor's Office involved?

Graves are considered to be suspected crime scenes, thus the BiH Prosecutor's Office is in overall control of all exhumation activities.

Q: How long does an excavation take?

This depends on the size and nature of the site. Simple excavations can be done in a few days, but some graves are very complex and may take several weeks or even months especially if they are in remote locations or where there is a risk of unexploded ordnance in the area.

Q: Who, by law, *must* be present at an exhumation?

The prosecutor in charge or a representative of the BiH Prosecutor's Office, a court appointed medical expert, the police and representatives from MPI must be present. MPI may also request demining teams, alpine rescue team and specialists from ICMP to assist if there is a risk of unexploded ordnance or if the site is complex.

Q: Can other people be present at an exhumation if they want to attend?

Access to sites is strictly controlled by the prosecutor. Other individuals, such as family members and/or journalists, may be present, but these individuals must obtain permission from the BiH Prosecutor's Office. MPI can make the request to the BiH Prosecutor's Office for those persons that would like to attend.

Q: Where are the mortal remains held after the exhumation is completed?

The mortal remains are transported to a mortuary facility chosen by the BiH Prosecutor's Office. Information on the location of the remains may be obtained from MPI.

Q: How many mortuaries are there in Bosnia and Herzegovina and where are they located?

There are currently eleven mortuaries in Bosnia and Herzegovina. They are located in the following municipalities: Banja Luka, Nevesinje, East Sarajevo, Sarajevo, Visoko, Odzak, Tuzla (2), Mostar, Gorazde, and Sanski Most.

Q: What happens to the mortal remains at the mortuary?

A court appointed medical expert will examine the mortal remains and take a very small sample of bone to submit to ICMP for DNA testing. As part of the examination the police may take documentary evidence and photographs. In combination with the DNA results received, the court appointed medical expert will perform a review of all other data available in order to issue a death certificate.

Q: Why use DNA for identification instead of other methods?

DNA contains unique identifying characteristics even when no other evidence is present. It is important to use scientifically

valid methods for identification rather than just personal recognition or circumstantial evidence, and DNA is accepted worldwide as one of the most reliable scientific methods for identifying missing persons.

Identification

Q: What is the procedure in Bosnia and Herzegovina for making identification and how long can it take?

- In Bosnia and Herzegovina DNA identity testing is conducted by ICMP.
- To begin with, it is vital to have sufficient family blood reference samples, and the mortal remains of the missing person must be recovered and samples of the remains taken for DNA analysis.
- Then, a DNA profile must be obtained from the missing person's remains and a DNA match must be found with the family references.
- Then a DNA match report is thoroughly reviewed and sent to MPI which forwards the match report to the court appointed medical expert and prosecutor who will ensure that all anthropological and autopsy examinations are completed and will consider all evidence in the case to confirm the DNA match.
- The medical expert's opinion on possible cause of death will be included in the report of the prosecutor.
- Death confirmation is then forwarded to the municipal registrar's office to register the death and issue a death certificate.
- If sufficient reference samples from family members are available then the process could take between four to six weeks from the time that DNA is successfully extracted from the mortal remains of the missing person after exhumation. However, getting the DNA from bone samples is difficult and in some cases it is impossible with current technology. ICMP will continue to try to extract a DNA sample many times from different samples and continually works to develop more advanced scientific techniques.

Q: Can we declare a missing person dead if there is no DNA match and what will happen to the search process if the person is so declared?

- According to Article 27 of the Law on Missing Persons, three years after the date of the enforcement of the Law (November 2004), persons registered as missing in the period from 31 April 1991 to 14 February 1996, whose disappearance has been verified within the Central Records of Missing Persons of Bosnia and Herzegovina, shall be considered dead and this fact shall be officially entered in the Register of Deaths.
- However, According to Article 9 of the same Law, in the event that a missing person is proclaimed deceased, but the mortal remains have not been found, the process of locating and identifying shall not be terminated. It means that the status of missing person is terminated only when the mortal remains are found, i.e. on the date of identification, and the process of locating the missing

