

# **INTERNATIONAL COMMISSION ON MISSING PERSONS (ICMP)**

## **PROGRAM AND BUDGET 2021 - 2026**

## DIRECTOR-GENERAL'S FOREWORD

1. Today, in Central and South America, in the Mediterranean, and across South Asia, tens of thousands of people are missing as a result of irregular migration. More than 100,000 people have disappeared from the conflict in Syria, inside the country or on dangerous routes taken by desperate Syrian refugee, and thousands are reported missing as a result of the enforced disappearance and mass displacement of Rohingya from northern Myanmar. Countries such as Iraq, Sri Lanka, Burundi, Rwanda, and Vietnam are striving to address a huge and painful legacy of missing persons from past conflicts.
2. Accounting for the missing, after conflict and disaster or as a result of trafficking and organized crime, is fundamental to upholding and reinforcing the rule of law. Governments have legal obligations to take effective steps to establish the facts and help survivors to access their rights to truth, justice and reparations. Helping authorities to do this is an investment in peace. Accounting for missing persons is a central element in restoring public confidence in post-conflict and post-disaster societies and in consolidating global security.
3. Established in 1996 to help countries in the Balkan region account for the 40,000 people missing as a result of the conflicts in the former Yugoslavia, the International Commission on Missing Persons (ICMP) now works all over the world. It has developed methodologies that include helping governments to create legislation and establish institutions to support the process of accounting for the missing, applying the latest forensic genetic science in conjunction with customized informatics and data systems, and helping families of the missing to play an effective role at the heart of the process.
4. ICMP's approach is rooted in upholding the rule of law. Its experience shows that large-scale missing persons programs can succeed if the state assumes responsibility for the process, if legislation and appropriate institutions are in place, if forensic science and database technology is applied in an optimal way, and if families of the missing are empowered.
5. Article II of the ICMP Agreement, which came into force in 2015, mandates the organization to endeavor to secure the cooperation of governments and others in locating missing persons from conflict, human rights abuses, disasters and other causes and to assist them in doing so.
6. Where national authorities address the issue in a transparent manner based on human rights and the rule of law, they reinforce public trust in key institutions, including courts, prosecutors and law enforcement, and begin a process of rebuilding social cohesion. Deliberate failures to account for the missing may amount to international crimes, including crimes against humanity, which are among the primary causes of people fleeing their home countries, without the possibility of return as long as such conditions persist.
7. Governments have a legal obligation to conduct formal investigations into the circumstances in which persons have gone missing and to learn their fate and whereabouts. They must do this in a manner capable of delivering results. Official investigations, however, constitute a guarantee of process rather than outcome: no authority can guarantee locating every missing person, and nor is this expected by most survivors. Resentment – and, in many instances, mass disaffection – of survivors is fueled by deliberate or negligent failure by authorities to conduct formal and meaningful investigations. There are numerous cases for this. For example, the authorities themselves may have been involved in the original disappearances and are consequently reluctant to investigate – whatever public assurances they may give to the contrary. However, current events suggest that this may not be the most common reason for government failures to

investigate. A more common cause stems from unwillingness to recognize the legitimate demands of survivors or a refusal to accept the credibility of survivor testimony – and in many cases this testimony may be the only evidence that a person has gone missing. Testimony may be discounted for a number of reasons, including the gender, political affiliation, ethnicity or social standing of the witness. This is not confined to developing countries or those recovering from conflict. A majority of those who are missing on migration routes today are the poor, or minorities and people of color – and disappearances among minority groups, including Native Americans, particularly women, are significantly higher than among other communities in North America. Likewise, gender may be a major factor in the inability of witnesses to obtain satisfaction from authorities. Most of those who disappear in conflict, human rights abuses and migration are men, which means that many families of missing persons are headed by women, who often face institutional sexism and legal discrimination in their fight for their rights.

8. An important way of addressing this, and helping states to meet their obligations, is to enhance the objectivity of evidence presented by survivors. This can be done by collecting information securely, using database technology that makes it possible for data to be shared and analyzed and for evidence to be sifted and corroborated efficiently. This can be done in way that secures the right to privacy of those who provide the information. In addition, effective steps can be taken to protect and analyze crime scenes, mass graves, and other locations related to disappearances.
9. ICMP's operations around the world reflect a new international consensus that the issue of missing persons cuts across judicial and national jurisdictions and can only be tackled effectively by applying dedicated techniques as part of a coordinated multinational approach that respects human rights. International cooperation ensures effective investigations, as the missing and their relatives are often not located in the same country.
10. ICMP is voluntarily funded. It is seeking donor support for its programs, including its state of the art, dedicated missing persons DNA laboratory, its bespoke, secure data systems capabilities and its global country and thematic programs. This Program and Budget lays out in detail the operations that ICMP maintains to help governments address the global challenge of missing persons and the support it provides to civil society, in particular families of the missing around the world. It offers a clear picture of how the organization is implementing its mandate and what it needs in order to sustain existing programs and launch new ones.

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## I. EXECUTIVE SUMMARY

11. In 2021, ICMP marks its 25th anniversary; the experience gained in the course of this first quarter of a century represents a remarkable and unique base from which to move forward, developing new programs and helping stakeholders – governments, families of the missing and others – to address the global challenge of missing persons. This Program and Budget presents ICMP’s strategic plan for 2021-2026.
12. ICMP’s mandate is to secure the cooperation of governments and others in locating missing persons from conflict, human rights abuses, disasters, organized crime, irregular migration and other causes and to assist them in doing so. The ICMP Agreement provides for a review of the ICMP Agreement to be initiated by its original Signatories. The review process, which is scheduled to be completed within the 2021-26 period, will examine measures that can further strengthen international cooperation on the issue of missing persons.
13. Accordingly, ICMP will:
  - Continue to implement its mandate with the utmost effect through its programs and the assistance it provides to governments, as well as to international and other organizations, in their efforts to uphold and advance human rights and rule-of-law guarantees in respect of missing persons and their families; and
  - Endeavor to further enhance its multilateral instruments for doing this, in particular through the ICMP Conference of States Parties (CSP) and other Multilateral Forums, Working Groups and Joint Processes.
14. The Program and Budget lays out program work that is already underway or is envisaged in the near- and medium-term. The present document also presents ICMP treaty, statutory and subsidiary bodies in the context of ICMP’s program work.
15. ICMP has 152 staff members and maintains country programs related to the **Western Balkans, including Albania, Iraq, Syria, Colombia, Vietnam and Mexico. Ukraine and Armenia** have recently asked for support; and ICMP is exploring the possibility of assisting **Libya**. In addition, ICMP is working with the Independent Investigative Mechanism for **Myanmar** (IIMM) to find ways to support a program to account for missing **Rohingya**. Planned country or regional programs during the 2021-2026 period, for which activity plans will be developed subject to funding, include *Afghanistan, Botswana, El Salvador, Myanmar, Sri Lanka, The Gambia, Tunisia* and *Yemen*. In addition, ICMP maintains three thematic programs, namely the **Missing Migrants and Refugees Program** (MMR), the Platform for **Disaster Victim Identification** (DVI) and the **Assistance to Justice** Program.
16. ICMP maintains a Main Program under the direction of the Director-General. The Main Program consists of six Crosscutting Programs (CCPs), as well as Corporate Services and a Secretariat program for ICMP treaty or statutory and subsidiary bodies (TSSB) as part of ICMP’s programmatic work. The CCPs are: **Direction and Policy, Institutional Development, Civil Society Initiatives, Science and Technology, Data Systems and Data Coordination**, and the **Wim Kok Center of Excellence and Learning** (CEL). ICMP’s highly specialized CCPs provide direction, oversight and support to all country and thematic programs and they also directly deliver work in all country programs.
17. The Secretariat Program is part of ICMP’s Main Program. The Secretariat Program provides services to ICMP’s treaty and statutory and subsidiary bodies, namely the **Board of**

**Commissioners, the Conference of States Parties, the Financial Committee and the Global Forum on Missing Persons, as well as the Panel of Experts, and the Inter-Agency Committee on Missing Persons.** It also provides services to inter-governmental bodies that are specific to regional programs, including the **Missing Persons Group** in the Western Balkans, the **Joint Process** for countries in the Mediterranean to address the issue of Missing Migrants and Refugees, and the **inter-governmental group for the Syria/MENA program.**

ICMP programs aim to assist states in their efforts to meet their obligations regarding missing and disappeared persons in the following areas:

- **Human rights:** Persons going and remaining missing are both a consequence and a cause of distrust in public institutions in many parts of the world. ICMP aims to strengthen the capacities of authorities to uphold fundamental guarantees, thereby instilling public trust and contributing to social welfare and development. Such guarantees include the right to dignity and the right to life, the right to effective investigations, the right not to be subjected to torture or degrading treatment, the right to a family life and to privacy, and the right to recognition as a person before the law.
- **Rule of law:** ICMP works with authorities to ensure that missing persons issues are effectively addressed through public law including judicial processes that are based on the rule of law and human rights. ICMP supports official investigations of the fate and whereabouts of missing and disappeared persons, including establishing the circumstances of their disappearance or cause and manner of death.
- **Good governance:** Large numbers of missing persons place considerable strain on the capacity of domestic authorities to maintain standards of good governance, including transparency, even-handedness and proportionality. ICMP helps authorities to take measures to ensure that investigations of disappearances are at all times adequate, proportional and fair.
- **Strengthening multilateral cooperation on missing persons:** The issue of missing persons transcends borders by definition. Helping states to fulfil their responsibility to locate missing persons therefore necessarily requires multilateral cooperation. All ICMP thematic, country and regional programs have a multilateral dimension.
- **Gender equality, and Gender and Peacebuilding:** The majority of the missing are men, with women often left behind as single heads of households. ICMP seeks to support in particular the economic and social wellbeing of women through education, training and grant-making programs to access their socio-economic rights, in addition to their right to effective investigations of disappearances.
- **Development and Social Well-being:** ICMP's work contributes directly to the attainment of the Sustainable Development Goals, including *promoting peaceful and inclusive societies for sustainable development, access to justice and effective, accountable and inclusive institutions.* ICMP's work also supports prevention and contributes to reducing violence and fatalities, and enhances domestic and international capacity to advance development and social well-being in particular for low- and medium-income countries emerging from conflict, lawlessness or man-made or natural disasters.

18. The Program and Budget shows how ICMP's methodology – promoting the rule of law, the latest developments in forensic science and data-base technology, and the participation of families of the missing – underpins all of these programs, and it lays out in detail how ICMP's Main Program provides the indispensable resources that allow its country programs to operate effectively.

## **II. FUNDING**

### **2.1. Funding history**

19. ICMP receives no assessed contributions from States Parties and its activities are entirely voluntarily funded. Over the last 25 years, the organization has received approximately USD 160 million in donations; annual contributions have averaged USD 6.9 million. As an intergovernmental organization (IGO), historically 70 percent of ICMP's funding has been provided by governments, with the remaining 30 percent coming primarily from multilateral organizations, such as the EU.

### **2.2. Funding structure**

20. The centralized manner in which ICMP is structured and works requires a corresponding funding structure. ICMP maintains its Main Program at its headquarters. ICMP's Main Program provides direction, oversight and support to all country and thematic programs and is responsible for the direct delivery of activities across all country and thematic programs. It comprises three components:

- Statutory Bodies (SB)
  - The Board of Commissioners (BoC);
  - The Conference of States Parties (CSP);
  - The Financial Committee (FC);
  - The Global Forum on Missing Persons (GF);
  - Other expert and advisory bodies.
  
- Crosscutting Programs
  - Direction and Policy (D&P);
  - Institutional Development (ID);
  - Civil Society Initiatives (CSI);
  - Science and Technology (ST);
  - Data Systems and Data Coordination (DSDC);
  - The Wim Kok Center for Excellence and Learning (CEL).
  
- Corporate Services

21. ICMP's Cross Cutting Programs are highly specialized and include standing capacities such as the state-of-the-art, high throughput DNA human identification laboratory, which not only works on identifying missing persons cases around the world, including in country programs, but is central to learning and development programs for stakeholders, from technical experts to government officials and families of the missing, and in building DNA human identification capacities in country programs that require such capacities.

22. The Data System and Data Coordination Program maintains standing capacities that all country

and thematic programs rely on. Missing persons work depends on the collection, processing and analysis of large quantities of data that are used by domestic authorities to investigate missing persons cases. ICMP's bespoke system, which was developed in-house, is used by ICMP, and in turn ICMP builds missing persons data systems in country programs. ICMP's data system is also used as a training tool to show how processes to locate missing persons operate. ICMP's Direction and Policy, Institutional Development and Civil Society Initiatives programs and the CEL function in the same centralized manner and are presented in more detail below.

23. ICMP also maintains multiple country and thematic programs around the world in challenging areas, including countries where there is ongoing conflict, or areas in post-conflict transition, as well under conditions of political instability, or in cases in which the scale and nature of the challenge exceeds domestic capacities. ICMP's thematic programs address global challenges, such as persons missing from migration and manmade or natural disasters (including the Covid-19 pandemic). Often, the thematic programs intersect with country programs. Syria for example has missing persons from the on-going conflict, and also from migration to Europe and from maritime disasters in the Mediterranean. ICMP's country and thematic programs are responsible for the implementation of program work locally and within thematic contexts as elaborated by the Main Program and the Crosscutting programs that provide their content.
24. The centralized manner in which ICMP is structured and works requires a corresponding funding structure that allocates costs of the Main Program to the country and thematic programs. Therefore, the financial requirements of a country or thematic program include those of the corresponding Main Program. Almost 90 percent of the Main Program, with the exception of the Secretariat Program for treaty or statutory and subsidiary bodies, comprises direct costs to the country and thematic programs.
25. To this end, the ICMP funding model requires that a proportion of restricted funds are allocated to the Main Crosscutting Programs as it is their primary overriding objective to support country and thematic programs. Direct cost coverage for the Main Program is always agreed upon with the donor in advance and includes details on the attribution of work to be carried out by the Crosscutting programs and associated costs. Given that ICMP is funded through voluntary contributions, direct cost coverage for the Main Program offsets in a flexible manner the absence of assessed contributions towards the Main Program.

### **2.3. Funding strategy**

26. ICMP's aim is to continue its sustainable growth. Since establishing its Headquarters in The Hague in 2015, ICMP has moved from an annual budget of around USD 6.5 million to USD 14 million. The majority of this funding has been restricted for use by ICMP's country programs, with a smaller amount of funding earmarked for ICMP's Crosscutting programs.
27. ICMP's funding strategy for 2021-2026 is to increase direct cost coverage and earmarked funds for Crosscutting programs to a minimum of USD 5 million per annum and to increase funding for ICMP's current country and thematic programs from an average of USD 1 to 2.5 million per annum to a minimum of USD 4 million per annum per crosscutting program.
28. ICMP's current country and thematic programs include countries in the Western Balkans, Syria (MENA), Iraq, Colombia, Mexico, Vietnam, the Missing Migrants and Refugees program and the Disaster Victim Identification program. ICMP has been invited by Ukraine to provide support during 2021, as well as by Libya, and it has been invited to address missing persons from the

Nagorno-Karabakh conflict, which would include support to both Azerbaijan and Armenia. As with the current programs, ICMP's experience of 25 years has demonstrated that new country programs require commitments over the longer term, and a minimum of USD 2 million in start-up costs each, and about USD 4 million per annum to maintain. Other programs, for which ICMP has been asked to develop concepts for engagement include Yemen, the situation of the Rohingya, Afghanistan, the Gambia, Uganda and El Salvador. ICMP maintains and will continue to be asked to support smaller projects, such as those in Brazil, Chile, Cyprus, Canada and elsewhere.

29. In addition to negotiating direct cost coverage funding arrangements with donors, ICMP seeks to establish long-term financing agreements with key donor governments, ensuring sustainable funding for programs through regular multilateral donor meetings in program areas, as well as in capitals. ICMP has also sought to be included in the Organization for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC) list of organizations eligible to receive core funding reportable as ODA. This would reduce the direct cost coverage burden on restricted funding.<sup>1</sup> Germany has offered to nominate ICMP to the DAC list, and ICMP will continue to work with its States Parties to ensure that ICMP's operations and the issue of missing persons are clearly seen as being in line with economic development and social welfare goals.
30. In addition, a review of the ICMP Agreement, which is currently under discussion, could include the possibility of introducing measures to support funding of the Main Program, including maintaining DNA laboratory capacity, data systems capabilities and disseminating best practice in all program areas. The review could include proposals allowing participating States to make special agreements in order to provide sustainable funding for ICMP's specialized capacities.
31. For instance, ICMP is exploring bringing together an initial group of its States Parties that could provide annual funding for ICMP's Disaster Victim Identification program. Considering that man-made and natural disasters can strike anywhere at any time, strengthening ICMP's ability to implement and advance DVI standards will directly benefit participating States and advance ICMP's mandate across a range of missing persons scenarios. Enhancing DVI preparedness at ICMP requires the cooperation of States Parties and Signatories, as well as others, to secure the financial and political support that will make it possible to achieve in a systematic way the participation of more states in the medium term. ICMP plans to propose an agreement on DVI preparedness, including a Fund. The budget proposal for DVI in this document is underpinned by the assumption that a DVI Fund is established under an agreement. Denmark has been contributing effectively to such a fund for years.

