

Annual Report
Missing Persons Group

July 2019

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Introduction

1. At the fifth Berlin Process Summit in London in July 2018, the leaders of the 14 Berlin Process participants (Albania, Austria, Bosnia and Herzegovina, Croatia, France, Germany, Italy, Kosovo*, Montenegro, North Macedonia, Poland, Serbia, Slovenia and the United Kingdom) signed a Joint Declaration acknowledging the importance of accounting for those who went missing during the conflicts of the 1990s on the territory of former Yugoslavia and the need to intensify efforts to locate and/or identify the remaining approximately 12,000 unresolved cases, in particular through greater multilateral collaboration and cooperation. The Berlin Process participants concerned in the Declaration reiterated the importance of ensuring impartial and effective investigations into missing persons cases in accordance with international human rights standards, and the active engagement of families of the missing, and refraining from any politicization of the missing persons issue. The Joint Declaration also recalled the best practice principles set out in the *Declaration on the Role of the State in Addressing the Issue of Persons Missing as a Consequence of Armed Conflict and Human Rights Abuses*, signed in 2014 by the Presidents of Bosnia and Herzegovina, Croatia, Montenegro and Serbia.

Progress (November 2018 - July 2019)

2. On 6 November 2018, at the Headquarters of the International Commission on Missing Persons (hereinafter: ICMP) in The Hague, the representatives of the domestic institutions responsible for accounting for missing persons (DIs) in Bosnia and Herzegovina, Croatia, Kosovo*, Montenegro and Serbia¹, striving to increase effectiveness in accounting for missing persons, signed a Framework Plan to Address the Issue of Persons Missing from Conflicts on the Territory of the Former Yugoslavia (hereinafter: the Framework Plan), in order to boost multilateral cooperation further.
3. In order to enhance the process of accounting for missing persons, the Republic of Croatia, as a full-fledged member of the European Union supported implementation of the Framework Plan by taking part in the Missing Persons Group.
4. In signing the Framework Plan, the DIs **established the Missing Persons Group** (hereinafter: MPG), comprising representatives of DIs from Bosnia and Herzegovina, Croatia, Kosovo*, Montenegro and Serbia. The MPG members agreed to work jointly on the following issues:
 - Resolving unidentified or NN (nomen nescio/no name) cases on the territory of former Yugoslavia;
 - Sharing data on missing persons cases among DIs, and with families of the missing via a Database of Active Missing Persons Cases from the conflicts on the territory of former Yugoslavia;
 - Exchanging information on potential locations of clandestine gravesites, and undertaking joint excavations;
 - Engaging families of the missing in the process; and

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

¹ The relationship between the domestic institutions from Serbia and Kosovo* is not regulated through bilateral agreements or protocols, but is conducted through an already-established mechanism of the Working Group on persons missing in relation to the events in Kosovo, within the Belgrade-Pristina Dialogue, which is in line with Article 1 of the Framework Plan.

- Organizing joint commemorations to mark the International Day of the Disappeared.
5. ICMP, supported by the Government of the United Kingdom, provides technical support to the DIs in implementation of the Framework Plan.

Action to resolve unidentified or NN cases on the territory of former Yugoslavia

6. The MPG established an **Operational Group to Resolve NN or Unidentified Cases** (hereinafter: NNOG) on 4 December 2018.² DIs nominated staff, forensic and other experts, to the NNOG in January 2019. The aim of the NNOG is to develop jointly, by exchanging experiences and limited-in-scope and targeted pilot projects that will help the DIs to take additional steps to resolve NN cases.
7. To date, members of the NNOG have exchanged detailed information about their efforts to address the NN cases on their territories. Acknowledging the specificities of each of the DIs participating in the NNOG as well as similarities in the underlying problem that they are addressing, in the forthcoming period members of **the NNOG agreed jointly to review NN cases originating from a limited number of locations** in MPG members' territories. Additionally, members of the NNOG have nominated specific cases of joint interest for further work.
8. The MPG is confident that by exchanging experiences on efforts to date, and by jointly reviewing nominated NN cases, experts will be able to determine next steps in resolving NN cases.

Action to share data on missing persons cases among DIs, and with families of the missing, by means of a Database of Active Missing Persons Cases from the conflicts on the territory of former Yugoslavia

9. Each DI establishes, maintains and keeps records of missing persons representing the official source of data on missing persons. Official records remain under the jurisdiction of institutions that have maintained them so far. Given the nature of the conflict and large movements of people, the need arose to unify, compare and harmonize individual records in one database. The creation of a unique, interactive database of missing persons cases provides a tool in the form of a working platform through which DIs can review, verify and reach agreement on missing persons cases that are subject to query by one DI or another, ensuring that more reliable and up-to-date records are available at all times to professional users and other stakeholders. Such a database would also enable families of the missing and other members of the public to view and review existing records, and provide online feedback to the DIs.
10. **The Database of Active Missing Persons Cases from the conflicts on the territory of former Yugoslavia was created** following a formal exchange of letters and signed agreements between ICMP and the DIs in 2016 and 2017. Sources of data for the missing in relation to the Kosovo conflict are still being negotiated. ICMP developed customised database software that was populated with

² There are more than 3,000 unidentified (hereinafter: NN) cases stored in mortuaries in BiH, around 900 in Croatia, 400 in Kosovo*, and approximately 190 buried in municipal plots in Serbia. NN cases are those cases that could not be identified using the method of DNA matching or the traditional method of identification that was used prior to introduction of DNA-based testing, or remain unidentified for other reasons, such as being non-conflict related/historical. DIs, members of the MPG, have in the past undertaken activities towards resolution of this problem but it still remains present.

data provided by the DIs resulting in the database of all active missing persons cases from the former Yugoslavia.