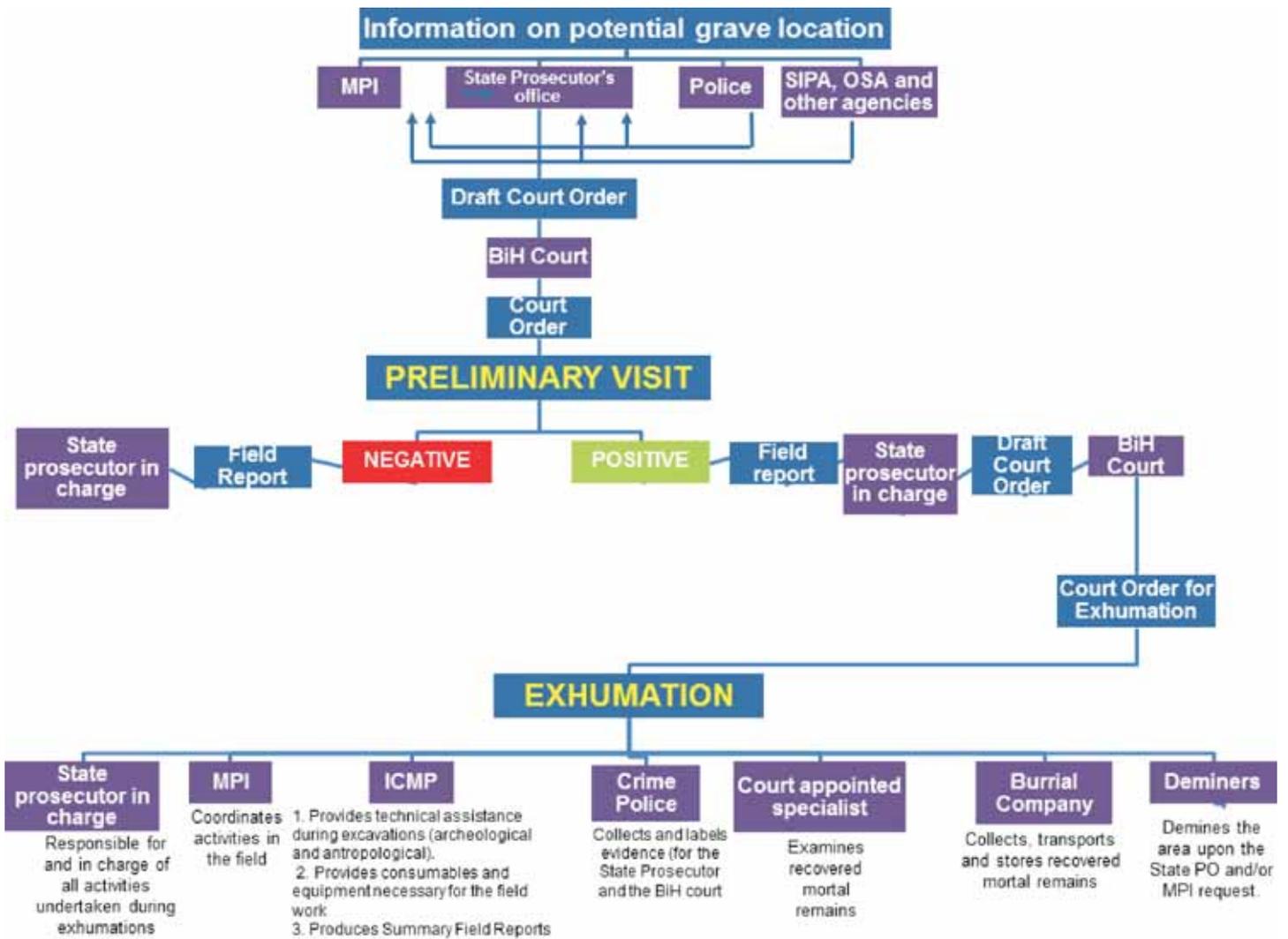


Diagram showing the process of mortal remains location and exhumation.

person is closed.

Q: Who is responsible for closing a missing person's case by making an identification?

Making an identification is a legal process. The BiH Prosecutor's Office declared in 2001 that all identifications since then must be based upon DNA evidence unless there is no possibility to use DNA in a specific case. Final identification is made by a court appointed medical expert together with the prosecutor and crime technician.

Q: Who should be present when an identification is made and a case closed?

By law, the following people MUST be present for a legal identification to be made:

- A Prosecutor
- A Court Appointed Medical Expert
- A representative of the Police
- A member of the family of the missing person

In addition, MPI staff may be present.

Q: Will every missing person be found?

Unfortunately, it is likely that without additional information regarding the fate of a missing person many people will not be found. However, it is the mandate of MPI to investigate every credible report of a location where a person may be buried. New techniques for finding graves are being investigated but the process still relies on witnesses reporting what they have seen or found, perpetrators providing information, or information coming from prosecutions.

Q: Will every missing person that is found be identified?