### **III. INDICATIVE FUNDING 2022-2026**

32. ICMP expects to see a stabilization of its programs during the period 2022-2026. The Main Program structure will remain in place and the number of country and thematic programs will increase. Indicative financial resource requirements based on the funding strategy for the five-year period are detailed below:

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<sup>1</sup> For more information, see ICMP's document *Official Development Assistance (ODA): Recommendation for Inclusion in the DAC List of Eligible Organizations (ICMP.DG.1385.7.doc)*.

Program Funding	2021	2022	2023	2024	2025	2026
Statutory Bodies	87,944	125,000	125,000	125,000	125,000	125,000
Cross-Cutting*	2,733,900	3,000,000	3,500,000	3,500,000	3,525,000	3,525,000
Corporate Services	722,266	1,400,000	1,250,000	1,250,000	1,350,000	1,350,000
<b>Subtotal Main Program</b>	<b>3,544,110</b>	<b>4,525,000</b>	<b>4,875,000</b>	<b>4,875,000</b>	<b>5,000,000</b>	<b>5,000,000</b>
Colombia	865,500	1,000,000	2,000,000	2,000,000	3,000,000	4,000,000
Iraq	2,827,900	3,000,000	3,500,000	3,500,000	3,500,000	4,000,000
Mexico	1,176,250	1,000,000	1,000,000	2,000,000	3,500,000	4,000,000
Syria/MENA	2,450,800	3,000,000	3,250,000	3,500,000	3,500,000	4,000,000
Ukraine	-	800,000	1,000,000	2,000,000	3,000,000	4,000,000
Western Balkans	3,019,707	3,000,000	3,000,000	2,500,000	2,000,000	2,000,000
Libya	200,000	800,000	1,000,000	2,000,000	3,000,000	4,000,000
Others (New)	-	500,000	500,000	750,000	1,000,000	1,500,000
<b>Subtotal Country Programs</b>	<b>10,540,157</b>	<b>13,100,000</b>	<b>15,250,000</b>	<b>18,250,000</b>	<b>22,500,000</b>	<b>27,500,000</b>
Missing Migrants & Refugees	250,000	250,000	500,000	750,000	1,000,000	1,000,000
Disaster Victim Identification	64,400	250,000	250,000	250,000	250,000	250,000
Assistance to Justice	-	50,000	50,000	50,000	50,000	50,000
<b>Subtotal Thematic Programs</b>	<b>314,400</b>	<b>550,000</b>	<b>800,000</b>	<b>1,050,000</b>	<b>1,300,000</b>	<b>1,300,000</b>
<b>Total</b>	<b>14,398,667</b>	<b>18,175,000</b>	<b>20,925,000</b>	<b>24,175,000</b>	<b>28,800,000</b>	<b>33,800,000</b>

\*Includes Vietnam and Institutional Development

Table 1:  
Indicative financial resource requirements 2022-2026

#### IV. 2021 BUDGET

33. The income projection for 2021 is USD 14,198,667 with expenditure forecast to be \$14,839,412, resulting in a funding shortfall of \$640,745. This deficit relates solely to the Main Program.

	Main Program			Country/Regional/Thematic Programs						Total
	Statutory Bodies	Cross-Cutting Programs *	Corporate Services	Western Balkans	Iraq	MENA/Syria	Mexico	Colombia	Thematic	
<b>Income</b>										
Restricted	-	1,724,900	-	3,019,707	2,827,900	2,450,800	1,176,250	865,500	250,000	12,315,057
Unrestricted	87,944	1,073,400	722,266	-	-	-	-	-	-	1,883,610
<b>Total</b>	<b>87,944</b>	<b>2,798,300</b>	<b>722,266</b>	<b>3,019,707</b>	<b>2,827,900</b>	<b>2,450,800</b>	<b>1,176,250</b>	<b>865,500</b>	<b>250,000</b>	<b>14,198,667</b>
<b>Expenditure</b>										
Staff Costs	78,360	1,567,640	739,000	1,395,189	1,512,000	1,462,200	777,746	338,300	174,414	8,044,850
Operational Costs	39,500	1,595,797	228,958	1,624,517	1,315,900	988,600	398,504	527,200	75,586	6,794,562
<b>Total</b>	<b>117,860</b>	<b>3,163,437</b>	<b>967,958</b>	<b>3,019,707</b>	<b>2,827,900</b>	<b>2,450,800</b>	<b>1,176,250</b>	<b>865,500</b>	<b>250,000</b>	<b>14,839,412</b>
<b>Surplus/(Deficit)</b>	<b>(29,916)</b>	<b>(365,137)</b>	<b>(245,692)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(640,745)</b>

\* Includes Vietnam and Institutional Development

Table 2:  
2021 Projected Income an Expenditure

#### ❖ Main Program

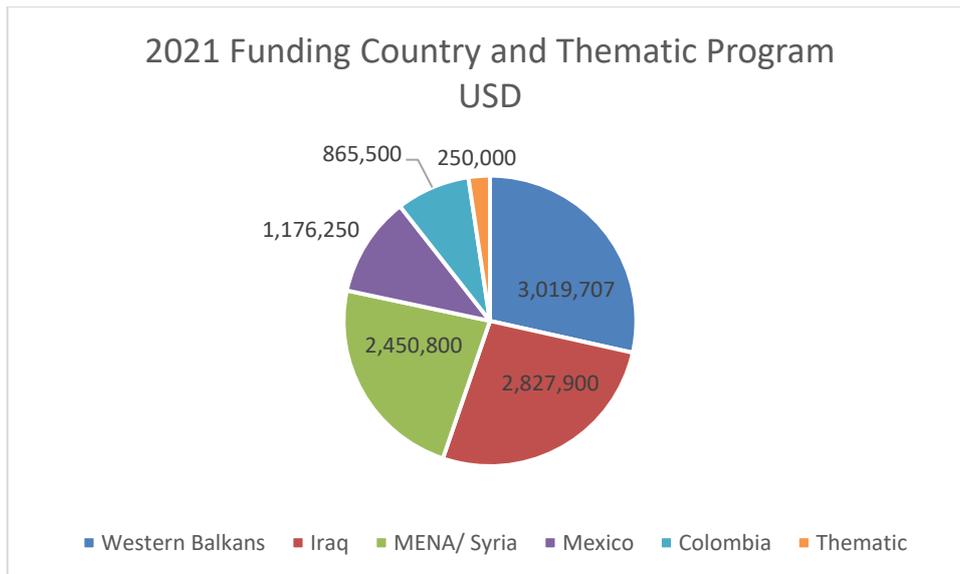
34. ICMP's Main Program consists of three sub program areas; Secretariat Program for Statutory Bodies, Crosscutting programs and Corporate Services:

- **The Secretariat Program** provides support to the ICMP Board of Commissioners, the Conference of States Parties, the Financial Committee, the Global Forum on Missing Persons, and expert, advisory mechanisms called for by the Director-General, such as the ICMP Panel of Experts. Costs for 2021 are projected to be USD 117,860 against funding of USD 87,944 resulting in a deficit of USD 29,916.
- **The Crosscutting programs** consist of Direction and Policy, Institutional Development, Science and Technology, the Wim Kok Centre of Excellence and Learning, Civil Society Initiatives and Data Services and Data Coordination. Direction and Policy is responsible for strategic program management, grants management and communications.
- **Corporate Services** resources are relatively low (5 percent of total funds) compared to similar structures in other international organizations. Corporate Services is responsible for centralized finance, Human Resources, administrative, logistics and security support to country and thematic programs to ensure effective and efficient utilization of resources and compliance with donor requirements.

35. Income for the Main Program totals USD 3,608,510 (25 percent of total budget). Of this, USD 1,724,900 (47 percent) comes from restricted sources, USD 1,211,600 for Science & Technology and USD 513,300 for the Wim Kok Center for Excellence and Learning. The remaining USD 1,883,610 (53 percent) comes from Main Program funding sources (USD 970,000) including grants from the Netherlands and Sweden, and from the UK for the Panel of Experts, and recovery of overhead from delivery of country and thematic programs (USD 913,610). Recovery of the total overhead is contingent on a full spend of all country and thematic program budgets.

#### ❖ **Country and Thematic Programs**

36. Funding for the country and thematic programs totals USD 10,590,157 (75 percent of total budget). Income is projected to equal expenditure as the budget is calculated based on estimates of available funds. Recovery of total funds is contingent on 100 percent delivery of agreed activities within agreed timescales.



**Chart 2:**  
*2021 Funding for Country and Thematic Programs (CTP)*

37. The largest budget for 2021 is for the Western Balkans accounting for USD 3,019,707 (29 percent of Country and Thematic Program (CTP) funds). The main cost components are staff, rent and forensic supplies.
38. Iraq has funding of USD 2,827,900 (27 percent of CTP funds) in 2021. This program includes a relatively high operational cost element, primarily due to security, rental, partner support and conference and workshop provisions. The security budget includes funds for personnel and physical protection measures, given the unstable operating environment and the need to engage local security contractors.
39. The Syria/MENA budget totals USD 2,450,800 (23 percent of CTP funds) in 2021. This program includes funding of USD 437,500 for Support to Partners; grants given to small grass-roots organizations that support delivery of ICMP's mission in country.
40. The Mexico program totals USD 1,176,250 (11 percent of CTP funds) in 2021.
41. The Colombia program, which has funding of USD 865,500 (8 percent of CTP funds) for the year through July 2021.
42. The 2021 budget also includes thematic programs that account for USD 250,00 (2 percent of CTP funds).

**❖ Funding Shortfall**

43. Overall, a funding shortfall of USD 640,745 is currently projected for 2021, which ICMP will seek to cover through a combination of fundraising, cost efficiencies and reductions and the increased absorption of expenditure within the country and thematic programs.

#### 4.1. 2021 Budget by program and cost category

44. The 2021 Budget by program and cost category is detailed below:

	Main Program *	Country/Regional/Thematic Programs						Total
		Western Balkans	Iraq	MENA/Syria	Mexico	Colombia	Thematic	
<b>STAFF COSTS</b>	2,385,000	1,395,189	1,512,000	1,462,200	777,746	338,300	174,414	8,044,850
<b>OPERATIONAL COSTS</b>								
Travel	237,020	230,836	415,300	107,100	138,154	113,300	65,621	1,307,331
<b>Professional Services</b>								
- Contracted Services	329,900	109,280	458,600	113,500	156,200	86,100	-	1,253,580
<b>General Operating Expenses</b>								
- Staff Training and Development	30,000	-	-	-	-	-	-	30,000
- Financial Costs	35,000	34,995	10,000	15,600	-	24,500	-	120,095
- Support to Partners	-	67,660	-	437,500	-	96,100	-	601,260
- Vehicle Maintenance	-	23,172	-	-	-	-	-	23,172
- Public Relations	30,300	7,900	-	19,400	3,000	2,800	-	63,400
- Meetings and Conferences	24,700	56,030	106,200	73,200	-	129,100	8,585	397,815
- Goods Transport and Storage	6,300	9,000	2,000	700	800	-	-	18,800
- Books and Subscriptions	500	-	-	-	-	-	-	500
- Rent and Utilities	326,435	246,794	236,100	144,500	-	25,300	-	979,129
- Maintenance	55,000	31,855	-	-	-	(300)	-	86,555
- Communications	82,800	40,300	8,000	27,500	-	900	920	160,420
- Representation costs	1,500	-	-	-	-	-	230	1,730
	592,535	517,706	362,300	718,400	3,800	278,400	9,735	2,482,876
<b>Supplies and Materials</b>								
- Office Supplies	16,200	21,196	14,500	8,000	-	300	-	60,196
- Office Inventory	4,000	-	-	-	-	-	-	4,000
- Forensic Supplies	346,100	473,400	39,500	-	36,400	-	-	895,400
	366,300	494,596	54,000	8,000	36,400	300	-	959,596
<b>Equipment</b>								
- Equipment	338,500	272,100	25,700	41,600	63,950	49,100	230	791,180
- Vehicles	-	-	-	-	-	-	-	-
	338,500	272,100	25,700	41,600	63,950	49,100	230	791,180
<b>Total - Operational Costs</b>	1,864,255	1,624,517	1,315,900	988,600	398,504	527,200	75,586	6,794,562
<b>Total</b>	4,249,255	3,019,707	2,827,900	2,450,800	1,176,250	865,500	250,000	14,839,412

\* Includes Vietnam and Institutional Development

Table 3:  
2021 budget

45. Personnel costs are budgeted to comprise 54 percent of total 2021 expenditure, which is low in comparison with other international organizations. ICMP currently has 152 staff members, which include personnel in the Main Program and the Country and Thematic programs listed above. Of this number of posts, 59 are part of the Main Program and its CCPs, 1) Direction and Policy, 2) Institutional Development, 3) Civil Society Initiatives, 4) Science and Technology, 5) Data Systems and Data Coordination, 6) the Wim Kok Center for Excellence and Learning (CEL), as well as Corporate Services and the Secretariat Program for treaty or statutory and subsidiary bodies. The remaining staff members are employed in the Country and Thematic programs.

46. Planned country or regional programs during the 2021-2026 period, for which activity plans will be developed subject to funding, include Afghanistan, Botswana, El Salvador, Myanmar, Sri

## ICMP Staff Numbers

Total Staff	FTE		Main Program Staff	FTE
Main Program	59	→	Statutory Bodies	0.8
Western Balkans	27		Direction & Policy	13
Iraq	20		Science & Technology	14
Syria/MENA	26		Wim Kok CEL	2.6
Mexico	2		Civil Society Initiatives	1
Colombia	18		Data Systems/Data Co-ord	10
<b>Total</b>	<b>152</b>		Corporate Services	18
			<b>Total</b>	<b>59</b>

Lanka, The Gambia, Tunisia and Yemen.

*Table 4:  
2021 staffing analysis*

47. Within the other categories, travel comprises 9 percent of the total budget. General operating expenses comprise 17 percent of the budget and cover running costs primarily associated with the field operations, notably rental fees and initiatives in support of civil society (e.g. small grants programs). Professional services comprise 9 percent of the budget and mainly comprise security provisions. Supplies and materials are 6 percent, primarily covering the cost of forensic supplies. The furniture and equipment line totals 5 percent of the budget and includes the cost of equipment required for the DNA laboratory and the country programs.

## V. MAIN PROGRAMS

48. ICMP's Main Program constitutes the central thematic and regional or country program implementation capacity of the organization mostly located at ICMP HQ in The Hague. The Main Program consists of six Crosscutting Programs (CCPS), as well as Corporate Services and the Secretariat program for ICMP treaty or statutory and subsidiary bodies. The CCPs are: 1) **Direction and Policy**, 2) **Institutional Development**, 3) **Civil Society Initiatives**, 4) **Science and Technology**, 5) **Data Systems and Data Coordination**, 6) the Wim Kok **Center of Excellence and Learning (CEL)**.

### 5.1 Direction and Policy (DP)

Introduction
The DP CCP includes the Director-General (DG), the Director of Policy and Cooperation (PC), the Communications Unit, Program Coordination and Impact Unit (PCI), the Documentation Unit (DU) and the Legal Unit (LU).
DP provides strategic direction and leads the implementation of all ICMP Programs and activities. The Program supports and provides a secretariat to ICMP treaty or statutory and subsidiary bodies, including the BoC, the CSP, the FC, the PE and GF (see section xxx below). It is also

responsible for efforts to broaden state participation in ICMP as Parties, Signatories and Observers, or through States' adherence to ICMP declarations and other instruments, or through technical cooperation and assistance.

DP is responsible for enhancing and strengthening cooperation with governments, particularly in new program areas through concluding agreements or other arrangements that allow for program implementation, as well as building the institutional and technical capacities of state institutions to address the issue of missing persons. DP functions ensure effective outreach and planning across programs through inclusive consultative processes, and by ensuring that ICMP's policies, standards and best practice become known and readily accessible to all.

The Communications Unit manages public relations and media relations across all ICMP program areas. The Program Coordination Impact (PCI) Unit is responsible for coordinating fundraising, proposal writing, grants management and reporting, Monitoring, Evaluation, Accountability, and Learning (MEAL). DU and LU provide documentation and legal services.

**Program objectives**

- Provide strategic direction and oversight to the organization;
- Ensure compliance of thematic, regional and country programs with regulatory frameworks, including the ICMP Agreement, bilateral agreements and ICMP Staff Rules and Regulations;
- Ensure the full implementation of ICMP's mandate through country and thematic programs;
- Develop with the CCPs programs that are adapted to the operational context and based on data and lessons learned;
- Secure support from governments, international organizations and others;
- Raise awareness of the global challenge of missing persons;
- Ensure inclusiveness of the organization of all global regions and other representational requirements, including maintaining the gender balance;
- Securing grant and other funding to meet the requirements of the organization;
- Ensure broad participation in ICMP's work through partnerships and membership in the organization.

