

CONCLUSIONS FROM THE CONFERENCE:

“THE FUTURE OF THE MISSING PERSONS PROCESS FROM THE KOSOVO CONFLICT”

ICMP hosted a conference titled “the future of the missing persons process from the Kosovo conflict”, in Skopje, Macedonia, on 20-21 November 2012. The conference was the second of its kind since the first such conference in Ohrid in 2007 that gathered all stakeholders involved in the missing persons process, including the relevant authorities from Pristina and Belgrade, the families of the missing and the international community. The meeting succeeded in enabling its participants to take stock of where the missing persons process stands, including: war crimes prosecutions, legislation on missing persons, the creation of domestic databases and central records, the functioning of domestic institutions, and exhumations and identifications.

At the conference, ICMP noted that there have been intensive efforts to locate and identify missing persons from the Kosovo conflict since it published its Kosovo stock taking report in September 2010. ICMP noted positive developments such as the adoption of the Law on Missing Persons and secondary legislation. ICMP noted however, that, despite the best efforts of EULEX, and the Belgrade and Pristina authorities, there has been a steady decline since 2006 in locating mortal remains on the territory of Kosovo and no further mortal remains have been found on the territory of Serbia since 2002. To date ICMP has DNA matched 2,418 cases, or 55 per cent, of the 4,383 reported missing person cases in its database. But year on year the number of new identifications yields ever diminishing returns: in 2009 ICMP made 106 new identifications, in 2010 88, in 2011 58, and by November 2012 just 30. The process is slowing down and will become increasingly slower in coming years.

The conference conclusions below encapsulate the thoughts and sentiments of the families of the missing who participated in the conference.

Conclusions:

1. The relevant authorities from Pristina and Belgrade should increase their efforts to obtain information on the location of clandestine gravesites including looking through all archives and the possible use of satellite imagery and all other available means/modern technologies in order to increase their field operations, i.e. excavations and exhumations, in cooperation with the international community.
2. The issue of gravesites related to the Kosovo conflict outside the territory of Kosovo should be addressed jointly by the relevant authorities from Pristina and Belgrade in coordination with the international community.
3. For a variety of reasons including the fact that persons went missing across geopolitical boundaries, it is necessary to discuss the creation of a list of persons missing from the conflicts in former Yugoslavia in the latter half of the 20th century, which would include the incorporation of the consolidated Kosovo list of missing persons. ICMP should provide additional information about this to the commissions.
4. Regular meetings initiated by the families of missing persons with the Belgrade and Pristina authorities and facilitated by the international community.
5. We leave open a space for future discussion on joint commemoration and memorialization.
6. Provision of training to families of missing persons on using laws on access to information of public interest with the aim of obtaining information related to missing persons and clandestine gravesites.
7. It is necessary to meet all requirements in order to act on the basis of international legal principles, which say that the perpetrators should be judged in the places where the crimes were committed.

Mechanisms should be established for better cooperation between the Office of the War Crimes Prosecutor of the Republic of Serbia and the international and local prosecutors dealing with war crime cases relevant to the Kosovo conflict.

8. Strengthen witness protection programs, taking into consideration the potential impact witness testimony may have on determining the location of clandestine gravesites that contain the mortal remains of missing persons.
9. Commence dialogue on the missing persons process between the relevant authorities from Belgrade and Pristina in Brussels under the auspices of the European Union.
10. Support for the formation of a joint Operational Team tasked with addressing the missing persons issue that would comprise members of the relevant authorities from Pristina and Belgrade, together with representatives of associations of families of missing persons.
11. The engagement of ICMP should continue after the mandate of EULEX expires in 2014.
12. A working group should be formed that would review all identifications of persons based on the classical method prior to the introduction of DNA analysis.