Unfortunately, no. For example, sometimes there are no family reference samples for DNA comparison, and sometimes there is no intact DNA in the mortal remains. ICMP will continue to seek the most advanced ways to extract DNA but in some cases it is simply not possible. However, it may be possible to use other evidence in those cases and the court appointed medical expert who is in charge of the case will try to find as much information as possible to make identification.

The Use of DNA

Q: What is DNA?

DNA is a microscopic chain-like molecule that makes up the hereditary material found in nearly all the cells of the human body. Half of your DNA is inherited from your mother, the other half from your father. DNA contains the biological information that is used by nature to build and maintain our bodies, and determines many of the distinctive characteristics of an individual.

Q: Is DNA unique?

Yes. Except for identical twins, no two people share the same DNA pattern.

Q: What is a "DNA profile"?

When DNA is tested to identify missing persons, only specific small parts or locations of the DNA are investigated. These different parts are highly variable, and can occur in an incredibly huge number of combinations. The characteristics of DNA at these locations can be written down in a numerical designation that is called a DNA profile. Each individual (except identical twins) has a unique DNA profile.

Q: How can DNA indicate the name of an individual?

On its own, the DNA profile extracted from mortal remains does not permit us to identify a person. DNA can only be used for identification if the DNA obtained from mortal remains can be compared to the DNA profiles of family members of the missing, or a sample taken from the missing person before death. When the DNA profile of the missing person and the DNA profiles of the family members show that there is a relationship, then this is called a "DNA match", or in other words, DNA-based identification.

Q: What is a "family reference sample"?

This is usually a blood sample provided by close family members of a missing person. DNA is obtained from the reference sample and can then be compared to DNA from the mortal remains to find a DNA match.

Q: How does DNA information help to find/identify missing relatives?

Because of the way DNA is inherited, DNA information from living relatives can be matched to the DNA found in mortal remains. For a DNA match to be made, at the very least one family member must provide a DNA sample but the more family reference samples available, the higher the chance of making a match.

Q: What will the DNA family reference sample be used for?

The sample will only be used to assist with the identification process.

Q: Who should provide a blood sample?

If you report a missing person to ICMP you will be asked questions about your family's relationships to the missing person. ICMP staff will then recommend the people in your family who should provide a blood sample.

Q: What is a DNA Match?

This is a term used when a DNA profile obtained from mortal remains is found to be consistent with the DNA profiles from family reference samples. This gives a very high level of certainty that the mortal remains are related to the family.

Q: How are DNA Matches found?

ICMP conducts DNA matching of missing persons on a very large scale. DNA profiles from all family reference samples, representing tens of thousands of missing persons, are entered into a large computer database. DNA profiles obtained from mortal remains are then compared by computer to every one of the family reference samples. DNA matches are found based on shared patterns of DNA that show there is a family relationship.

Q: How many family reference samples are needed to make a DNA match?

This depends on how closely related the family members are to the missing person, and on the DNA characteristics of the family in question. Sometimes a single parent or child is enough, but usually two or more close relatives are needed. Parents, children, and siblings of the missing person are the most useful, but more distant relatives may also be helpful. ICMP staff will help to explain which family members might help to identify the missing person if they give a family reference sample.

Q: Should a spouse of a missing person provide a reference sample?

If there is a child of the missing person available to give a family reference sample, then the mother or father of that child is very useful as a reference.

Q: How are family reference samples provided?

DNA can be obtained from blood samples or samples taken from the inside of the mouth with a cotton swab. ICMP uses a simple kit that uses a small needle to prick a finger so that small droplets of blood can be collected.

Q: How do I know enough reference samples have been provided to permit identification of my missing family member?

You can go to the ICMP Online Inquiry Center at www.ic-mp.org and enter the name of the missing person to find out if enough samples have been provided. The information is accurate and up to date. But remember that a DNA match can only be made if the remains of the missing person have been found and a DNA profile successfully extracted from them.

Q: Does DNA identify missing persons with certainty?

The minimum level of certainty of a DNA match that ICMP will accept is 99.95%; however, in most cases, the level of certainty is essentially 100%.

Q: What if I have multiple relatives missing?

Your sample can help identify all of them depending on your family relationship to them. However, if multiple siblings are missing, DNA may not be able to tell which sibling is which, unless the missing persons had children who also gave family reference samples. If not then experts will examine the mortal remains to look for evidence of the person's age or height when they died.

Q: When does DNA analysis not work?

Various environmental conditions can break down the DNA contained in mortal remains. Sometimes this destroys all the DNA in the bones and a profile cannot be obtained.