**Planned outcomes**

- Global participation in ICMP is strengthened;
- New States, including from Africa and Asia participate in ICMP;
- Voluntary core funding and other support is secured;
- Key cooperative relationships are established or further advanced;
- Good governance on the issue of the missing is advanced globally;
- ICMP's thematic and country programs contribute measurably to global development goals;
- Multilateral engagement with and among states is further strengthened.

**Strategy 2021-2026**

- DP will direct and manage all ICMP programs, work on augmenting its current activities, ensure the smooth functioning of ICMP's governance structures, and meet the immediate goal of securing multi-donor structural/core funding. It will also work on expanding state participation in ICMP;
- It will support States Parties and others in reviewing the ICMP Agreement to redress any possible disincentives to broader State participation and creating possibilities for securing more sustainable funding;
- It will further advance ICMP's multilateral approach in the field of technical assistance in the human rights and rule of law field;
- DP will work on expanding and developing cooperation with additional international and

other organizations whose mandates relate to the issue of missing persons with a view to minimizing duplication of efforts and creating opportunities for synergies and resource sharing;

- DP will further advance ICMP’s multilateral technical assistance in particular concerning scientifically-based human identification work, in particular through DNA analysis, transnational data processing and capacity building in the administrative and legal fields.

## 5.2. Institutional Development (ID)

<b>Introduction</b>
Institutional Development (ID) is led by the DG and DPC, and includes HOPs and GRs. ID involves institutionalizing and optimizing processes to account for missing and disappeared persons domestically and multilaterally. Persons go missing because of failures or omissions of effective and transparent institutionalization of such processes. This directly affects trust in institutions responsible for upholding the rule of law and thereby undermines the capacity of states to achieve their broader development objectives and obligations. While institution building in regard to missing persons focuses in many instances on low-income or developing countries, or on countries afflicted by violence or war, it is often also necessary in countries with advanced economies and stable rule-of-law systems, when they are affected by international missing persons issues. In the context of globalization, with increasing numbers of refugees and migrants, and deteriorating environmental conditions, the internationalization of missing persons issues has increasingly become the norm. ID in regard to missing persons therefore necessitates a central capacity and administration through the ID program.
<b>Program objectives</b>
ID operates along three strategic lines: <ul style="list-style-type: none"> <li>• Developing and deploying methods for assessing in local contexts the performance of domestic and multilateral processes to account for the missing against human rights and rule-of-law requirements;</li> <li>• Improving organizational performance and mechanisms through which processes of accounting for the missing are administered; and</li> <li>• Directly strengthening institutions in countries through capacity building and minimizing international substitution for responsibilities and functions, thus promoting local ownership and visibility of institutional achievement.</li> </ul>
<b>Planned outcomes</b>
<ul style="list-style-type: none"> <li>• Institutions are resourced, capable and motivated;</li> <li>• Local ownership of processes (goals and means) is achieved;</li> <li>• Institutional governance is accountable and transparent both horizontally to communities and vertically to leadership and oversight agencies;</li> <li>• Institutionalized processes conform to the rule of law and human rights obligations.</li> </ul>
<b>Strategy 2021-2026</b>
<ul style="list-style-type: none"> <li>• ID will, in cooperation with the Panel of Experts, further develop indicators for assessing processes and institutional performance on the missing;</li> <li>• ID will develop a handbook on institutional governance of missing persons investigations, including a comparative analysis of legislative frameworks;</li> <li>• ID will support the development of transparency and communication systems to enhance accountability and trust in institutions;</li> <li>• ID will contribute with subject matter expertise to the Wim Kok CEL training program on good governance in missing persons investigations.</li> </ul>

### 5.3. Civil Society Initiatives (CSI)

<b>Introduction</b>
CSI seeks to ensure that families of the missing understand official processes of accounting for missing persons and are capable of exercising their participatory rights in support of these processes. CSI supports initiatives to foster collaboration among families of the missing from diverse backgrounds to enhance unity and solidarity and reduce divisions and politicization of the issue. Since the majority of those who go missing in armed conflict are men, and the majority of survivors are women, the CSI Program promotes gender-specific approaches to the needs and rights of victims and enhances gender equality by championing female leadership among affected communities.
<b>Program objectives</b>
CSI operates along four strategic lines. It: <ol style="list-style-type: none"><li>1. Consolidates and maintains a detailed understanding of the CSI operational environment in a given country, regional or thematic program;</li><li>2. Contributes to the capacity building of CSI actors;</li><li>3. Advances the participation of CSI actors in respecting and promoting a rule-of-law approach to the issue of the missing persons; and</li><li>4. Ensures the participation of families in official processes to account for the missing.</li></ol>
<b>Planned outcomes</b>
<ul style="list-style-type: none"><li>• Civil society is aware of State responsibilities on the issue of the missing and its relevance to overall societal development and social wellbeing;</li><li>• Families of the missing are not marginalized, politically manipulated or otherwise discriminated against;</li><li>• Families of the missing (re)gain trust in government entities discharging State responsibilities in respect of missing persons and support such entities in their efforts;</li><li>• These entities become more deserving of trust.</li></ul>
<b>Strategy 2021-2026</b>
<ul style="list-style-type: none"><li>• CSI will consolidate and expand civil society development initiatives in and among country programs. In 2021, ICMP will launch its Global Strategy for Families of the Missing and Civil Society, including actor mapping, training and capacity building and the design of assessment frameworks on the rights of survivors and advanced analytical tools;</li><li>• CSI will expand ICMP's partnerships, and create local and global networks of families of the missing and like-minded CSOs and coordination and cooperation mechanisms among CSOs, and between CSOs and relevant institutional actors;</li><li>• CSI will promote improved understanding among local actors of connections between gender equality and the issue of the missing, and of the importance of providing a space for civil society in the process.</li></ul>

### 5.4. Science and Technology (ST)

<b>Introduction</b>
ST spans the processes of location, recovery and identification of missing persons, and reflects an integrated repository of experience, operating procedures and informatics. ST's primary purpose is to assist government authorities and others through scientific and technical support. ST works closely with the CEL to ensure that advanced technical methods, practical experience and strategic insight can serve as a continuing global resource for training and capacity building.
The ST Program provides direct technical assistance and training in support of ICMP's country programs, and maintains capacities in forensic archeology and anthropology and accredited

standing capacity for DNA testing and kinship matching, to be applied as required in support of governments or other partners. ST also provides field-based forensic science assistance, including imagery and Geographical Information Systems (GIS) analysis, investigatory site assessments, as well as excavation and documentation of sites of forensic interest. In addition, ST makes available mortuary-based expertise focused on osteology and bioanthropological methods, analyzes and documents evidence of trauma, samples the remains of deceased missing persons for DNA testing using empirically-based protocols, and conducts a wide range of training and capacity-building in support of country programs and external partners.

**Program objectives**

- Provide technical solutions to governments and others to locate, recover and identify missing persons, including internationally accredited DNA capacity to respond to large-scale emergencies;
- Provide technical and scientific expertise for ICMP training and capacity-building goals, in coordination with other ICMP departments and programs, in particular through the CEL and the Assistance to Justice Program;
- Support judicial processes of States and international justice and investigative institutions to advance social cohesion and individual rights.

**Planned outcomes**

- ST maintains accredited high-throughput DNA laboratory capacities for DNA testing and matching in direct support of country programs and governments, in addition to building capacity through training and mentorship;
- ST continues to develop novel DNA solutions for DNA identification to build increased capacity for DNA identification of missing persons;
- ST advances forensic archeology and anthropology protocols, investigative techniques and osteological mortuary management expertise at the domestic level to support effective missing persons investigations.

**Strategy 2021-2026**

- During the 2021-2026 period, ST will advance scientific capabilities to assist missing persons investigations through the rapid development of new testing protocols and methods, including the development and large-scale implementation of a custom single nucleotide polymorphism (SNP) assay specific to missing persons casework;
- ST will work primarily to the goals defined by country programs, where training requirements in the DNA, forensic anthropology and archeology fields are often extensive;
- ST will further tailor relevant data processing and reporting requirements to data protection needs in developing countries.

**5.5. Data Systems and Data Coordination (DSDC)**

**Introduction**

DSDC develops and operates ICMP’s global missing persons data processing systems with the aim of optimizing the availability and quality of data on missing persons, including ensuring effective data flow and synchronization of data from internal and external sources, and in conjunction with the CEL trains domestic partners in its use. DSDC’s most extensive web-based missing persons data processing application, the iDMS system, includes integrated applications that support the process of storing, viewing and analyzing large amounts of data on missing persons and investigation processes and currently holds data on more than 150,000 missing persons.

**Strategic program objectives**

- DSDC will continue to make existing software more secure, user-friendly and applicable to

<p>diverse situations around the world, accessible in multiple languages and compliant with domestic legal specifications;</p> <ul style="list-style-type: none"> <li>• DSDC will provide tools, training and support in the data processing field, in particular by domestic partners;</li> <li>• DSDC will further advance good data governance frameworks to improve legal processing capacities by domestic partners.</li> </ul>
<p><b>Planned outcomes</b></p> <ul style="list-style-type: none"> <li>• Data systems on missing persons including the iDMS are used by domestic government institutions so as to ensure robust and secure missing persons data processing;</li> <li>• Data protection guarantees are upheld by policy and design that enables effective control over personal data by data subjects;</li> <li>• Data governance frameworks include partner organizations as well as government entities participating in data processing.</li> </ul>
<p><b>Strategy 2021 -2026</b></p> <ul style="list-style-type: none"> <li>• DSDC will focus on improving mechanisms to measure quality, adequacy and availability of data;</li> <li>• DSDC will develop software modules to simplify access and reporting, to be accompanied by SOP documents, user manuals and user guides, as well as by training for domestic authorities to operate these systems independently;</li> <li>• Data governance will be strengthened by facilitating data subject control over personal data at the time of processing, and by providing a standing complaints mechanism;</li> <li>• DSDC will also enhance the Data Systems Quality Management/Quality Control (QM/QC) mechanism by strengthening the security posture of evaluated web applications underlying IT systems and networks for protection against external threats.</li> </ul>

## 5.6. Wim Kok Center for Excellence and Learning (CEL)

<p><b>Introduction</b></p> <p>ICMP's Wim Kok Center for Excellence and Learning (CEL) is named after the late former Dutch Prime Minister, who died in October 2018 and who had been an ICMP Commissioner since 2002. The CEL continues Wim Kok's legacy as a trusted partner to governments, civil society and others.</p> <p>The CEL coordinates ICMP's training functions; it supports the development of capacity building strategies and good practice pertaining to the issue of missing persons, and helps ICMP to maintain the highest standards of quality in design, delivery and assessment of capacity building activities. It uses new technologies for course design and delivery in line with ICMP's strategic priorities. The CEL is supported, as necessary, by an ICMP Panel of Experts, which comprises distinguished internal and external researchers and practitioners in the field of human rights, rule of law, justice, and forensic science. The CEL functions under the direction of the Director for Policy and Cooperation.</p>
<p><b>Program objectives</b></p> <p>To foster global sharing of knowledge, experience and technical expertise, the CEL undertakes to:</p> <ul style="list-style-type: none"> <li>• Provide capacity-building and training opportunities to government agencies, families with missing relatives, civil society representatives, prosecutors, court-appointed experts and law enforcement personnel;</li> <li>• Plan, design and organize virtual and face-to-face training programs and other learning activities on all aspects of the missing person process, including legal, investigative, scientific and technical aspects;</li> </ul>

- Maintain and provide access to a repository of training and peer-reviewed material, acting as a focal point for in-person and virtual dialogue, collaboration and knowledge sharing through the hosting of a Learning Management System and scenario-based learning programs; and
- Promotes good training practices, supporting the development of curricula, needs assessment processes, and the development of monitoring and evaluation tools.

#### **Planned outcomes**

The overarching goal of the CEL over the next five years will be to:

- Enhance ICMP's Capacity Building Framework and continue to formulate training standards for the organization, to strengthen its digital learning portfolio and online delivery capabilities, as well as to increase its course offerings for the general public and for organizations and families of the missing that are currently not beneficiaries of ICMP Programming;
- Develop a compendium of good practices for training, ultimately resulting in ICMP's guideline for capacity building;
- Work on the development of a framework for pre- and post-training evaluations, as well as on a toolkit for conducting evaluations that take into consideration the human rights, cultural, and situational context of the learners;
- Develop a train-the-trainer program to improve the teaching and facilitating skills of those involved in the planning, delivery, and implementation of training;
- Lead the development of small private interactive online courses (SPOCs) via ICMP's learning management system;
- Develop a training program for Future Leaders interested in working on issues related to missing persons, through a Summer Academy on Missing Persons;
- Further develop capacity-building partnerships with relevant universities and other academic institutions, as well as leverage the expertise of other international and inter-governmental organizations, or national authorities with which ICMP has partnerships or memorandums of understanding; and
- Initiate the development of a community of practice related to human rights and rule-of-law capacity-building and monitoring and evaluation. It will also continue to advance standards globally in the application of forensic anthropological and archaeological methods, and the creation and development of data and information management systems, as well as advance standards globally for missing persons DNA laboratory systems and their technologies.

#### **Strategy 2021-2026**

The CEL is pursuing the following strategic objectives during the 2021-2026 period:

- To become the centralized focal point at ICMP for knowledge management, working across all functional and thematic areas to lead the integration of best practice that aligns with ICMP core activities, values and functions. It will establish and maintain capacity-building processes and set the standard for training excellence in the missing persons process;
- To fully adopt a learner-centered approach, with analysis of the challenges, learning gaps and needs of its audience, of the creative process for the design and development of learning initiatives;
- To pursue accreditation of its activities in order to increase its international stance and profile.

## 5.7. Corporate Services (CS)

<b>Introduction</b>
CS provides administrative support, and ensures the effective and efficient allocation and utilization of resources, as well as human resource management.
<b>Program objectives</b>
<ul style="list-style-type: none"> <li>• Ensure the consistent, accurate and continued application of ICMP’s administrative, financial and human resources policies, procedures and guidelines;</li> <li>• Ensure that ICMP’s administrative and financial policies, procedures and guidelines remain fit for purpose through their continuous review and improvement;</li> <li>• Provide effective and efficient administrative services to enable and support ICMP’s program activities.</li> </ul>
<b>Planned outcomes</b>
<ul style="list-style-type: none"> <li>• ICMP implements its mandate and programs efficiently and effectively and in compliance with ICMP’s rules, regulations, policies and procedures.</li> </ul>
<b>Strategy 2021 -2026</b>
<ul style="list-style-type: none"> <li>• During the 2021-2026 period, CS will oversee administrative functions, financial planning, administration and reporting, including facilitating external audits, in accordance with ICMP policies, procedures and guidelines;</li> <li>• CS will continue to strengthen financial management systems and procedures and will provide timely, accurate and relevant reports and advice to senior managers and donors on financial policies and budget implementation rates in order to ensure optimal utilization of resources within budget ceilings;</li> <li>• Human-resources management will lead the recruitment of personnel, coordinate staff welfare and meet staff training needs and develop goals. Staff well-being will be a focus, notably in the area of psychosocial support and stress management given the challenging environments in which staff often work;</li> <li>• CS will continue to support and enhance ICMP’s IT infrastructure by administering servers and networks, as well as data storage and software services required to ensure efficient operations, while ensuring a secure IT environment that mitigates cyber threats;</li> <li>• CS’ general services will continue to ensure that organization-wide assets are managed in accordance with ICMP policy; CS will provide travel, transportation and customs clearance support, and ensure the timely and cost-efficient provision of required goods and services in accordance with international standards of public procurement.</li> </ul>

## 5.8. Secretariat Program: ICMP Treaty or Statutory and subsidiary bodies (TSSB)

<b>Introduction</b>
<p>ICMP was originally created in 1996 at the G-7 Summit in Lyon, France, as a blue-ribbon Commission of eminent individuals. The initial Commissioners were appointed by their respective governments, including Cyrus Vance as the first Chair, or were invited by the US State Department in the case of institutional representatives, including the President of the ICRC and the OSCE High Commissioners on National Minorities. Whereas all ICMP Chairpersons continued to be appointed by the US Secretary of State until the entry in effect of the <i>Agreement on the Status and Function of the International Commission on Missing Persons</i> (the ICMP Agreement) in 2015, cooptation among incumbent Commissioners became the primary mode of ensuring continuity in the Commission.</p> <p>The ICMP Agreement established a Board of Commissioners (BoC) to consist of Commissioners</p>

listed in the Annex thereto, and subsequently to be appointed from among eminent persons upon the invitation of the BoC (Article III 4.) The original Signatory States to ensure in this manner the greatest possible independence of ICMP. The BoC adopts the organization's program of work, staff regulations and policies, considering policy directives promulgated by the Conference of States Parties (CSP) and subject to financial regulations as adopted by the CSP's Financial Committee (FC). The Secretariat to the BoC is provided by the Director-General and the Director for Policy and Cooperation.

The following subsidiary bodies have been established pursuant to Article III 5. Of the ICMP Agreement:

- The Inter-Agency Committee (IAC) bringing together international and other organizations with a public mandate concerned with the issue of the missing. The Secretariat to the IAC is provided by the DG or the Heads of Programs of thematic, country or regional programs where IAC meetings serve as consultations at the level of such programs;
- The Panel of Experts, providing advice to the Director-General on issues pertaining to the Organization's current or future work program, and compiling the Global Report on Missing Persons;
- The Global Forum providing an agora comprising the BoC, PE and IAC, plus civil society organizations and representatives of families of the missing. The GF is currently a virtual space.