11. Between January and June 2019, DIs **made 445 entries in the Database**, providing information on the status of cases in their records and harmonizing records.
12. In the forthcoming period, members of the Database Operational Group will continue to harmonize information in the Database and close active missing persons cases, with a view to launching a version of the database that will be accessible to the public.

Action on exchanging information on potential locations of clandestine gravesites, graves with NN human remains and joint excavations

13. During this reporting period, **MPG members discussed exchanging information** on potential locations of joint interest where a gravesite may be located in one territory while relatives live in another.
14. In that context, all DIs expressed their willingness to conduct field investigations and, if necessary, exhumations of human remains. At meetings under the auspices of the Framework Plan, bilaterally, and through other established mechanisms DIs nominated 16 specific locations to be examined in the upcoming period.
15. Excavations of locations of joint interest will be performed in accordance with existing bilateral and international agreements and existing mechanisms of cooperation providing an option for expert monitoring by interested parties while locating potential gravesites, and conducting field investigations and the exhumation of human remains, at the invitation of the DI responsible for the territory where these activities are taking place. This will contribute to promoting professional partnership among DIs, signatories of the Framework Plan, while positive results will increase public confidence in the credibility of the effort.
16. Updates on the progress of the nominated cases, as well as possible new ones, will be presented in the next MPG Annual Report.

Action to engage families of the missing

17. In order to provide accurate and up-to-date information to families of the missing, **the MPG has made a commitment to participate in a series of information-sharing meetings with families.** Families will be informed about progress made under the joint Framework Plan and about other current issues relevant to missing persons. To date, **ICMP has facilitated one such meeting, which was held in Bosnia and Herzegovina** in January 2019 and brought together representatives of institutions and experts involved in resolving missing persons issues.
18. Such meetings provide a platform for the exchange of information and thus increase the transparency of the process and the trust of families of the missing and others in the actions of the DIs.

19. In the reporting period, representatives of the Regional Coordination of Associations of Families of the Missing from the Former Yugoslavia (hereinafter: the RC) met representatives of all DIs, signatories of the Framework Plan. They were informed about activities and results achieved in the past seven months so that the families, members of the RC are kept informed about progress in the implementation of the FWP.

Other Relevant Activities

20. During this reporting period, DIs conducted a series of bilateral meetings and other activities within the framework of other established mechanisms of cooperation:

- Bosnia and Herzegovina and Montenegro finalized the text of the Protocol of cooperation on the process of search for missing persons on 28 March 2019. The Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina have both adopted the Protocol, and the signing will be scheduled in the forthcoming period.
- The DIs of Bosnia and Herzegovina and of Croatia met on 17 April 2019 to discuss the proposal of rules and procedures for implementation of the Protocol on cooperation in accounting for missing persons. The rules and procedures are now in the final phase before adoption.
- The DIs of Bosnia and Herzegovina and of Serbia determined the final text of rules and procedures for implementation of the Protocol on cooperation in accounting for missing persons between Serbia and Bosnia and Herzegovina on 15 May 2019 in Sarajevo.
- The DIs of Croatia and of Serbia held a meeting on 29 May 2019 in Vukovar related to the exchange of information on the location of primary and secondary graves in Vukovar-Srijem County and Osijek-Baranja County in Croatia.
- Domestic institutions of Kosovo* and Montenegro met bilaterally on 6 June 2019 to discuss a number of topics, including the burial of remains of missing persons from Kosovo*, who were identified as a result of the combined efforts of the DIs of Kosovo*, Montenegro, Serbia, and ICMP.
- ICMP moderated a meeting of the DIs of Serbia and of Kosovo* on 23 May 2019 in Pristina, in order to share information related to NN cases and to agree steps to resolve cases.

21. Regarding the **repatriation of identified human remains**, DIs implemented the following activities in the reporting period:

- The DI of Croatia repatriated the human remains of one person to the DI of Bosnia and Herzegovina;
- The DI of Croatia repatriated the human remains of three persons to the DI of Serbia.
- The DI of Serbia repatriated human remains of two individuals to the DI of Bosnia and Herzegovina.
- The DI of Kosovo* repatriated human remains of one individual to the DI of Serbia.

Conclusion

22. The DIs responsible for accounting for missing persons in Bosnia and Herzegovina, Croatia, Kosovo*, Montenegro and Serbia remain committed to working together through the mechanism of the MPG. The past work of the members of the MPG has significantly improved their cooperation, which is reflected in exchange of information relevant to resolving individual NN cases and agreeing on joint

actions leading to their solution. Furthermore, in the past period, members of the MPG have intensified activities to create the Database of Active Missing Person Cases from conflicts on the territory of the former Yugoslavia, as the only database of this kind in the world. Also, members of the MPG intensified a dialogue on exchange of information about locations of joint interest. It is important to note that members of the MPG met with families of the missing who are members of the Regional Coordination of Associations of Families of the Missing from the Former Yugoslavia to inform them about progress made in the joint Framework Plan. Such meetings are also planned for the future. By jointly working on resolving the issues presented in this Report, the MPG has enhanced cooperation on resolving missing persons cases and bringing closure to families of the missing. This work builds confidence and trust among the DIs in the credibility of each others' efforts to locate and identify missing persons, thereby helping to depoliticize the issue.

23. We, the members of the MPG, would like to express our appreciation to the Government of the United Kingdom for supporting activities related to the important issue of accounting for the missing, and to ICMP for providing organisational support for the implementation of the Framework Plan.