Q: Can a person be identified without the use of DNA?

Because of the large number of missing persons, the lack of medical records, and the fact that most human remains are

skeletons it is the policy in Bosnia and Herzegovina that DNA identification is attempted in all cases. If DNA cannot be obtained from the human remains or no family references are available, it is possible that some cases can be identified based on a combination such things as circumstantial evidence, clothing and personal effects, and distinctive anthropological or medical characteristics. However, many of these forms of evidence are error prone and not scientifically objective, so they must be used very cautiously and only when the combined evidence can be seen to be extremely certain.

Q: Can a person be identified when ICMP does not have sufficient blood samples?

Sometimes useful DNA evidence can be obtained even when there are not sufficient reference samples to make a full DNA match. If a single sibling is available as a reference, for example, it could be that the DNA results show a strong likelihood of relationship even if the 99.95% surety of a DNA match is not reached. The ICMP has a method for communicating such possible DNA relationships to authorities responsible for the identification. If the DNA information is consistent with other evidence in the case, a combination of the DNA evidence and non-DNA evidence can be used to complete the identification.

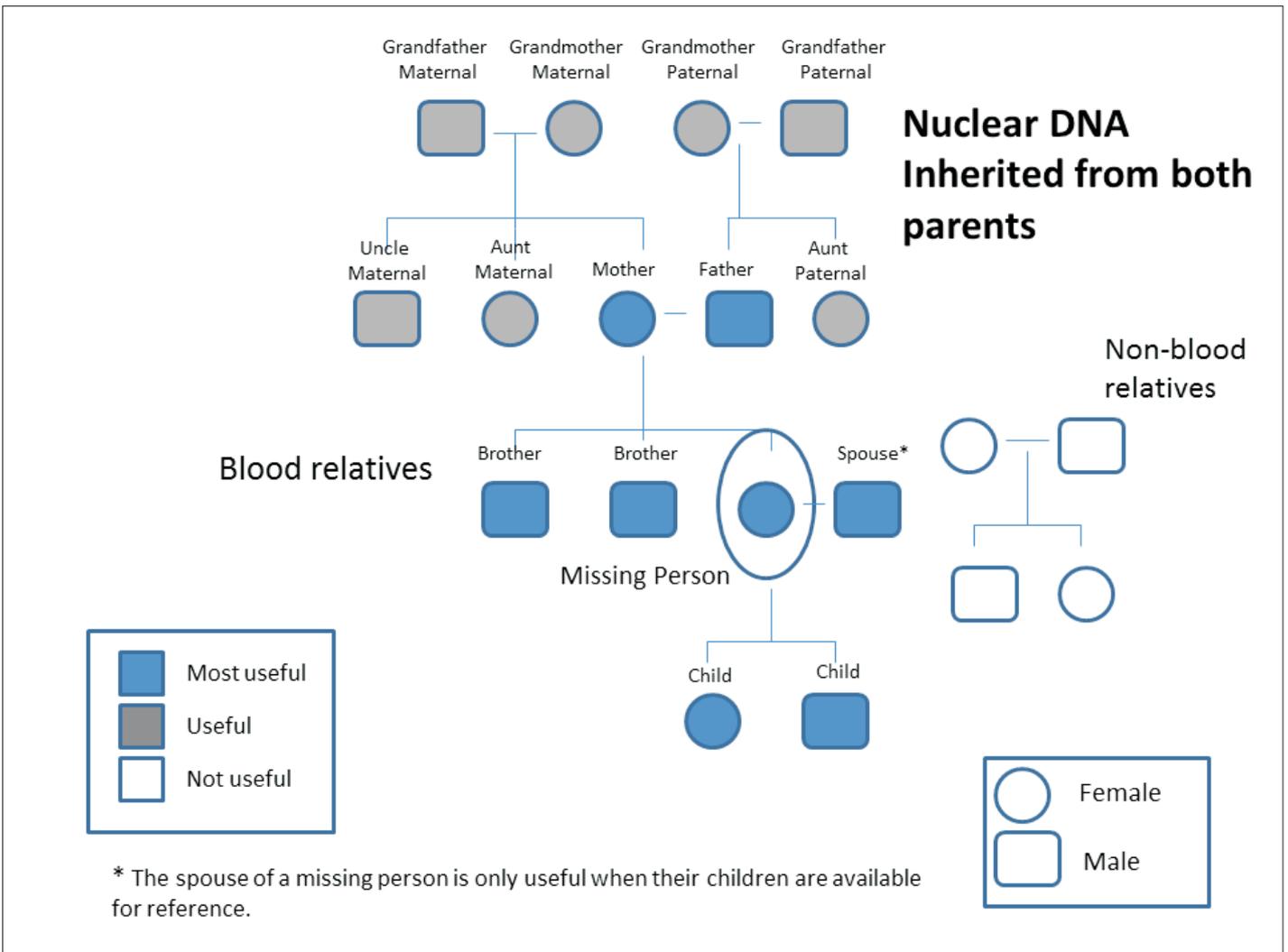
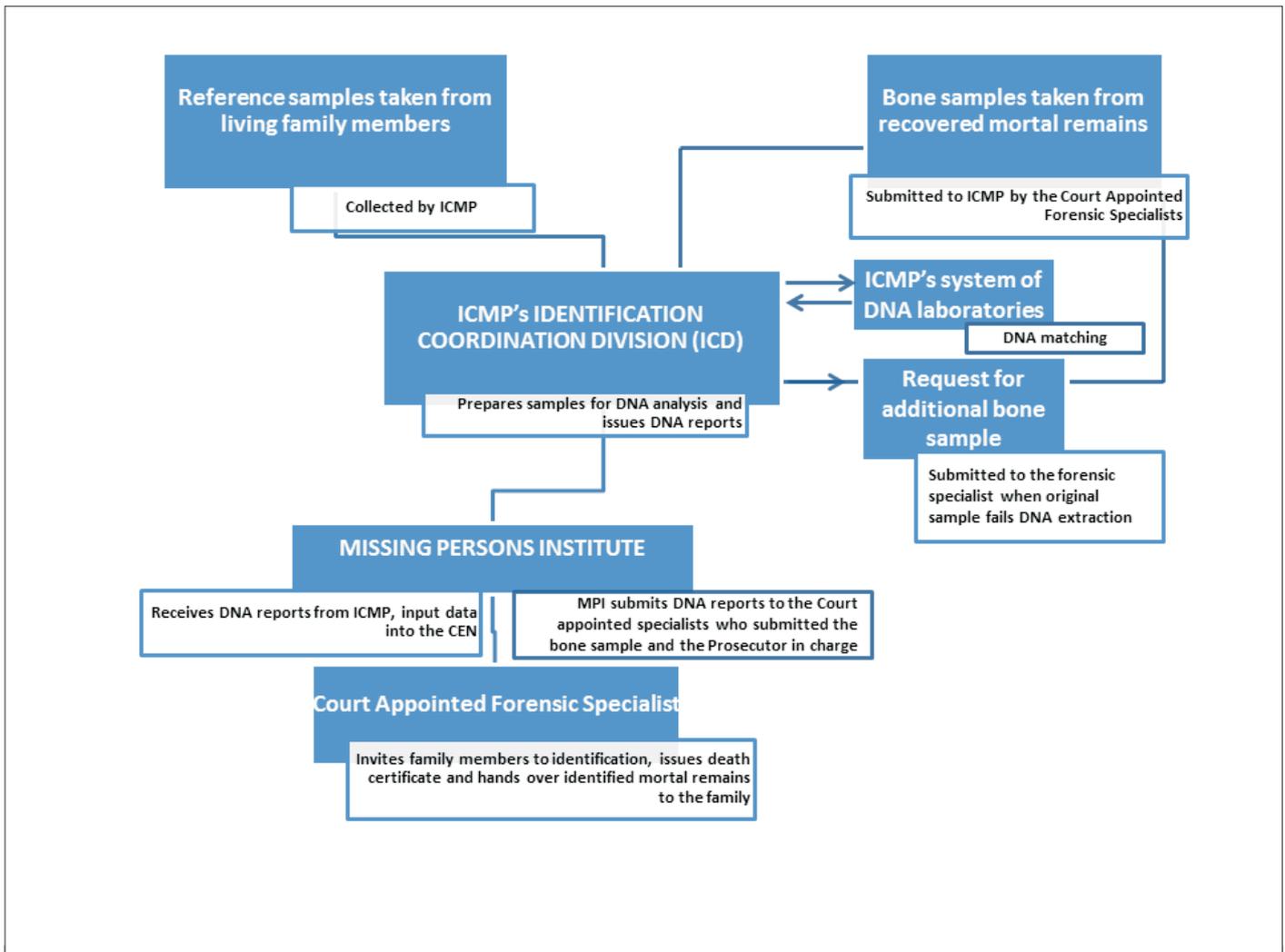


Diagram showing the level of usability of different blood samples for a missing person's DNA identification.