**Program objectives**

- Meetings of the TSSB are held as planned and in consonance with their Rules of Procedure or Terms of Reference;
- Documents are prepared, edited and released in a professional and timely manner;
- Professional strategic, policy and legal advice is provided;
- Outcomes of deliberations for implementing resolutions or recommendations are disseminated in a timely manner.

**Program outcomes and strategy BoC**

- The BoC provides effective guidance and oversight for the Organization in strengthening mandate implementation and relevance of the Program of Work;
- Political will to address the issue of missing persons through a human rights and rule-of-law-based approaches is strengthened;
- Participation of States in ICMP is improved through high-level outreach to governments;
- Resource and capacity gaps are bridged through effective communication with donors and partner organizations;
- Multilateral working mechanisms at the level of the organization and its programs are continuously advanced;
- Inclusiveness of underrepresented groups is continuously improved at the level of the organization and its programs;
- Addressing the issue of persons going missing and disappearing is universally embraced as an investment in peace, development and social well-being.

In the coming period, ICMP's BoC Secretariat Program will reinforce five BoC objectives:

- Supporting the process of a review of the ICMP Agreement as stipulated under its Article IX 7 with a view to addressing possible disincentives to broader State participation; Creating additional incentives for participation in ICMP; Creating possibilities for securing more sustainable funding for ICMP under agreements among States Parties and signatory, as well as third States;
- Securing political will and commitments of governments in program areas to effective

approaches to locating the missing based on human rights and the rule of law in particular through multilateral mechanisms for that purpose;

- Securing multilateral engagement by donors in respect of ICMP country and thematic programs, in particular regarding peace processes in which missing persons figure prominently on agendas;
- Fostering a more cohesive international response in line with existing obligations to persons going missing and disappearing by addressing global inequity impacting developing and low-income countries in particular.

Ensuring the full representation of all global regions on the BoC and within consultative bodies, including the Panel of Experts, as well as through State participation in the CSP.

#### **Program outcomes and strategy CSP**

- States Parties, signatory States and Observer States and Organizations are apprised of ICMP's activities;
- States Parties discuss and recommend policy directives for the BoC;
- States Parties discuss and recommend joint measures to advance the aims of ICMP.

Multilateral working mechanisms at the level of the organization and its programs are continuously advanced.

In the coming period, the CSP Secretariat Program will reinforce three CSP objectives:

- Supporting the CSP in its participation of a review of the ICMP Agreement as stipulated under its Article IX 7;
- Supporting the CSP on measures to advance the aims of ICMP i.e. through improving the sustainability of standing technical capacities of the organization in the scientific and data processing fields, including data processing security;
- Ensuring synergies between ICMP and Observer and other organizations concerned with missing persons in the technical and policy field;
- Securing consensus on the role of ICMP in respect of specific thematic, country and regional programs, in particular concerning programs in the Middle East and the Americas.

Enhancing the role of the CSP in program implementation, in particular through convening Multilateral Fora in program areas.

#### **Program outcomes and strategy FC**

- States Parties and other participating States are apprised of ICMP's activities in the past year and the coming year;
- The FC adopts recommendations relating to ICMP's financial management.

The FC reviews and approves ICMP's financial regulations and reporting format.

In the coming period, the FC Secretariat Program will reinforce the following FC objectives:

- Supporting the FC in its participation of a review of the ICMP Agreement as stipulated under its Article IX 7;
- Supporting the FC in formulating recommendations relating to ICMP's financial management in particular concerning thematic, country and regional program allocations on the one hand and structural or core allocations, including HQ requirements, on the other;
- Reviewing ICMP's financial regulation in tandem with the Treaty review process.

#### **Program outcomes and strategy IAC**

- Continuously to improve inter-agency coordination in the fields of data processing, technical cooperation and developing best practice on missing and disappeared persons issues;
- To consider specific missing and disappeared persons issues globally with a view to optimizing the use of financial and other resources in order more effectively to prevent persons from going missing or disappearing and to account for missing and disappeared persons;
- To address legal constraints, omissions and gaps in regard to missing and disappeared persons scenarios and endeavour to redress the adverse impact of these on missing and disappeared persons.

In the coming period, the IAC Secretariat Program will reinforce the following IAC objectives:

- Providing inter-agency coordination and support in emergencies and communicate coordinated response plans to domestic and other authorities where necessary;
- Strengthening planning and leadership capacities to address missing and disappeared persons issues;
- Enhancing transparency and accountability for effective coordination among agencies.

Apprise the Global Forum of steps taken to advance the responsibility of domestic and other authorities concerning missing and disappeared persons, as well as civil society in goal setting and strategic planning.

#### **Program outcomes and strategy (PE)**

- The PE meets in plenary session at least once a year to discuss crosscutting issues;
- The PE Editorial Group and Peer Group compile the Global Report for finalization and publication by the Secretariat;
- The PE supports the DG and the BoC in advancing ICMP policy objectives.

In the coming period, the PE Secretariat Program will reinforce the following PE objectives:

- Ensuring the representation of global regions in the PE, as well as ensuring a gender balanced panel;
- Supporting PE participation in a review of the ICMP Agreement as stipulated under its Article IX 7.

#### **Program outcomes and strategy GF**

- Effective and holistic approaches and mechanisms to address the issue of the missing are designed, developed and shared, based on stakeholders' experience and expertise;
- Relevant policies and practical challenges and opportunities in efforts to account for missing and disappeared persons, regardless of the circumstances under which people may have gone missing, are discussed;
- Best practice and experience in formulating effective strategies for sustainable and transparent efforts to account for missing and disappeared persons and to facilitate the application of these strategies wherever they are needed are Identified and exchanged;
- Partnerships and cooperation with ICMP and with various stakeholders across regions are established;
- Policy development and coherence at national and international levels are promoted to account for missing and disappeared persons;
- Capacity-building and empowerment initiatives to benefit CSOs and families of the missing are advanced;

- Knowledge and interest constituencies around the issue of missing and disappeared persons are fostered.

In the coming period, the GF Secretariat Program will reinforce the following PE objectives:

- Ensuring the representation of global regions in the GF, as well as ensuring a gender balanced panel;
- Systematizing and producing knowledge;
- Ensuring that the GF meets the needs of the participants for exchange, discussion and dissemination;
- Creating partnerships to maintain the GF, focused on local and country specific needs and promoting cross fertilization and learning to and from global and crosscutting issues;
- Supporting GF participation in a review of the ICMP Agreement as stipulated under its Article IX 7.

Supporting the outreach functions of the GF through public events, including seminars and conferences and providing expert advice to thematic, country and regional ICMP programs.

## VI. COUNTRY PROGRAMS

49. ICMP's expertise and technical capacity make it possible to address the social, political, legal and scientific challenges of different missing persons scenarios in an effective way throughout the world. Country programs vary in scope and complexity, but all contain elements of the CCPs and are initiated on the basis of clearly articulated requests by governments.

### 6.1. Colombia

#### Introduction

The parties to the Final Peace Agreement of Colombia, signed in November 2016, invited ICMP to support the peace process as an international partner on the issue of missing persons, an item covered in point 5 of the agreement in relation to victims of the armed conflict, and in support of the overall agreement implementation in point 6 of the Peace Agreement.

The Peace Agreement seeks to end a 50-year armed conflict by securing the demobilization of the Revolutionary Armed Forces of Colombia (FARC-EP) and their transformation into a political group as well as addressing root causes of the conflict and its impact on the civilian population. The agreement recognizes that victims are central to peacebuilding, and establishes three institutions as part of a mechanism established by the Agreement, the Comprehensive System for Truth, Justice, Reparations and Assurances of non-Repetition (SIVJRNR): a truth commission, a special criminal jurisdiction for crimes committed during the conflict, and the Search Unit for Missing Persons (UBPD), an institution mandated to lead efforts to account for those who went missing as a result of or in the context of the armed conflict.

Building on its past experience in Colombia (2008-2011) and on its role in the Peace Agreement, in 2018 ICMP negotiated with the Search Unit a program of support, funded by the EU, which began on 1 February 2019 and will end on July 2021. ICMP's priorities in Colombia include transferring knowledge to boost the capacity of the Search Unit to search for, locate, and recover missing persons, and enhancing the capacity, public participation and engagement of families of the missing in efforts to account for missing persons.

In addition, ICMP aims to support other Colombian institutions that have a role in regard to the issue of the missing, helping them to deliver effective assistance to the Colombian government. To this end, ICMP will seek to strengthen the capacities of the General Prosecutor's Office, the Directorate of Criminal Investigation and INTERPOL (DIJIN), the National Institute of Legal Medicine and Forensic Sciences, the Special Jurisdiction of Peace (JEP), and the Colombian Procurator-General, and promote their collaboration with one another.

**Program objectives**

- Transfer knowledge to boost the capacity of the national institutions to search for, locate, and recover missing persons;
- Ensure cooperation, collaboration and dialogue among Colombian institutions around the issue of the missing;
- Facilitate education and engagement of families of the missing and civil society in the activities of the national institutions;
- Support the L&D of family associations and CSOs on the issue of the missing;
- Promote leadership and collaboration among CSOs for an impartial and inclusive process of accounting for missing persons;
- Enhance the capacity of CSOs to collect, protect and share data on missing persons;
- Promote visibility and international engagement on the issue of the missing;
- Advance international cooperation on missing persons, among other things by encouraging Colombia's accession to the ICMP Agreement.

**Planned outcomes**

- Sustained commitment and political will in Colombia to account for missing persons;
- Support for the data-processing infrastructure and processes of the Search Unit;
- Assistance to data collection efforts by civil society and the FARC-EP;
- Effective institutional participation and engagement of families of the missing and civil society secured;
- Forensic operations and field capacity of the national institutions improved.

**Strategy 2021 -2026**

During 2021 ICMP will continue implementing activities mainly focused on strengthening civil society participation in the peace process in the context of finding the missing. These activities are in line with the no-cost extension approved by the EU; the contract and program phase will be concluded in July 2021.

Mapping new relations with Colombian institutions is one of the priorities, especially due to the recently agreed Research Plan and the UBPD's strategic planning. New ways of working as a result of new relationships will be the basis for designing the future Colombia program. It is expected that by the second semester of the year new funding opportunities will have been identified to help define and shape future actions in the country. It is also expected that a mid / long-term program can be supported by new donors to be implemented from September 2021 / August 2024 – 2026.

ICMP will seek to support the development of CSOs and strengthen their role in advocating for an effective response from the State. ICMP will also seek to promote their joint collaboration across the political divide and their participation in initiatives undertaken by National institutions.

At the operational level, ICMP will seek to support data collection efforts notably from CSOs and from former combatants, in order to contribute to efforts by the Search Unit to centralize information that can be used for search efforts.

Central to ICMP's strategy in Colombia will be an effort to ensure the capacity to reach remote locations and families who have traditionally lacked access to State institutions. ICMP's focus will reflect the aspirations of the Peace Agreement and will be gender-justice oriented and will integrate specialist approaches to include the participation of minorities and special groups.

## 6.2. Iraq

### Introduction

Iraq is affected by very high numbers of missing persons. Estimates run from 250,000 to one million persons missing from decades of conflict and human rights abuse including missing persons from the Ba'ath regime, the Iran/Iraq war, and the Gulf Wars, as well as those missing since 2003. The issue has significant consequences for society and security in Iraq today. Tens of thousands of families suffer the anguish of uncertainty regarding the fate of their relatives, and communities entertain different and often conflicting accounts of the truth. Further, many surviving family members are unable to access their rights, due to administrative, political and legal hurdles.

People continue to go missing and few measures have been implemented to end impunity for enforced disappearance and other crimes that cause persons to go missing. Moreover, laws, policies and customs concerning missing persons diverge and often excessively categorize missing persons according to group characteristics or the presumed circumstances of their disappearance.

As a result, the work of multiple agencies and institutions that deal with the issue of missing persons has developed in an *ad hoc* manner that cannot adequately safeguard the rights of survivors, including families of the missing and does not comply with international obligations to search for and locate missing persons. Such weaknesses are inevitable for any country in transition. However, they have been particularly acute in Iraq because of the circumstances in which institutions must operate and the extremely large number of persons who have gone missing over the past decades.

ICMP has worked with the authorities in Iraq since 2003 and has contributed over the years to the development of a structured approach based on the rule of law. Iraqi institutions and policymakers have taken some steps by establishing institutions and developing legislation, particularly the Law on Protection of Mass Graves (2006), amended in 2015 to the Law on Mass Graves Affairs to include persons missing as a result of Da'esh-related atrocities. Other relevant laws are the 2006 Law of the Ministry of Martyrs and Anfal Affairs of the Kurdistan Region of Iraq (KRI), and the Forensic Medicine Law of 2013. In 2006, the Martyrs' Foundation (MF) was established to oversee support and reparations to the families of martyrs. In 2010, Iraq signed the International Convention on the Protection of All Persons from Enforced Disappearances (ICPPED). The Ministry for Human Rights was given the lead responsibility for missing persons issues, but its mandate ended with the dissolution of the Ministry in 2015 and the lead responsibility for mass graves passed to the MF, while other competencies were passed to the Ministry of Justice. In the Kurdistan region, the Ministry for Martyrs and Anfal Affairs (MoMAA) has responsibility for mass graves and for supporting the families of victims. In 2007 the Law on Rights and Privileges of Families of the Martyrs and Anfal Victims was passed, defining the benefits and entitlements of surviving family members.

In parallel with institutional and legislative developments there has been an increasing engagement by civil society on missing persons issues.

According to the MF, 216 mass or clandestine graves have been excavated by the relevant government agencies as of 2019. At the same time, new testimony has led to the discovery of more mass and clandestine graves. Equally important is the limited capacity for scientific DNA-led identification for victims of the former regime.

Challenges identified in the MF analysis “Mass Graves in Iraq” covering the period of 2007-2017 include the need to train specialist teams in detecting, excavating and opening mass graves; to explain the missing persons strategy more effectively to families of the missing, to the public and to government departments; to facilitate the prosecution of crimes related to mass graves; to establish a national center to coordinate all resources and efforts related to accounting for the missing; to establish a coherent system to collect and examine unidentified remains; to apply appropriate forensic methods to mass graves resulting from recent terrorist activities and those that are decades old; to improve the system of using DNA; and to improve communication among Iraqi agencies and with the international community.

The strategic challenges identified in “Mass Graves in Iraq” provided the basis for a planning workshop involving ICMP and its Iraqi partners in 2019. The recommendations formulated at the conclusion of this workshop identified a number of strategic priorities for ICMP’s work in Iraq, including to:

- Assist the Iraqi authorities in developing comprehensive strategies that can identify gaps in the current institutional and legislative landscape and propose solutions through a continuous dialogue and participatory processes;
- Provide continued support for the establishment of a system of central records of all missing persons from Iraq’s recent past, as well as enhancing data processing and protection mechanisms and instituting centralized data processing systems connecting responsible authorities and institutions;
- Provide expertise and technical advice on the formation of an institutional and legislative framework to secure rights to truth, justice, and reparations and corresponding procedural and administrative rights, with a particular focus on ensuring that the specific rights of women survivors are upheld;
- Assist the Iraqi authorities in developing a coordinated strategy for locating and recovering missing persons, based on impartial and transparent evidence-based criteria, and additionally, developing forensic quality assurance standards in laboratories and at crime scenes to permit effective utility in justice proceedings; and
- Help to strengthen the capacity of CSOs in their work with families of the missing and in building bridges with government authorities.

#### **Program objectives**

- To support the Iraqi authorities in the development and implementation of a centralized structure, to locate and identify missing persons, irrespective of race, religion, nationality, ethnic origin, or circumstances of disappearance;
- To support the establishment of central records of all missing persons from Iraq’s recent past;
- To help Iraqi institutions involved in processing personal data to implement appropriate safeguards and policies governing data protection processes, in line with international standards and obligations including those from the ICPED, to which Iraq has become a Party;
- To support the authorities in implementing a credible, transparent and coordinated strategy for locating and recovering missing persons and recovering human remains based on impartial and transparent evidence-based criteria;
- To strengthen the capacity of Iraqi CSOs and family groups in their work with families of

the missing and building bridges within and between civil society and government authorities, and play an active and effective role in ensuring that the government, at all levels, secures their rights;

- To improve legislation to secure all rights including access to truth, justice, and reparations, especially for women survivors and female-headed households;
- To assist the Iraqi authorities in developing a coordinated strategy for locating and recovering missing persons, based on impartial and transparent evidence-based criteria;
- To provide assurance that forensic standards in mortuaries, laboratories and at crime scenes accord with international best practice and can effectively and reliably support judicial proceedings;
- To assist the Iraqi authorities in developing effective means for the scientific identification of missing persons, including centralized or inter-linked DNA testing and database functions.

#### **Program outcomes**

- A national missing persons strategy is elaborated and implemented;
- A centralized structure, facilitated by a central records system, to locate and identify missing persons is established;
- Domestic authorities have the capability and institutional resources to undertake effective missing persons investigations;
- Civil society and families of the missing actively engage in securing their rights;
- The Iraqi authorities have strengthened their capacity to bring perpetrators to account for crimes that have been committed.