You can check status of any missing person on ICMP's web page www.ic-mp.org, by clicking on the Online Inquiry Center and typing the name of a person you are interested in (see page 18).

Even if there are not sufficient reference samples provided by living relatives, sometimes missing persons can be identified based on the DNA profiles of their relatives who were also missing and have been identified by DNA. For example, if a mother and sister provide reference samples, their husband/brother can be identified. His DNA profile could then be used to identify his missing son.

Q: Why are some mortal remains sampled multiple times for DNA testing?

In cases where there is not enough DNA remaining in the first bone sample, taking another sample can sometimes be successful. ICMP and the court appointed medical expert in charge of the case will try many combinations to maximise the chances of success.

Q: Can DNA information tell anything about ethnicity?

No, the DNA information used by ICMP for missing persons' identification provides no information on the background of the person. The only information that the DNA profile can give is whether the person is male or female. The DNA profile cannot show anything about age, height, hair colour, skin

colour, eye colour and it certainly cannot indicate the religion of the person, the ethnicity or any medical conditions.

Q: Will ICMP share my genetic information with any other parties?

If you specifically give consent in written form to ICMP, your profile may be provided to assist in criminal trials of those accused of war crimes, crimes against humanity and genocide, etc. If you do not give permission for this information to be released then your genetic information (your DNA profile) will not be given to any outside party.

Q: How does ICMP protect genetic information?

ICMP considers the genetic profiles of missing persons and their families to be sensitive personal information. This data is stored in secure databases, and many precautions are taken to ensure proper data protection. ICMP benefits from diplomatic privileges and immunities in Bosnia and Herzegovina, which protect sensitive personal information in ICMP's possession against seizures, subpoenas and any other legal process. A full description of ICMP's personal data protection policies can be found at www.ic-mp.org.



The Role of Civil Society

Q: How can I be more involved in the process?

Family associations of missing persons should be your first point of contact since they gather and provide information about missing persons and surviving family members. There are around 50 active family associations registered throughout Bosnia and Herzegovina. To get in touch with a family association in your local community you can find the information on our web site directory (http://www.icmp.org/wp-content/uploads/2007/12/icmp_directory.pdf). The list and the contact details for associations is continually updated to ensure accuracy. Any person who is searching for a missing person can join a family association

Q: What do Family Associations do?

Family associations:

- gather information about missing persons;
- they often provide counseling and advice during the

process of locating and identification;

- they lobby government bodies and institutions to speed up and improve the locating and identification process;
- they raise awareness with society about the process of locating and identifying missing persons.

Q: Is there any possibility that family associations could receive financial support from the government authorities for their work (office costs, utilities, equipment, etc.)?

In accordance with the Law on Missing Persons, the competent authorities in Bosnia and Herzegovina shall give priority to the processing and considering of requests for financial and technical support submitted by unions/associations of families of missing persons and shall, according to their financial abilities, provide assistance if the proposed programs or projects meet the criteria for allocation of funds.

Instructions for use of the ICMP Online Inquiry Center

The website of the International Commission on Missing persons (ICMP) www.ic-mp.org has a link to the interactive search engine Online Inquiry Center.

Start the search for information about a specific missing person by opening your internet browser (Internet Explorer, Mozilla FireFox, Chrome), visiting www.ic-mp.org and opening the link Online Inquiry Center (image 1).

A new window will open where you can start the search (image 2).

Search

To start the search (image 3) you need to:

1. Enter the last and the first name of a missing person. If you are not sure about the name, the required minimum is the first three letters of both the first and the last name.
2. By clicking the blue button "Search" on the right-hand side from "Name" (image 3), the results of your search fulfilling the criteria you entered will appear on the screen.

Note: The search is not case sensitive.

Results of search

Results of search – more than one result

The search can result in more than one first and last names of missing persons, particularly in the following cases (image 4):

- a. If you entered incomplete name/last name of a searched missing person;
- b. If more than one person share the same both name and last name.

In that case, you can repeat the search by entering full name, last name and/or father's name, or by selecting one of names which appear as results of your search.

By clicking the name and last name of a person from the list, the missing person's file will automatically open.

Missing person's file

Missing person's file - details

By clicking one of the search results, you will open the file of the selected missing person. (image 5)

Reference sample status

The reference sample is a DNA sample (most frequently obtained from blood) of a missing person's blood relative, which is used as a reference for comparison with the missing person's DNA. One of the two following pieces of information will be displayed:



7

Reported date of disappearance: 19-12-2010
 Reported place of disappearance: Sarajevo
 Reference Collection Status: Not Enough Reference Samples Collected
 Status: (Register a relative for this missing person)
 DNA match not found.

8

1. CLOSEST LIVING RELATIVE OF THE MISSING PERSON (required)
 Last name: _____
 Father's name: _____
 First name: _____
 Kinship with the missing person: Aunt
 Blood donor: Yes
 Country of residence: Afghanistan
 Place: _____
 Address: _____
 Phone: _____
 Identification phone: _____
 E-mail: _____
 Additional information: _____
 Add Another Relative

ENTRY VERIFICATION
 muntali AchI
 Verification Code: _____
 Type two words: _____
 Send Relative Data Form

9

Your information is successfully stored in our database.
 You will be contacted for additional information once your form has been processed.
 (close this window)
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10

First Name: _____ Father's First Name: _____ Last Name: _____
 Missing Person Search
 Search Results (0)
 First Name: Father's First Name: Last Name: Reported Date of Disapp.: Reported Place of Disapp.:
 The ICMP database does not have any information that matches your request.
 If you are certain that the information you have entered is correct, please contact ICMP (icmp@ic-mp.org) and verify if the missing person you are looking for has been registered!
 If you are certain that this missing person has not been registered, proceed to Register the Missing Person.
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11

DATA ON MISSING PERSON
 Last name: _____
 Father's first name: _____
 First name: _____
 Sex: Male
 Date of birth: _____
 Country of birth: Bosnia and Herzegovina
 Municipality of birth: _____
 Place of birth: _____
 Date of disappearance: _____
 Country of disappearance: Bosnia and Herzegovina
 Area of disappearance: _____
 Additional information: _____

1. CLOSEST LIVING RELATIVE OF THE MISSING PERSON (required)
 Last name: _____
 Father's name: _____
 First name: _____
 Kinship with the missing person: Aunt
 Blood donor: Yes
 Country of residence: Bosnia and Herzegovina
 Place: _____
 Address: _____
 Phone: _____
 Identification phone: _____
 E-mail: _____
 Add Another Relative

ADDITIONAL INFORMATION
 Additional information: _____

Have you heard before about ICMP? No
 If yes, how did you find us? _____

ENTRY VERIFICATION
 formulas warsolk
 Verification Code: _____
 Type two words: _____
 Send Missing Person Data Form

12

13

Your information is successfully stored in our database.
 You will be contacted for additional information once your form has been processed.
 (close this window)
 © 2010 ICMP | International Commission on Missing Persons

1. "Not Enough Reference Samples Collected" – insufficient reference samples for successful DNA-led identification. The reasons may be that there are no living relatives (father, mother, brothers, sisters and other blood relatives); close blood relatives are unavailable to ICMP, most often because their address is unknown; or there are living relatives but they have not been reported to the ICMP.

2. "Sufficient Reference Samples Collected".

Last DNA Matching Report status

Missing person's file with submitted DNA-led identification report (image 6)

If a report on DNA matching between a missing person and blood relatives was submitted to the competent institution, in this section you will see contact details of the institution to which the report was submitted (image 6). If not, this section will contain no information (image 7).

If section "Reference Collection Status" reads "Not Enough Reference Samples Collected" a link for registration of that missing person will be available.

By clicking the link "Register a relative for this missing person", a new form will open (image 8). This form must be fully completed (all fields are mandatory).

Form for registration of a missing person's relative

Upon entering information regarding a relative into the form, if you would like to register more relatives click the button "Add Another Relative". A new, empty form will appear below previously completed form, where you enter information about another relative you register. If you would like to register the third relative, this form will appear below the two previously completed, etc. After you have entered all information about the relatives you would like to register, press the button "Send Relative Data Form". A new window will open (image 9).

Registration of a missing person at the ICMP

It is possible that a missing person you searched for in our database has never been reported as missing. If you are certain that the person did go missing and repeated search did not result with that person's data, you have an option to register that person as missing.

If there were no results of your search, you will see the screen as presented on image 10.

You start the registration process by clicking "Register a Missing Person".

A window resembling image 11 will open. All fields in this form must be completed.

Upon completion of the form, press "Send Missing Person Data Form" (image 12).

You will see confirmation that data you entered has successfully been

submitted to ICMP (image 13).

Your information is successfully stored in our database.
 You will be contacted for additional information once your form has been processed.
 (close this window)
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If Your Question is Not Answered

The search and identification of the missing is a complex issue involving many institutions. The information found herein is by no means exhaustive of all available material. Other institutions have in the past, and continue to participate in the process in different ways. Nevertheless, the information found in this guide is of general application to all citizens of Bosnia and Herzegovina.