#### **Strategy 2021 -2026**

ICMP's core partners will be those agencies mandated to deal with missing persons under Article 6 of the Law on Mass Graves Affairs, including families of the missing. ICMP will therefore seek to strengthen cooperation among these agencies, and between them and other important state entities, including the Iraqi Parliament and the Ministry of Justice, in order to develop a comprehensive strategy for addressing the issue of the missing in Iraq.

ICMP has had a long-standing and productive partnership with national authorities in advancing the process of accounting for missing persons in Iraq. However, for ICMP to continue to provide effective support it is essential that Iraq and ICMP resolve the issue of ICMP's legal status in country. At the end of 2019, ICMP signed technical cooperation agreements with the Ministry of Justice, the Martyrs' Foundation and the Ministry of Health and Environment. While these agreements constitute important progress, they do not resolve issues that ICMP has in Iraq regarding legal status, including but not limited to the status of staff, offices, import of assets and communications. A regulated ICMP status would strengthen the organization's ability to help the authorities meet their legal responsibilities towards victims and their families. Therefore, in addition to the implementation of program activities, ICMP will endeavour to strengthen its engagement with diplomatic missions and donor communities operating in Iraq to support an ICMP status agreement.

Meanwhile, anticipated progress on the desired program outcomes was curtailed in 2020 due to the Covid-19 pandemic. Like other organizations, ICMP had both to prioritize and limit activities to protect the safety of its staff and partners while at the same time remaining accountable to donors. To mitigate the program risks brought about by the pandemic, ICMP maintained its footprint in-country by increasing national staff capacity.

Supporting Iraq's aspiration to create a centralized structure on missing persons, to account for missing persons irrespective of their race, religion, nationality, ethnic origin, or the circumstances of their disappearance, will be a key strand of this 5-year strategy. ICMP will continue to facilitate

bilateral consultations and roundtables with relevant Iraqi authorities on the structure, responsibilities and eventually the establishment of a central mechanism that will unify and oversee the missing persons process in Iraq. In addition, ICMP will strengthen domestic legislation and institutional capacities to secure the rights of the families of the missing by providing expert advice, including on draft legislation and implementation of relevant laws, including the Law on Mass Graves Affairs and Compensation Law No. 20.

Likewise, beginning in 2021, ICMP will lay the groundwork for a data-driven, high-throughput DNA laboratory system in Iraq, capable of large-scale missing persons identification. Since 2008, ICMP has worked to build the technical capacity in forensic archeology and anthropology of staff members from the Mass Graves Directorate of the Martyrs' Foundation (MGD), the Medico-Legal Directorate of the Ministry of Health (MLD), and the Ministry of Martyrs and Anfal Affairs. Positive developments in their technical skills in these areas has highlighted a complementary need to increase the pace of DNA-based identifications. This is daunting, given the sizeable number of missing persons cases and the limited resources allocated to national institutions. However, ICMP will continue capacity-building initiatives to prepare the MLD DNA laboratory in Baghdad, in particular, for international accreditation in its Quality Management System. The overall aim is to increase Iraq's ability to recover, preserve, interpret and analyze human remains and associated evidence, and to obtain PM and AM samples, that can lead to DNA-based identifications.

Similarly, ICMP will continue to help the Iraqi authorities to create a central record by helping to improve data collection and data management, which are central to the development of a coherent and comprehensive missing persons process. In 2021, ICMP will begin the roll-out of its Identification Data Management System (iDMS) in the MGD and MLD. This will be a huge undertaking and will require sustained support both technically and financially, while ICMP continues to engage with the national authorities on establishing a centralized coordination mechanism on missing persons. The iDMS will synthesize and analyze a wide range of data collected from families of the missing, including biological reference data, data from the analysis of sites of forensic interest, and data resulting from mortuary and DNA laboratory analysis.

Families of the missing are at the center of all efforts to account for the missing. ICMP will maintain a strong focus on strengthening their capacity to hold the authorities accountable by ensuring that the government fulfills its responsibilities to account for missing persons. This work will include strengthening the capacity of CSOs to represent and support families of the missing and to advocate for their rights. This work will take place at different levels, ranging from linking families and authorities responsible for mass graves investigations at the local level to promoting the participation of families and CSOs in international forums.

### **6.3. Libya**

#### **Introduction**

In 2012, according to estimates made by the Government of Libya, up to 10,000 persons were unaccounted for in the country. This included persons missing as a result of the 2011 conflict, as well as those who went missing during Muammar Gaddafi's 42-year rule, including in the 1977 war with Egypt, the 1979 war with Uganda, wars with Chad in the 1980s, and in the Abu Salim prison massacre in Tripoli in 1996. In addition, persons are missing from more recent events – these include victims found in 2020 in mass and clandestine graves in Tarhuna and other areas, as well as migrants traveling to Europe and other locations.

Libya's first Commission dealing with the missing persons issue was established after the end of

the conflict in 2011. At the end of that year, the Libyan National Transitional Council (NTC) created the Ministry for the Affairs of the Families of Martyrs and the Missing (MAFMM) to handle the missing persons issue and dissolved the Commission. In 2012, Libya invited ICMP to assist in its efforts to build a sustainable process to find all missing persons, including those missing from the 2011 conflict. ICMP established a program in late 2012 and supported the country in line with an agreement with the Government of Libya until 2014, when the deteriorating security situation forced an end to the program's work.

The program focused on helping Libya develop institutional, legislative and technical capacity to account for missing persons impartially, in line with the rule of law, including by developing the capacities of the MAFMM and other state institutions engaged in the issue of the missing.

With the assistance of ICMP, the MAFMM collected more than 11,000 genetic reference samples from families of the missing, representing more than 3,000 missing persons in Tripoli, Benghazi, Sabha, Ben Walid, Sirte, and other places. Over its two-year program, ICMP was entrusted with 249 post-mortem samples (PM samples) and 1,325 family reference samples. ICMP supported a DNA-led identification process that made it possible to submit more than 100 DNA match reports to the authorities concerning missing persons cases, including the case of the former Minister of Foreign Affairs and then human rights activist and dissident of the Qadhafi regime, Dr. Mansour Rashid Khikia. ICMP also trained Libyan experts, including more than 50 MAFMM staff, in forensic archaeology, anthropology, pathology, DNA reference sample collection and post-mortem sampling procedures. Training on personal data processing, including DNA profiling, matching, and reporting, was also delivered, with a focus on data protection standards.

Despite ending its in-country presence in 2014 due to the security situation, ICMP continued to provide support. In 2015 and 2016, ICMP trained Libyan legal experts, civil society activists and government representatives to enable them to improve court-led processes on mass graves and missing persons. The training aimed to expand the use of forensic evidence in missing persons investigations and to clarify inter-institutional responsibilities and legal obligations to family members of the missing.

In late 2020, ICMP was asked to assess Libya's missing persons process, including its institutional, legal and technical capacities to address the issue of disappeared and other missing persons, as part of a project that aims to lay the foundations for a sustainable process to account for missing persons. Completed in January 2021, the assessment showed that, despite commendable efforts undertaken by various institutions, current legal, institutional, and technical provisions to account for missing persons are inadequate. There is therefore a need for immediate action to pave the way towards a process of effective investigations of missing persons cases and eventual accountability. Such action will strongly contribute to providing answers to families of the missing and preserving evidence while establishing the circumstances of persons going missing.

#### **Program objectives**

- Establishment of institutional and legislative capacities and a centralized data system capability;
- Enhancement of technical and scientific capacities (including DNA) and data processing capacities of law enforcement, medical experts, and others working in Libya to address the issue of missing persons;
- Establishment of standards for personal data protection and data privacy;
- Recovery and analysis of human remains and associated evidence in accordance with rule-of-law standards;
- Strengthening of the capacity and engagement of civil society and families of the missing;
- Strengthening of networks of experts and others, including international and other

organizations, to coordinate efforts to locate the missing in a comprehensive and effective manner.

#### **Program outcomes**

- Standards and procedures applied in investigations concerning missing persons cases are enhanced and the overall forensic capacity of relevant institutions is strengthened;
- Rights of families of the missing throughout the process of accounting for missing persons are guaranteed;
- Mass graves in and around Tarhuna are protected and investigations are conducted according to international standards;
- The issue of the missing is incorporated in initiatives and other activities conducted by the international community to reach a sustainable peace.

#### **Strategy 2021-2026**

The long-term goal to be achieved in 2021-2026 is to help Libya to establish a sustainable process to account for missing persons in a manner that upholds the human rights of families of the missing. This will enable rule-of-law-based investigations that can support future judicial processes, and will protect the rights of families of the missing.

To reach this goal ICMP plans

- To enhance the capacities and resources available in the country through a dedicated capacity-building program on forensic archeology, anthropology, crime-scene investigation and geospatial technology to map and locate burial sites; DNA testing, profiling and matching; introduction to effective missing persons investigations for policymakers, Civil Society Organizations (CSOs), and families of the missing;
- To support identification efforts undertaken by institutions such as the General Authority for the Search and Identification of Missing Persons (GASIMP), by using ICMP's DNA Lab to conduct DNA testing and matching, while at the same time supporting the relevant Libyan authorities in collecting post-mortem (PM) samples and reference samples from families of the missing;
- By building on achievements of the Libyan Identification Center established in 2012, to create data networks for DNA-based human identification work drawing on existing DNA reference and PM data, and new data;
- To launch an outreach program to engage families of the missing through seminars for CSOs and families of the missing on reporting mechanisms and their rights; capacity building for CSOs through training and small grants programs; training on use of the Online Inquiry Center (OIC) to report missing persons and mass graves sites; and collection of DNA reference data directly from relatives of the missing; and
- To build synergies among domestic stakeholders, between domestic and international stakeholders, and among international stakeholders. This will align to and support the Berlin Process, which aims to assist the United Nations in unifying the International Community in their support for a peaceful solution to the Libyan crisis.

#### **6.4. Mexico**

##### **Introduction**

As many as 150,000 people are estimated to have been killed in Mexico since 2006 as a result of the country's drug war, as well as conflicts related to the use of natural resources and land. Many more have been displaced. The enforced disappearance of persons, including migrants, by organized crime and by state agents at the federal and municipal levels has been prevalent. Insecurity and impunity in Mexico have contributed not only to the disappearance of individuals

but to an increase in threats and violence against – and potentially also to disappearances of – families of the missing and those human rights defenders and CSOs supporting them in their efforts to account for their relatives.

According to data from July 2020 from the Ministry of Interior (SEGOB) 71,678 persons had been reported as missing since 2006 in Mexico. Due to lack of transparency, unstructured data collection by authorities, and underreporting from families, these numbers only partially represent the reality faced in Mexico, where day-to-day disappearances continue. Over the past decade, the actions of families and the creation of specialized authorities through the 2017 General Law on Missing Persons (National and Local Search Commissions, and specialize Prosecutors) have resulted in widespread search and recovery initiatives and operations across the country. The government reported that between 2006 and 2019, 3,631 clandestine sites had been uncovered by local and Federal prosecutors across Mexico. In 2020, 6,000 persons were reported as disappeared, of whom 1,816 were women, and 2,720 were children or teenagers. Those missing include infants of both genders, with the highest number being women between 15 and 19 years old. Through 2019 alone, 1,124 sets of human remains were exhumed. In these cases, authorities report a very low rate of successful investigations, with just 35 percent of human remains recovered in 2018-2019 being identified. Inaction by authorities over the past 15 years, and their inability to manage cases is evidenced by the reported 50,505 unidentified human remains in the custody of local and Federal authorities across the country. As in all large-scale missing persons scenarios, this situation imposes an enormous burden on judicial authorities, often overloading capacities, depleting resources.

Efforts by Federal and State authorities have been driven by a massive civil society mobilization of families of the missing and NGOs that ensured the entry into force in 2018 of the General Law on Enforced Disappearances and Disappearances committed by Private Persons. Among other things, this law provides for the criminal and administrative frameworks to punish perpetrators of disappearances, and it established the National System for Missing Persons, composed of a National Search Commission, 32 local Search Commissions, and various other agencies, including the Conference of Prosecutors, and a Citizens' Council.

Until 2018, the majority of disappearances reported in Mexico were concentrated in six states on the northern border, a phenomenon coinciding with a territorial dispute between major drug cartels and the militarization of security. An analysis of data by the NGO CEDHEM places Nuevo León, a state on the northeast border with Texas, in third place in terms of disappearances across 32 states. Data on missing persons in Nuevo León collected by ICMP's NGO partner, Citizens in Support of Human Rights (CADHAC), and analyzed by the University of Oxford, the University of Minnesota, and the Latin American Faculty of Social Sciences (FLACSO-Mexico) in 2017, indicates that at least 47 percent of the disappearances in Nuevo León were committed by state authorities and 91 percent of the victims had no relationship to criminal organizations.

The issue of disappearances in Nuevo León has been brought to the attention of the authorities by CADHAC since it documented the first case of disappearance of a police officer in September 2009. CADHAC and many other family associations lobbied for the adoption in 2012 of a State-level laws criminalizing enforced disappearances, and in 2015 of procedures for issuing a "certificate of absence", making it possible for families to manage inheritance and other issues related to missing persons. CADHAC also led the establishment, with support from UNHCR, of a missing persons urgent search group in March 2014, and of an office of the Special Prosecutor on Missing Persons in April 2017 tasked with consolidating missing persons cases. Nuevo León is one of the few states that has well-equipped DNA laboratories as well as effective CSOs.

Since 2014, ICMP and CADHAC, have been developing a missing persons initiative together with family groups and other NGOs and the Office of the Prosecutor General in Nuevo León. In 2017, ICMP and CADHAC signed a Data Partnership Agreement to formalize a project that had begun in 2015 whereby ICMP provided for the first time in its history assistance to a CSO, to systematize, protect and process nearly 2,000 reports of missing persons.

In August 2018, CADHAC was awarded funding by the US Agency for International Development (USAID), for a four-year period to improve the state response and victims' advocacy related to enforced disappearances in Nuevo León and neighboring states. In this award, ICMP serves as CADHAC's partner. The CADHAC-ICMP project aims to enhance institutional capacity in Nuevo León to comply with the General Law on Missing Persons, to enhance the data-processing infrastructure and strengthen the forensic processes for missing persons, including DNA, and to enhance victims' organization advocacy and mobilization. While CADHAC will work with the authorities for a State-level Strategy on Missing Persons, and will continue helping family associations to access their rights, ICMP will transfer knowledge and expertise and support technical development initiatives for Nuevo León officials to address complex cases of highly degraded human remains using advanced technologies.

In the context of this project, in 2020 ICMP conducted an intensive program of scientific collaboration that focused on the adoption of enhanced DNA extraction methods for highly compromised bone remains, the reorganization of work teams and work areas, the exploration of improved sampling methods, and the development of more powerful matching strategies, as well as equipping the laboratories with instruments, reagents, and a structure that specializes in missing persons cases. With the Institute of Criminalistics and Expert Services, ICMP conducted an inter-laboratory exercise to enhance the DNA output rate of bone samples; it also delivered two training sessions in DNA methods, and one training session in forensic archeology methods, which resulted in the adoption of a new Protocol for the recovery of bone remains. The Work Plan to be implemented from 2021 will seek to enhance the capacity of the Prosecutor General of Nuevo León to identify missing persons, through advanced technologies supported by a specialized integrated and centralized system for the effective and safe processing of data related to missing persons. In 2022-2026, ICMP will seek to consolidate objectives in Nuevo León and identify channels to transfer the experience from ICMP's assistance to Nuevo León to Federal authorities and other States in Mexico.

#### **Program objectives**

- To secure government cooperation to launch a rule-of-law-based, sustained and effective missing persons program in Mexico;
- To strengthen legislative and institutional frameworks for addressing missing persons;
- To enhance data processing infrastructure to identify missing persons;
- To improve forensic technical capacity to account for missing persons;
- To support Mexican civil society to advocate effectively for human rights of families of the missing;
- To transform Nuevo León into a regional missing persons model and hub that can cooperate across jurisdictions to deal with a very large number of cases and solve difficult cases.

#### **Planned outcomes**

- Coordination mechanisms inside Nuevo León, between Nuevo León and other states and between Nuevo León and the Federal government are established;
- Operational and physical measures for the protection of data guaranteeing the privacy of families is enacted;
- Skills in large-scale DNA matching and reporting are transferred;
- Knowledge is transferred regarding the conduct of gravesite investigations;

- Tailored training opportunities to optimize DNA analysis methods from highly challenging samples are created;
- A Data Management System is developed and deployed, and a Centralized Missing Persons Data System is established at the level of Nuevo León;
- Increased knowledge by survivors, of their rights and of the mechanisms to report missing persons, is ensured;
- Coordination mechanisms among CSOs, the state government, and the Federal government are established.

#### **Strategy 2021-2026**

ICMP will deploy a) dedicated infrastructure in line with workload and with forensic standards, and sufficient space and dedicated staff for anthropological analysis, b) adequate staffing, c) structures that can coordinate the management of information on missing persons, d) availability of adequate equipment, materials and reagents for recovery, analysis and identification, and e) formal SOP developed to consolidate lessons and best practice acquired in the past 10 years of efforts on the issue of missing persons.