If you haven't found an answer to your question, please contact:

International Commission on Missing Persons (ICMP)

Alipašina 45a
71000 Sarajevo, Bosna i Hercegovina
Tel: (+387) 33 280 800
Fax: (+387) 33 280 900
<http://www.ic-mp.org>
icmp@ic-mp.org

Missing Persons Institute of BiH (MPI)

Hamdije Čemerlića 2/15
71000 Sarajevo, Bosna i Hercegovina
Tel: (+387) 33 703 286
Fax: (+387) 33 703 685
<http://www.ino.ba>
info@ino.ba

MPI regional offices:

Tuzla

Ul. Bosne Srebrene bb
Tel: +387 35 251 291
Fax: +387 35 251 291
Head: Murat Hurtić +387 61 213 439
Investigator: Ismet Musić + 387 61 481 129

Banja Luka

Ul. Kralja Alfonsa XIII br. 48-a
Tel. +387 51 211 155
Fax: + 387 51 211 155
Head: Milijana Bojić +387 61 994 299
Investigator: Ranko Đukarić +387 62 994 336

Bihać

Ul. Bihaćkih branilaca bb
Tel. +387 37 223 606
Fax. +387 37 223 606

Head: Mujo Begić +387 62 345 282

Istočno Sarajevo

Ul. Bjelopoljska br. 116
Tel: +387 57 340 830
Fax: +387 57 340 830
Head: Srpko Batinić +387 62 345 283
Investigator: Zdenko Mitrović +387 62 993 548

Mostar

Ul. Ante Starčevića bb
Tel: +387 36 318 645
Fax: +387 36 318 645
Head: Jasminka Ploskić +387 61 684 795
Investigator: Sanja Mulać +387 61 213 438
Investigator: Berislav Cvitanović +387 61 485 741

Brčko

Ul. Braće Ribnikar br.17
Tel: +387 49 215 590
Investigator: Petar Dominković +387 62 993 547

Doboj

Ul. Nikole Pašića br. 5
Tel: +387 53 227 138
Fax: +387 53 227 138
Investigator: Dalibor Radosavljević +387 62 994 335

Goražde

Ul. Maršala Tita br. 13
Tel: +387 38 223 056
Fax: +387 38 223 056
Investigator: Šefik Delahmet +387 61 213 476
Investigator: Zafer Raščić +387 61 314 177

Nevesinje

Ul. Nevesinjskih ustanika bb
Tel: +387 59 602 524
Fax: +387 602 524
Investigator: Miloslav Muratović +387 62 345 284

Orašje

Ul. VIII ulica br. 44
Tel: +387 31 714 257
Fax: +387 714 257

Investigator: Marinko Baković +387 61 199 798

Sarajevo

Ul. Musala br. 9
Tel: +387 33 664 951
Fax: +387 33 664 951
Investigator: Suvad Halilović +387 61 188 594

Sanski Most

Ul. Trg ljliljana bb
Tel: +387 37 684 300
Fax: +387 37 684 300
Investigator: Zlatan Ališić +387 61 213 537
Investigator: Senadin Ramić +387 61 485 742

Srebrenica

Investigator: Sadik Selimović + 387 61 219 522

Travnik

Ul. Bosanska 58
Investigator: Robert Stojak +387 62 994 337

Zenica

Ul. Trg Alija Izetbegovića bb
Tel: +387 32 405 522
Fax: +387 32 405 522
Investigator: Zaim Kablar +387 61 213 475

BiH Prosecution Office

Kraljice Jelene 88
71000 Sarajevo
Bosna i Hercegovina
Tel: +387 (0)33 707 100
Fax: +387 (0) 33 707 463
info@tuzilastvobih.gov.ba

Ministry of Human Rights and Refugees of Bosnia and Herzegovina

Trg BiH 1, 71000 Sarajevo, BiH,
Tel.: (+387) 33 471-630
Fax: (+387) 33 206-140
<http://www.mhrr.gov.ba>

International Committee of the Red Cross (ICRC)

Soukbnar 5, 71000 Sarajevo, BiH
Tel.: (+387) 33 565 650
Fax: (+387) 33 565 660

International Commission on Missing Persons (ICMP)

Alipašina 45a

71000 Sarajevo

Bosnia and Herzegovina

Telephone: +387 33 280 800

Fax: +387 33 280 900

www.ic-mp.org

icmp@ic-mp.org