Also, in collaboration with all the relevant units participating in the missing persons process, ICMP will implement a dedicated data processing system for missing persons that will optimize existing procedures by switching to a digital documentation system for each of the relevant areas of the missing persons process. As a second stage to the deployment of the new system, ICMP will collaborate in enhancing the process of collecting data from families of missing persons.

ICMP will support the Prosecutor's Office of Nuevo León through intensive mentoring, training and capacity transfer to enhance the technical and scientific strategy to deal with complex cases in the identification of missing persons. To do this, ICMP and the Prosecutor's Office will tap into the rapid pace of development in forensic science, particularly DNA analysis and DNA matching, in order to identify, test and develop alternative and new systems to address particularly complex technical challenges, and they will conduct exchanges and develop research projects to explore new systems to recover, select, analyze and match DNA samples.

Support to Nuevo León will allow ICMP to enhance dialogue with Federal authorities leading to the creation of a nationwide strategy to identify missing persons, supported by effective data-processing systems and a human rights approach. Building on the results expected in Nuevo León, expanding ICMP's assistance to the Federal government or other jurisdictions in strategic areas is part of ICMP's strategy for 2025.

ICMP and its Nuevo León partner, CADHAC will also support judicial and technical authorities to enhance its communication and engagement with families of the missing, based on transparency and accountability.

## **6.5. Myanmar**

### **Introduction**

The plight of the Rohingya has received considerable international attention in recent years but little progress has been made in addressing the underlying causes of the current crisis. In addition, steps to hold those responsible to account are only now beginning to get underway. Rakhine State (formerly Arakan) has remained largely inaccessible to most aid organizations. Living conditions in Rakhine are harsh and the Myanmar government has not changed its view that the Rohingya are non-citizens. This has prevented some 900,000 Rohingya refugees in camps in neighboring Bangladesh from returning to their homes.

The Independent International Fact-Finding Mission on Myanmar (IIFMM), established by the United Nations Human Rights Council (Resolution 34/22), has reported serious human rights violations and abuses in Kachin, Rakhine and Shan States committed by the Myanmar security forces, especially the Tatmadaw (military). The climate of impunity at the domestic level led the IIFMM to conclude that criminal investigations and prosecutions of senior Tatmadaw commanders will have to be launched by international institutions, including an international criminal tribunal for genocide, crimes against humanity and war crimes.

The IIFMM reported that throughout the region Rakhine men and boys had been killed after being separated from women and girls, who were raped and then killed or seriously wounded. Bodies were transported in military vehicles, burned and disposed of in mass graves. Survivors who received medical treatment from Médecins Sans Frontières (MSF) reported the deliberate use of rape and other forms of sexual violence. According to the IIFMM, the Tatmadaw also engaged in arbitrary arrest and deprivation of liberty, leading to enforced disappearance and incommunicado detention for extended periods.

The IIFMM mandate expired in September 2019. It was replaced by the Independent Investigative Mechanism on Myanmar (IIMM) to facilitate and expedite fair and independent criminal proceedings against perpetrators of crimes under international law in Myanmar. In line with this mandate, the IIMM works to a different standard of proof than the FFM. The IIMM is focused on collecting evidence to build criminal cases against individuals.

Meanwhile, the ICC has approved a full investigation into the case of the Rohingya in Myanmar. Although Myanmar is not a member of the Rome Statute, the ICC ruled that it had jurisdiction because Bangladesh is a member. The massive number of refugees who fled to Bangladesh in 2017 joined hundreds of thousands of Rohingya who had fled Myanmar in previous years. According to the UNHCR, Kutupalong in Bangladesh, with more than 600,000 refugees, is now the largest refugee settlement in the world.

On 23 January 2020, the International Court of Justice (ICJ) ruled in the case of *The Gambia v. Myanmar*, in which The Gambia, on behalf of many other Muslim majority countries, called for emergency measures to be taken against the Tatmadaw, until a fuller investigation could be launched. The ICJ ordered, among other things, that Myanmar “shall take effective measures (...) to ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide; (...)”

#### **Program objectives**

- To strengthen the prospects for justice and accountability;
- To improve the likelihood of reconciliation and refugee return by contributing to international investigations;
- To lay the foundations for a long-term domestic rule-of-law and human rights response.

#### **Planned outcomes**

- An actor-mapping report of CSOs, especially survivors in Rakhine and in refugee camps in Bangladesh is prepared;
- Ad hoc efforts to locate the missing and mass graves are better understood, and standards of reporting and evidence are improved;
- Sites of forensic interest in Myanmar are better protected;
- Families of the missing are informed about processes to exhume, protect, and recover human remains, and the role of forensic evidence in accountability processes.

#### **Strategy 2021-2026**

In the context of seminars and meetings, ICMP will develop and circulate recommendations on

how community actors can play a more effective role in documenting and preserving forensic evidence. This will support future efforts to secure the rights of families of the missing and hold those responsible for crimes to account. While seminars and meetings with families will form a core part of this activity, it will also include distribution of public information materials, and the use of digital technology. The IIMM's mission to Bangladesh from 9 to 14 November 2019 indicated that Cox's Bazar would serve as a more accessible venue for these activities than Chittagong or even Dhaka. Cox's Bazar is host to United Nations and other international agencies working on the issue. MSF reports suggest that Kutupalong and Balukhali Districts may also be options, though they are less accessible.

As part of the program, ICMP will make available its OIC and iDMS. Data entered in the OIC is validated by ICMP and then transferred to the iDMS, a specialized on-line database developed by ICMP to manage large data volumes related to missing persons investigations. ICMP will implement this activity in partnership with, and for the benefit of the aforementioned investigating institutions and CSOs, community leaders and family focal points that will take part in ICMP's outreach activities. The precise approach to data collection and training will be determined jointly with partner CSOs based on the preferences and needs of families of the missing.

## 6.6. Syria/MENA

### Introduction

Approximately 17,000 persons are missing from the regime of Hafez al Assad, which includes cases that are still highly politically relevant for neighboring states. Further, at least 100,000 persons are missing from the present conflict. These include persons missing as a consequence of summary executions, arbitrary and incommunicado detention, kidnapping and abduction, enslavement, sarin gas attacks and other human rights abuses, as well as combatants and civilians missing as a direct result of fighting and the day-to-day ravages of war. Those missing from the conflict that started in 2011 include not only Syrians but people from at least 60 different countries. There are also Syrians missing as a result of irregular migration from the region, including children who have been separated from their families, those who may have died during the Mediterranean crossing and persons subjected to human trafficking. In addition, since the conflict began in March 2011, hundreds of thousands of Syrians have been killed; more than 6.5 million have been displaced inside the country, and a further 5.6 million have fled the country, seeking safety in Lebanon, Turkey, and Jordan, and in Europe. The surviving families of the missing in a number of circumstances do not know if the person is missing inside or outside Syria and in some cases a number of relatives may have gone missing in different locations.

Therefore, creating a strategy to locate and identify the missing and secure the rights of surviving families to truth, justice, and reparations – including practical provisions such as inheritance, economic benefits, and custody of children, as well as return – will require a shared understanding of the process by civil society, families of the missing and international organizations, as well as the cooperation of multiple states that are hosting Syrian refugees and, of course, the cooperation of the Syrian authorities.

A sustainable strategy will necessitate the continued development of a secure, central, impartial database that can store and process data from multiple sources, including families of the missing residing inside and outside Syria, the location of mass graves and other clandestine missing persons sites, and data related to the person reported to be missing, in a complex set of scenarios – from children living in detention to human remains recovered from mass and clandestine graves

in Syria, as well as witness information concerning possible perpetrators.

Accounting for missing persons through a rule-of-law-based process will have a bearing on the credibility of future actions to redress the loss of economic and social rights and to secure potential reparations for victims of disappearance. To date, the international community has agreed to support efforts to document, analyze and store evidence of serious violations of human rights in order to deter such conduct and lay the foundations for future accountability. These documentation efforts, led mostly by CSOs and NGOs, have been based on either the collection of statistical data and news reports about missing persons or on data collected about possible perpetrators. However, these efforts have not been designed to collect personal data about missing persons in a manner that can be used for future location and identification efforts. Further, to the extent that some organizations have been able to collect certain information and records, the legal, physical and operational protection of such data cannot be guaranteed as CSOs do not benefit from sufficient protections.

State ownership of the process of accounting for missing persons is fundamental to upholding the rights of all persons on the territory of Syria and to rebuilding trust in public institutions, including judicial institutions, and to creating the infrastructure for the collection, storage, management, analysis, sharing and protection of data. The precondition of State involvement is obviously not being met in Syria today. However, significant opportunities do exist, notwithstanding the lack of political will and the ongoing conflict, to establish the foundations for a future process of accounting for missing persons. ICMP's Syria program seeks to focus on the steps that can be undertaken while the conflict is ongoing and lay the foundations for an effective missing persons process once the conflict has ended.

#### **Program objectives**

- To ensure victims, civil society and key stakeholders have increased understanding of the processes, standards and rights of victims involved in accounting for missing persons;
- To launch a sustainable process of data collection about missing persons, and systematic compilation of data to assist efforts to locate the missing from the Syria conflict;
- To support efforts for planning a future rule-of-law approach to investigating missing persons cases in post-conflict Syria;
- To ensure Syrian Civil Society, including families of the missing are unified in supporting and influencing policy measures to find all missing persons and to ensure the rights of all families;
- To enhance the cooperation between relevant international organizations and INGOs.

#### **Planned outcomes**

- CSOs are more effective in documenting and recording missing persons cases through improved data collection and data security;
- Families of the missing are better able to engage in the process of accounting for their missing relatives through improved understanding of their rights and participation in data collection;
- The data collection process yields statistical and qualitative information about the issue of the missing, thereby contributing to future peace and reconciliation processes;
- A comprehensive database of missing persons, built with the participation of families of the missing and Syrian CSOs, contributes to greater public acknowledgment of this issue;
- The foundations are created for an effective rule-of-law-based approach to account for missing persons in post-conflict Syria.

#### **Strategy 2021-2026**

The Syria/MENA Program seeks to provide an immediate response to the issue of persons missing as a result of the Syrian conflict, while laying the foundations for a sustainable rule-of-law-based approach to accounting for missing persons in post-conflict Syria. Currently, ICMP is working with

partner organizations in NE Syria however it is considering various avenues to have a physical presence there. ICMP will also undertake contingency planning so that it can operate in all of Syria as soon as conditions allow and where this is consistent with donor policies.

ICMP's immediate response involves capturing data about missing persons in as comprehensive and complete a form as possible using ICMP's OIC and iDMS. This is a strategic priority which focuses on creating the conditions to secure the informed and voluntary participation of families in reporting their missing relatives, providing personal information, including genetic information, and information on where and how persons went missing. Gaining the trust of families is an essential first step in this process, as is developing an understanding among families, community leaders and civil society of the process of accounting for missing persons, the importance of data collection and the rights of victims and survivors. Through outreach and training, the Program will seek to empower families by highlighting the importance of their participation in the process of accounting for missing persons and creating the conditions for this to happen.

Building on a foundation of trust and drawing on its experience in the collection of data from more than 100,000 families of the missing around the world, ICMP will launch a participatory process to collect data from families of the missing from Syria. The OIC and iDMS have been translated into Arabic and the fields adapted to meet the needs of Syrian families, making it possible to collect, analyze, protect and share data on missing persons. Once the necessary legal agreements are in place, the data collection effort will expand to include the targeted collection of genetic reference samples which will be processed using ICMP's specialized high-throughput DNA standing capacity. While ICMP's primary data collection focus will be on families of the missing who are living as refugees in host states, there will also be an effort to collect data from families of the missing living in Syria. This will be done remotely using the OIC, which can be accessed via an app, and through data collection partnerships with NGOs and other entities operating in Syria.

The Program's focus on gaining the trust of families and on developing their understanding of their rights and strengthening their capacity to participate reflects a strategy of placing families at the center of the process of accounting for missing persons. The Program will therefore also help families to address some of the challenges that they face as a result of having missing relatives, who are invariably men. This work will focus in particular on helping women to take on roles traditionally carried out by men, to overcome obstacles to social and political participation, and to seek the truth about their missing relatives.

The Program will therefore support families of missing persons, especially those with female heads of household, to create a common platform regardless of sectarian or national affiliation or the role of the missing person in the conflict. ICMP will also partner with CSOs working with families of the missing and expert legal communities to strengthen families' capacities to advocate for their rights and to undertake self-help initiatives to support and sustain vulnerable families. ICMP will support this process with both material and technical assistance in order to encourage association between families of the missing, promote their engagement on the issue of the missing and ensure that families take a leading role in accounting for their missing relatives.

The Program will seek to prepare the ground for a future rule-of-law-based approach to accounting for missing persons in post-conflict Syria. The steps, described above, to enable families of the missing to contribute to the data collection process, to organize, to advocate and to support one another are all important in securing their participation in a future process of accounting for missing persons. In addition, ICMP will work with relevant Syrian CSOs, legal experts and those with knowledge of the Syrian public administration, to analyze and develop proposals for an appropriate institutional and legal framework to account for missing persons in

post-conflict Syria.

To that end, ICMP will seek to secure the informed and voluntary participation of families in reporting their missing relatives, providing personal information, including genetic information, as well as information on the place and circumstances of persons who have gone missing.

ICMP will work in Syria on the safeguarding of forensic evidence from mass graves by focusing on enhancing the capacity of first responders with methods to safeguard evidence as well as collect, store, secure and archive evidence. The evidence collected is integral to locating missing persons and for future accountability purposes.

ICMP will also seek the cooperation of states hosting Syrian refugees, migrants and displaced persons, through the facilitation of efforts to work with Syrian groups and to allow them to report missing persons cases, in addition to enhancing the cooperation between governments, international organizations, INGOs and the Syrian community in outlining the policy framework for a future accountability mechanism in Syria.

## 6.7. Ukraine

### Introduction

The substantial number of missing persons as a result of the conflict in Ukraine is a serious threat to efforts to normalize the situation inside the country and to normalize Ukraine's relations with Russia. Addressing this issue through a coordinated series of social, political and technical initiatives is an essential part of any long-term peace process. The conflict in Ukraine began following the protests in Kiev in late 2013. By 15 September 2016, the UN Human Rights Office (OHCHR) had recorded 9,640 conflict-related deaths and 22,431 injuries among Ukrainian armed forces, civilians and members of separatist armed groups since mid-April 2014. There is still no accurate data on the number of missing persons in Ukraine. The list prepared by the joint center of the Security Service of Ukraine cites 294 missing people, including civilians. The NGO Peaceful Coast, which is involved in efforts to search for the missing, has data on 1,288 people, while the ICRC cites 1,500 people who have gone missing during the military conflict. Around one thousand sets of human remains, already buried or in morgues, have not been identified. Experts believe the number of unidentified human remains will increase as searches are still ongoing.

ICMP visited Kyiv from 2 to 4 September 2014 to gain an understanding of measures undertaken by the Ukrainian authorities, most prominently the Prosecutor-General's Office (PGO) and the Ministry of Internal Affairs, to address the issue of missing persons. Since 2014, a number of significant steps have been taken by Ukraine in relation to missing persons:

- In 2015, Ukraine became a state party to the Convention on the Protection of all Persons from Enforced Disappearance;
- The Law on the Legal Status of Missing Persons, No. 2505-VIII of 12 July 2018, came into force on 2 August 2018.

In 2014, ICMP recommended establishing a central, electronic database to process data on missing persons and their families. ICMP also recommended making online functions publicly available so as to ensure that the central mechanism enjoys universal trust. ICMP is ready to assist Ukraine in establishing a data processing system that conforms to European standards. In this regard, ICMP stands ready to advise on the drafting of guidelines to help implement the new law in accordance with relevant standards.

ICMP also continues to recommend learning, development and training programs in the fields of reconnaissance and detection of burial sites, evidence collection and collection and processing of data on missing persons, as well as on relevant forensic science applications, including DNA testing.

#### **Program objectives**

- To help the Ukrainian authorities and others to develop a sustainable capacity to locate and identify missing persons;
- To establish a central record and missing persons data processing capacities;
- To enhance capacity among citizens to access social and economic rights and information through civil society engagement;
- To initiate a process of collecting data from families of the missing.

#### **Program outcomes**

- The creation of a central record of missing persons is initiated;
- Institutional and legislative frameworks are enhanced and resources are effectively allocated to resolve missing persons cases;
- Families of the missing are provided with practical tools to lobby the authorities effectively in order to secure their rights under the law;
- Families of the missing are informed about the process of accounting for the missing and become active participants in the process of search and recovery of their relatives.

#### **Strategy 2021-2026**

ICMP will engage its institutional and civil society development and data systems resources to provide access to advanced data processing systems on missing persons and enhance the institutional and legislative framework within which resources are allocated to the missing persons issue.

ICMP will support efforts to develop the capacity of institutions and ministries in Ukraine to conduct investigations into mass and clandestine graves in accordance with international norms and standards through targeted training programs. Other initiatives will include the collection of data from families of the missing and the creation of a system that will allow ICMP to receive post-mortem samples from the relevant authorities for DNA testing by facilitating the creation of a domestic Identification Center.

ICMP will work with the authorities to develop centralized institutions on missing persons to ensure that reports of disappearances can be submitted and stored in a central mechanism. To facilitate the creation of central records on missing persons, the OIC will be made available in Ukrainian and Russian and information on how to use the system will be disseminated to the public.

ICMP will also focus on improving legislation that regulates support to female heads of household in order to streamline and simplify procedures for accessing rights, including inheritance and economic benefits; and support efforts to create implementing legislation in line with the ICPPED (Ukraine acceded to the Convention in August 2015), in particular regarding requirements of personal data protection as called for under the Convention.

## **6.8. Vietnam**

### **Introduction**

The Vietnam War, or the American war as it is known in Vietnam, was an armed conflict in Vietnam, Laos, and Cambodia that lasted from 1 November 1955 to 30 April 1975. Estimates of

Vietnamese killed range from 966,000 to 3.8 million. In addition, 275,000 to 310,000 Cambodians lost their lives, as did 20,000 to 62,000 Laotians and 58,220 U.S. military personnel, with an additional 1,626 U.S. military personnel being reported missing in action. The war has had lasting consequences for the people of Vietnam. Since the end of the war, nearly 40,000 Vietnamese have been killed and 67,000 maimed by land mines, cluster bombs and other ordnance. “Agent orange” affected not only people exposed to it, but also their children, with large numbers of newborn today suffering from deformities, underdeveloped brains and nonfunctioning limbs.

The legacy of missing persons is particularly complex. Following the war, the state expended vast resources to recover and bury the remains of more than 900,000 fallen soldiers. The remains of at least 200,000 persons are believed to be in anonymous or unknown gravesites. In Vietnam, as elsewhere in the world, the return of human remains of missing persons to their families is psychologically important and has a direct impact on the relationship between society and the state, especially during what has been an extended period of political transition.

However, in Vietnam human remains have meaning that transcends the Western rights-based approach to missing persons. The concept of the “rights of the dead” is largely absent from Western legal doctrine, where all rights vest with the living. In Vietnamese culture, the dead have a right to assistance from the living in order to complete their journey to a new spiritual existence. This right and the obligations that go with it can create conflicting loyalties in Vietnam’s socialist society, especially in the South, where the vast majority of the missing died having fought or opposed the socialist North during the war. The renewed effort of Vietnam to locate and identify the remains of missing persons for appropriate burial and commemoration therefore has a continuing societal relevance. To the extent that it also incorporates an increasing recognition of the wishes of relatives, it should be seen as reinforcing the country’s continuing societal transition.

The Government of Vietnam has made the task of locating the wartime missing a priority, and it has recognized opportunities in advanced DNA testing capabilities. At the same time, Vietnam’s DNA identification project is faced with a number of difficulties. The two principal difficulties are the degradation of human remains, especially bones, and a lack of close family relatives whose DNA can be used for kinship DNA matching. No commercially available methods have been developed for testing biological material in conditions representative of the Vietnamese context. Therefore, ICMP plans to test methods for DNA extraction and nuclear STR testing of a sizeable number of relevant bone samples from the Vietnamese context using methods that are highly and specifically optimized. The empirical results from this exercise can then be presented to the authorities in Vietnam so that they can make an assessment of the best way forward, which may include optimization and implementation of novel extraction methods from the “ancient DNA” field.

#### **Program objectives**

Over a period of three years, ICMP proposes to conduct the following activities:

- Evaluate the proposed DNA extraction method in comparison to ICMP’s highly optimized bone extraction protocols, and establish a benchmark for nuclear STR testing success. This is to be conducted on a sizeable representative sampling of case material from Vietnam;
- Evaluate and optimize newer DNA extraction methods emerging from ancient DNA scientific research, that are particularly appropriate for nuclear SNP typing in Vietnam;
- Provide expert assistance in database-driven kinship matching central to large-scale DNA identification projects;
- Provide specialized bioinformatic assistance, including software tools, to permit kinship matching using high density SNP data;

- Evaluate additional MPS assay methods for nuclear SNPs, involving “bait capture”;
- Conduct pilot MPSplex testing of select test cases from Vietnam, conducted in coordination with Vietnamese scientists to permit conclusive identification in cases where existing systems (e.g. mtDNA) suggest a possible identification that can be resolved by MPSplex; and
- Deliver customized training packages, instrumentation specifications and operating procedures to enable high density SNP testing to be applied in Vietnam.

#### **Program outcomes**

- The Government of Vietnam is informed, on the basis of empirically valid evidence, of prospects for success of DNA testing methods for purposes of returning the remains of missing persons from the war to their families;
- Vietnamese experts are familiar with database-driven kinship matching in large-scale DNA identification projects;
- Vietnamese experts have access to and can operate software tools that permit kinship matching using high density SNP data;
- The Government of Vietnam is able to institute an effective, efficient and sustainable domestic DNA-led identification process to account for the missing.

#### **Strategy 2021-2026**

For the first year of the project there will not be a need for a sizable ICMP presence in Vietnam. However, it would be important to establish a dynamic program of exchange visits and dialogue, with integration in technical working groups in Vietnam, which would necessitate an “ICMP desk” in the country.

The characterization of extraction and STR typing in ICMP’s specialized DNA laboratory will be coupled with direct involvement of Vietnamese laboratories and their engagement in coordinating examinations and sampling of human remains for DNA testing. ICMP skeletal sampling protocols are informed by more than 60,000 DNA tests, and can serve as a basis for selecting the best samples for submission to the DNA lab. STR typing in ICMP’s laboratory will also include developing and validating a high-throughput, robotic-driven laboratory work flow for ICMP’s MPSplex system, adapted to the Vietnam context, using the most suitable MPS instrument system.

To ensure that Vietnam is able to make significant progress in resolving outstanding missing persons cases, ICMP will work with experts from Vietnam to pair the proposed Bonaparte DNA matching program with a single, centralized missing persons database involving government entities responsible for registering missing persons and collecting reference samples. Not only do these activities need to be coordinated, they need to be executed in a highly quality controlled manner.

To secure the participation of relatives of the missing and to strengthen the public trust, ICMP will plan outreach and public information campaigns together with the Vietnamese authorities, both inside and outside Vietnam.

## **6.9. Western Balkans**

### **Introduction**

Since 1996, ICMP has spearheaded an extraordinary effort to help governments in the WB to develop dedicated institutions and technical capacities to account for those who went missing during the conflicts in the former Yugoslavia. As a direct result of this regional effort it has been possible to account for more than 70 percent of the 40,000 persons who went missing, including

almost 7,000 of the 8,000 persons missing as a result of the Srebrenica Genocide. Institutions that ICMP helped to create have been effective, despite continuous political challenges, and legislation that ICMP helped craft has served as a model for countries around the world.

In Bosnia and Herzegovina (BIH) of the estimated 30,000 missing at the end of the conflict, more than 23,000 have been accounted for. In Kosovo, ICMP has helped the authorities to identify 2,520 of the estimated 4,500 missing from the conflict. Meanwhile, ICMP has helped Croatia to identify more than 600 complex missing persons cases through the exchange and matching of AM and PM profiles. It has also helped Serbia identify more than 1,500 mortal remains found on its territory. ICMP has helped the regional authorities excavate more than 3,000 clandestine graves to make these numbers of identifications possible. However, an estimated 11,500 persons are still missing throughout the region. In BIH, Kosovo and Serbia, the majority of persons identified have been accounted for through ICMP's DNA-led identification process. Other cases were closed using traditional identification methods prior to ICMP's system going online in 2001.

The conflicts of the 1990s in the former Yugoslavia resulted in 40,000 missing persons. More than 6,000 persons were registered as missing after the 91-95 conflict in Croatia. Approximately 4,500 persons went missing during, and in the aftermath, of the 98-99 Kosovo conflict. The 92-95 conflict in BIH resulted in the largest number of missing persons – more than 30,000.

Large numbers of persons missing as a result of violent conflict and human rights abuses are a poignant reminder of the failure to safeguard individual rights and to uphold the rule of law. They perpetuate the specter of a painful past, exacerbate the fragility of peace and reconciliation, and are an obstacle to the development of good neighborly relations in the Western Balkans.

After conflict, the emotive issue of missing persons often tends to be politicized as sides assert their victimhood to justify wartime gains and post-war claims and grievances. The issue is also linked to issues such as responsibility for war crimes, demands for justice, and challenges to accepted historical narratives. Such is the case throughout the Western Balkans, where ethno-politics continues to perpetuate tensions.

ICMP's provision of accurate information, support for the creation of institutions, and overwhelming achievement in accounting for missing persons stands in stark contrast to many of the characteristics of the Western Balkans political environment and has succeeded despite this.

ICMP helped the BIH authorities to develop the Law on Missing Persons, adopted in 2004, which created a clear legal framework for addressing the issue and a legal basis for the establishment of a Fund for the Families of the Missing, and for the creation of Central Records on Missing Persons (CEN).

ICMP helped the BIH authorities establish the Missing Persons Institute of BIH (MPI) tasked with locating and identifying the missing, regardless of ethnic, religious or any other affiliation, which revolutionized the way in which the search for missing persons was carried out.

BIH has created prosecutors' offices tasked with bringing perpetrators of war crimes, including enforced disappearances, to justice, and at the initiative and with the support of ICMP it has taken concrete steps to address the issue of more than 3,000 unidentified (NN) human remains stored in mortuaries across the country.

In Kosovo, ICMP has helped the domestic authorities to develop the Law on Missing Persons and establish domestic institutions, including a Government Commission on Missing Persons, to

coordinate the process of accounting for the missing.

In Croatia, ICMP has developed, and is still implementing with the Croatian authorities, a Joint Project of Identifications based on the exchange of DNA samples pertaining to victims whose families provided reference samples outside Croatia. To date, 673 persons have been identified through the project implemented by ICMP and the Office for the Detained and the Missing within the Ministry of Defenders of the Republic of Croatia, who would otherwise have remained unidentified for lack of reference samples.

Through its cooperation with Serbia, as well as with the United Nations Mission in Kosovo (UNMIK) and later the European Union Rule-of-law Mission in Kosovo (EULEX), ICMP used DNA testing to assist in identifying 90 percent of the mortal remains that were recovered on the territory of Serbia between 2001 and 2002. In addition, the remains of more than 300 persons missing from the conflicts in Croatia and BIH have been recovered in Serbia and returned to their families in Croatia or BIH. ICMP opened an office and established a DNA laboratory in Belgrade in 2002. The laboratory was handed over to the Serbian authorities in 2006. To date, ICMP has helped the Serbian authorities to find more than 1,100 persons on its territory.

Throughout the Western Balkans, ICMP has helped to empower associations of families of missing persons, enabling them to claim their right to truth and justice and to lobby the authorities to fulfill their obligations to account for the missing. In addition, ICMP has collected more than 100,000 reference samples and other data from families of the missing to enable DNA-based identifications. The formal establishment of the Regional Coordination of Associations of Families of the Missing from the former Yugoslavia (Regional Coordination) CSO is a unique example of victims' groups from different sides of the conflict working together to hold the authorities to account and to keep the issue high on the agenda. The Regional Coordination gathers associations of families of the missing from BIH, Croatia, Kosovo, Montenegro and Serbia and is formally registered in BIH.

The signing of ICMP's Declaration on the Role of the State in Addressing the Issue of Persons Missing as a Result of Armed Conflict and Human Rights Abuses in August 2014 demonstrated a renewed commitment by BIH, Serbia, Croatia and Montenegro to addressing the issue of missing persons. In order to put the principles enshrined in the Declaration into practice, mutual protocols of cooperation have been signed between almost all countries that were affected by the conflict on the territory of the former Yugoslavia. The BIH Council of Ministers has concluded protocols on cooperation in the process of accounting for missing persons with the governments of all neighboring countries (Croatia, Montenegro and Serbia). In addition to BIH, the Government of Serbia has concluded a protocol of cooperation with the Government of Montenegro. A set of protocols were concluded between Croatia and Serbia in 1995 and 1996 which require revision. Montenegro has in place protocols of cooperation, in addition to BIH, with Croatia and Kosovo.

In order to increase inter-governmental cooperation in a politically challenging environment, ICMP facilitated the establishment of a regional Missing Persons Group (MPG), which consists of domestic institutions for missing persons issues from BIH, Croatia, Kosovo, Montenegro and Serbia. In November 2018 the MPG signed a Framework Plan that lays out steps to boost their cooperation and increase their effectiveness in accounting for missing persons throughout the region. The Framework Plan outlines a common approach in resolving missing persons issues and promoting more effective regional collaboration implemented by domestic institutions in charge of missing persons in the Western Balkans.

In the coming period, ICMP will continue to build domestic ownership and the sustainability of the

Missing Persons Group and ensure the MPG's continued engagement with families of the missing. ICMP will seek to ensure the institutional sustainability of the MPG by facilitating the signing of an addendum to the Framework Plan that will set out the priorities of MPG members and families of the missing. ICMP will seek to ensure the financial sustainability of the MPG by means of high-level policy dialogue with governments. ICMP will seek to increase domestic ownership of the MPG by gradually handing over the chairing of MPG sessions to MPG members on a rotating basis. ICMP will seek to increase the engagement of the families of the missing in the operations of the MPG by establishing an MPG Forum of Families, where the MPG chair will provide timely and accurate information on MPG operations to the families, and families will be included in an advisory role in guiding the work of the MPG. ICMP will ensure that the MPG remains accountable for its work by facilitating its annual reporting to the Western Balkans Berlin Process, and by supporting the Regional Coordination of family associations of missing persons (RC) in a monitoring role.

ICMP will ensure that clandestine gravesites continue to be excavated in line with best forensic standards, and that cases exhumed are accurately identified based on DNA analysis. This will be done through the provision of technical assistance in forensic archeology and anthropology and DNA testing and matching for the purpose of human identification of missing persons to the MPG. At the same time, ICMP will seek to develop domestic capacities in DNA testing and matching for the purpose of human identification of missing persons, in order to be able to scale back its level of engagement in Western Balkan countries after 2026.

#### **Program objectives**

- To ensure a sustainable process to locate and identify missing persons from the conflicts in the former Yugoslavia;
- To enhance the cooperation of states in the region to build trust, and identify shared challenges and shared solutions to finding the remaining missing persons;
- To encourage and empower families of the missing and CSOs in the region to work together to ensure that their governments cooperate in securing rights to truth, justice, and reparations;
- To increase the technical capacities of domestic institutions to locate and identify the missing through the provision of assistance in advanced DNA technologies and data systems capabilities and to support these efforts through the CEL;
- To ensure the full implementation of laws, including the BIH Law on Missing Persons.
- In Albania, to increase participation by civil society groups, and family members of missing persons, especially women, in transitional and reconciliatory justice processes, by raising awareness of their rights among families of missing persons and increasing the knowledge of local institutions (government, prosecutors' offices, and others dealing with the missing persons issue) about their legal and human rights obligations to families of missing persons.

#### **Planned outcomes**

- Cooperation between the countries, signatories of the joint Framework Plan, on issues related to missing persons is intensified;
- Families of missing persons and the general public are informed of the implementation of the Framework Plan and other activities relevant to the missing persons issue, which include but are not limited to reform of relevant institutions, legislation pertinent to families of missing persons, reparations and benefits, and advances in science and technology pertinent to search and identification of the missing, etc;
- Sustainable mechanisms are in place to ensure state responsibility in finding the remaining persons missing in Kosovo (1,600), BIH (7,500), Croatia (1,700) as well as low numbers in Montenegro and Serbia;
- The rights of families of all missing persons, regardless of ethnic, religious or national

background are secured;

- Policy dialogue with national authorities and families of the missing on sustainability of the missing persons process is established;
- In Albania, CSOs and families of the missing from the Communist era understand the avenues that are available to them to secure their rights, and local authorities in Albania become more aware of their legal obligations to victims and the conditions under which people disappeared. Progress towards resolving missing persons cases will contribute to establishing historical records, resolving grievances, and more importantly, reinforcing the rule of law, which are essential pre-conditions for reconciliation and post-conflict recovery in Albania.

### **Strategy 2021-2026**

In the forthcoming period, ICMP's strategy in the Western Balkans will pivot around facilitating the cooperation of states in the region, and ensuring the engagement of families of missing persons in the process, while providing technical assistance to ensure that missing persons are identified accurately.

ICMP will foster cooperation through a number of key technical processes, including:

- Facilitating multilateral and bilateral meetings of the MPG members to ensure the successful implementation of the joint Framework Plan by all signatory countries;
- Facilitating the work of the MPG's Operational Group for the Database of Active Cases of Persons Missing from Conflicts on the Territory of the Former Yugoslavia, to ensure the timely and accurate sharing of information and contribution to the resolving of missing persons cases. ICMP will manage the database so as to ensure that data is shared securely and transparently among national partners and the public;
- Facilitating the work of the MPG's Operational Group to Resolve No Name (NN) or Unidentified Cases in mortuary facilities across the countries of the Western Balkans, in order to resolve NN cases through targeted joint pilot projects;
- Ensuring continued access to DNA testing and matching of missing persons cases for national partners in affected countries of the Western Balkans. Through the Wim Kok Center for Excellence and Learning, ICMP will develop domestic capacities in terms of DNA testing of post-mortem biological samples;
- Facilitating cross-border operations to recover mortal remains. Often referred to as joint excavations, ICMP will facilitate cooperation between states to ensure that when one country (where the human remains are buried) conducts an excavation it allows other countries to monitor the process, if the persons exhumed are assumed to belong to families now residing in another country. ICMP has successfully facilitated such operations in the past, and plans to reinvigorate this activity going forward. This is critical to transparency and trust-building;
- Leading a policy dialogue with national authorities in the region and families of the missing on national ownership and sustainability of the missing persons process;
- Conducting meetings with national authorities and families of the missing to establish a policy perspective for strengthening national ownership and sustainability of the missing persons process. Items to be discussed comprise:
  - Determining which existing institutions can assume the function of DNA testing and profiling of PM samples for the purposes of identification of human remains, and
  - Determining which existing institutions can establish capacities in forensic archeology and anthropology in order to provide technical assistance at excavations and in the examination of exhumed cases of human remains, as a first step toward possible identification;

- Conducting info-sharing meetings with families of the missing and state partners, in order to ensure that they are well informed about efforts being made by the MPG to locate and identify persons missing from conflicts in the former Yugoslavia;
- Implementing a grants program to ensure that the associations of families of missing persons continue to remain actively engaged in the process and have the resources to do so; and
- In Albania, ICMP, in partnership with the Authority on Opening the Communist Era State Security File, will draft and publishing a Guide on the rights of families of the missing, develop an exhibition using photographs and extracts from Communist state security files, hold countrywide community meetings to present the Guide to families of missing persons, gather oral histories from former politically persecuted and families of the missing and publish them in hard and electronic copy, and provide small grants to CSOs for the purposes of memorialization and commemoration.

## **VII. THEMATIC PROGRAMS**

### **7.1. Missing Migrants and Refugees (MMR)**

#### **Introduction**

More than 1,400 migrants died trying to cross the Mediterranean in 2020, and nearly 125 died in the first two months of 2021. Since the beginning of 2014, almost 21,400 migrants have died on the Mediterranean route, and these are just the recorded figures.

Political instability in many countries and armed conflicts across the globe have led people to migrate either by land or by sea. The nature of irregular migration, where people travel without documents or with falsified documents and seek to avoid official scrutiny, means that the actual number of fatalities and disappearances is likely to be significantly higher than the numbers cited above. There is evidence that large numbers of migrants are killed or fall into the hands of people traffickers even before they reach the Mediterranean coast. At the same time, European governments have reported that migrants and refugees, and especially children, have disappeared in significant numbers after their arrival in host countries, either attempting to reunite with family members, or falling into the hands of traffickers, or absconding because of fear of the authorities.

Under international law, states are obliged to investigate the fate and whereabouts of missing persons, including the circumstances of their disappearance. This is especially true with regard to migrants and refugees going missing, which often relates to criminal activity, including trafficking in human beings. The uncertainty and pain experienced by thousands of families in countries of origin and in Europe as a result of insufficient investigative and cooperative capacities underpins the urgent necessity to address this problem. Efforts to do so and support families are being hampered by a comprehensive lack of detailed and actionable information as well as the lack of a systematic approach to the issue.

ICMP has already taken steps to secure the participation of authorities in Europe in efforts to build a more effective response to the issue of missing migrants and refugees. Meeting in Rome at ICMP's invitation on 11 June 2018, Cyprus, Greece, Italy and Malta launched a Joint Process to enhance domestic capabilities and expand cooperation. The Joint Process aims at:

- Enhancing the cooperative efforts to account for migrants and refugees who have gone missing or have died in the context of the migration crisis in the Mediterranean;
- Enabling an assessment of the scope and extent of existing investigatory capacities,

including forensic and administrative capacities, that are available to the aforementioned countries through their own provision or through international and other cooperative arrangements;

- Enabling the assessment of procedures in place to locate MMR and/or to identify their mortal remains, as well as to assess the modalities for repatriating the remains of deceased migrants and refugees;
- Responding to obstacles and gaps in domestic capacity that currently prevent governments from effectively addressing the issue of MMR in the Mediterranean region; and
- Reaching out to authorities of third countries, as well as to families of the missing to secure their participation in efforts to account for MMR.

Following agreements reached in Rome, ICMP conducted an assessment and produced a draft set of “Proposals for Action”, which were presented at the second meeting of the Joint Process, which took place at ICMP Headquarters in The Hague on 13 June 2019. The participation of other European countries has been considered pivotal for the sustainability of this initiative.

Inter-agency cooperation has been at the center of ICMP’s work on the issue of MMR. In January 2016, together with the mission of the UK to the UN, ICMP brought together senior diplomats and experts at the UN Security Council, in the Arria Formula, to discuss core aspects of the global missing persons issue, including persons missing in the context of migration. ICMP has also conducted four topical Inter-Agency roundtables at its Headquarters in The Hague, the first on 9 December 2016 concerning data processing capabilities in respect of MMR, the second on 18 December 2017 concerning support by international organizations to Mediterranean countries confronting the issue of missing and deceased migrants, the third on 17 June 2019 focusing on how international organizations can continue to support the Joint Process effectively, and the fourth on 21 November 2019, focusing on DNA analysis of missing migrants and unidentified human remains. Since 2018, ICMP has facilitated an MMR consultative group involving international and other organizations, with a view to providing assistance to the Joint Process countries in their efforts to deal with the missing migrants and refugees issue. One recurrent theme that has emerged from these discussions is the need to enhance data sharing and break data silos.

Organizations such as IOM, INTERPOL, EUROPOL, ICC, ICRC, UNHCR, UNICEF, the European Union's Judicial Cooperation Unit (EUROJUST) and the EU Delegation in The Hague participated in these meetings. There was broad consensus that cooperation on data exchanges relative to missing persons and in particular MMR needs to be improved as an increasing number of databases place data in silos, rather than enabling dynamic, outcomes-oriented processing solutions.

#### **Program objectives**

- To assist the Joint Process countries (Cyprus, Greece, Italy, and Malta) in implementing the Proposals for Action (starting with the identification of focal points);
- To enhance cooperation with Italy based on the agreement signed with ICMP in 2016 to assist in specific cases of shipwreck victims;
- To assist Joint Process countries and other countries in the Mediterranean region in conducting DNA identifications in accordance with rule-of-law standards;
- To enhance cooperation with countries of transit and origin, as well as countries of destination, (e.g. France, Spain, and Southern Shore countries) and involve them in the Joint Process in a progressive manner;
- To enhance data sharing across the Mediterranean region, including through the facilitation of discussions (in the format of Regional Roundtable meetings) on Data

Processing and Cooperation concerning MMR.;

- To find solutions for inter-agency data sharing and ascertain jointly with international partners the quantity and quality of existing data on missing migrants;
- To facilitate the establishment of a regional DNA experts working group in order to create a shared body of knowledge and skills and build synergies to address common problems and challenges in the Mediterranean region;
- To engage civil society and other stakeholders in promoting access of families of missing migrants and refugees to data reporting tools in the Mediterranean region;
- To ensure informed participation of families of missing migrants and refugees in the process of accounting for missing persons in order to facilitate rule-of-law-based data collection efforts.

#### **Program outcomes**

- A regional process to account for MMR in accordance with human rights and the rule of law is in place and the Joint Process has become a sustainable mechanism from a policy and technical perspective.
- Resource and capacity gaps are bridged, through:
  - Assistance to domestic authorities in applying international standards of victim identification that rely on DNA, leading to an increase in DNA matching capacity among domestic authorities in the Mediterranean region; and
  - Capacity-building measures focused on data processing.
  - A system for processing data on MMR is launched, through:
    - The development of protocols for the sharing of key data from missing persons reports by family members and others, with their consent, among relevant institutions;
    - Access to shared and uniform DNA profiles and ante-mortem databases for relevant stakeholders in the Mediterranean region; and
    - An inclusive and participative approach *vis-à-vis* the families.
- Efforts to locate the missing, including DNA testing for human identification, are conducted in accordance with rule-of-law standards in the whole Mediterranean region.
- CSOs, families of the missing and others are engaged and participate in a rule-of-law-based process to account for MMR in the Mediterranean region.

#### **Strategy 2021-2026**

In the coming period, ICMP's MMR strategy will be based on four pillars:

- Advanced regional cooperation among governments and other relevant actors to address the issue of MMR;
- Active engagement of CSOs and families of the missing in the process to account for missing migrants;
- Application of scientific capacities and processes to the issue of MMR in the Mediterranean region; and
- Enhanced global understanding of the need to address the problem of persons missing as a result of migration.

To this end, the areas of action for 2021-2026 will cover the following:

- Enhancing cooperation among countries of transit and origin, as well as countries of destination;
- Improving scientific capacity, through technical assistance for identification purposes;
- Enhancing cooperation with regional and domestic organizations that can provide expertise to improve the efforts of third countries in accounting for MMR;
- promoting joint solutions for the processing and exchange of collected data among

- domestic institutions, as well as between international and other organizations; and
- building the capacity of CSOs and families to engage them to participate in the process of accounting for missing migrants and refugees (from enhanced access to reporting tools to informed participation in rule-of-law-based data collection efforts).

Inter-agency cooperation with all international and other organizations (including, but not limited to, IOM, INTERPOL, ICRC, UNHCR and the EU) dealing with the issue of MMR is central in the ICMP strategy. In the 2021-2026 period, ICMP plans to maintain discussion of data sharing modalities, especially concerning cases of unidentified human remains and missing persons reports by families, at the inter-agency level in order to develop an agreed inter-agency solution.

Through a set of policy-focused discussions in the context of the Global Forum, ICMP plans to raise awareness about the issue of MMR. ICMP also plans to make use of other international fora for this purpose (for example, the UN General Assembly, the UN Human Rights Council, the INTERPOL General Assembly.) ICMP's Global Report on Missing Persons will also cover this issue with detailed analysis and a review of policies to tackle it.

## 7.2. Disaster Victim Identification (DVI)

### Introduction

Man-made and natural disasters can affect any country at any time – and global warming and political instability have together increased the frequency of disasters worldwide. Such events expose human vulnerability irrespective of political, cultural or religious contexts and they cause uncertainty and anguish over the fate of relatives and friends. Disasters also place exceptional strain on the capacity of authorities to sustain a society's ability to recover.

Major disasters today frequently have an international character, where multiple nationalities may be affected by a single event. This has important implications. For example, currently a small number of countries shoulder the expense of DVI operations and the maintenance of DVI capacities that will be needed only very occasionally within their own borders. A more effective solution would be to maintain an internationally available resource that can be shared. Such a global resource can be expanded and improved and can include the highest DVI standards, which are currently beyond the reach of many countries.

In this respect, it is important to stress that this is a challenge that is not limited to the developing world. Developed countries do not customarily allocate adequate resources to DVI preparedness because the demand for DVI is infrequent and uncertain. Given the international character of such events, it is critical that all nations work to a recognized DVI standard and that they have access to a global resource that can deploy the highest standards.

ICMP maintains a high-throughput standing capacity for DNA testing. In addition, ICMP has developed specialist techniques to extract DNA from highly degraded bone samples, for example samples that have been severely burned or exposed to the elements for long periods. ICMP's integrated laboratory system is coupled with a specialized human identification informatics system. ICMP's overall technical capacity is underpinned by policy frameworks for data processing and protection, and by international partnerships enabling effective operational deployments globally, including partnerships with INTERPOL and domestic agencies charged with responding to disasters, such as the NFI and others. ICMP's DNA testing and reporting components are internationally accredited to ISO/IEC 17025 standard.

ICMP began addressing disasters in 2004 following the Southeast Asian Tsunami, and since then it has been involved in disaster identification efforts involving Canada, Cameroon, the Democratic Republic of Congo, Cuba, Haiti, Namibia, the Philippines, Thailand, Ukraine, and the US. In October 2013, ICMP deployed a team to provide on-site assistance to the Kenyan authorities in identifying victims of the Westgate shopping mall attack in Nairobi.

#### **Program objectives**

- To provide a global standing capacity to respond effectively and efficiently to large-scale, complex DVI needs.
- To enhance disaster response mechanisms, especially those provided by law enforcement in DVI situations, through training;
- To ensure cost-effective provision of DVI and greater access to DVI among countries affected by disasters;
- To provide training in DVI responses to law enforcement throughout the world through ICMP's CEL.

#### **Program outcomes**

- Official, transparent and effective investigations are carried out to establish the facts, including the identity of victims;
- The highest standards are maintained in DVI operations;
- Domestic authorities are able to interact effectively with families of the missing and with the public in their efforts to account for victims in a manner that is responsive and merits trust;
- Families of the missing are able to access and use DNA-led identification methods including providing data and biological samples securely in accordance with ICMP data protection standards.

#### **Strategy 2021-2026**

ICMP will work to achieve DVI preparedness while contributing to a platform for DVI operations with other actors, including INTERPOL. It will maintain its international rapid response capacity to address missing persons cases and mass calamities. Its specific focus will be to improve the scope and level of preparedness, to enhance better coordination mechanisms through a centralized operational structure; to identify means to provide DVI assistance equitably, and to seek cost efficiencies and ensure avoidance of duplication of effort. ICMP will also maintain a minimum target capacity of DNA throughput.

Through the program, ICMP will support the capacity of law enforcement, first responders and other agencies to deploy quickly and effectively in disaster situations. The organization will also augment the technical capacity of domestic stakeholders and develop domestic leadership through training so that authorities are able to interact effectively with families of the missing and with the public in their efforts to account for victims in a manner that is responsive and merits trust.

ICMP will work to ensure that basic elements of DVI are included in disaster planning and preparedness, especially in regard to local disaster response committees. Furthermore, domestic institutional capacities in the DVI field will be strengthened by enhancing the institutional performance of first responders including law enforcement, and community mechanisms such as local disaster response committees, which will be made more effective.

Families of the missing will be empowered to access and use DNA-led identification methods, including providing data and biological samples securely and without any threat to themselves. This will expand the availability and utilization of DNA, which is the only universally applicable primary identifier and is therefore an invaluable DVI resource. Genetic information will be processed separately from other databases, such as those of law enforcement, ensuring that all

those involved in the process of collecting, submitting and sharing data are fully protected from privacy intrusion or the possibility of legal jeopardy. Genetic data will be processed solely within ICMP systems and will not be disclosed outside ICMP's quality assurance audits. This will make it possible to undertake DVI efforts effectively and quickly in all parts of the world, including places where effective personal data protection is not assured domestically.

Where necessary, ICMP will secure the participation of family members located in many parts of the world, through the OIC, which facilitates outreach and provides secure means for families to report persons feared missing as a result of disasters. The OIC will be complemented by open-source android applications in cooperation with mobile telecom operators, permitting almost universal reach in local languages. ICMP will also establish data exchanges with other missing persons reporting platforms, for instance those of INTERPOL, the ICC, the ICRC and social media operators. Advancing these mechanisms will contribute significantly to improved data processing and protection in DVI efforts.

### 7.3. Assistance to Justice

<b>Introduction</b>
ICMP's assistance to the justice sector has been extensive, in particular in the context of the ICTY and domestic trials concerning the wars in the former Yugoslavia, but more recently also with the ICC, IIM and UNITAD. Much experience has been gained and processes have been developed for ICMP to support international and domestic criminal justice processes in an effective manner. Also, beyond criminal justice processes, judicial and law enforcement institutions are required to conduct effective investigations of the fate of missing persons and the circumstances of their disappearances as part of procedural human rights guarantees, in particular the right to life. ICMP's assistance to the justice sector in the context of criminal justice is one facet of supporting generally a rule-of-law-based approach to the issue of the missing.
<b>Program objectives</b>
<ul style="list-style-type: none"> <li>• Provide effective support to justice sector institutions to take the lead in missing persons investigations;</li> <li>• Ensure that the standard of work in missing persons investigations conforms to the rule of law, human rights and the requirements of criminal justice processes.</li> </ul>
<b>Planned outcomes</b>
<ul style="list-style-type: none"> <li>• Enhanced investigative techniques are developed and implemented as part of country programs;</li> <li>• International and domestic justice sector institutions lead investigations involving missing persons;</li> <li>• ICMP provides analytical assessments relative to specific events or alleged crimes at the request of courts;</li> <li>• ICMP provides expert witness statements and testimonies in criminal justice processes.</li> </ul>
<b>Strategy 2021-2026</b>
ICMP will support justice sector institutions with the aim of strengthening their capacity to conduct effective investigations regarding missing and disappeared persons. At the international level these efforts will include cooperation agreements with international tribunals and courts, as well as international law enforcement agencies.
At the domestic level, ICMP aims to establish technical agreements and arrangements to bolster the capacities of national prosecutors and investigative judges, as well as law enforcement and forensic investigators. In respect of their international counterparts, domestic support will

strengthen the principle of subsidiarity of international investigations, which is particularly important in the context of strengthening the acceptance of international courts such as the ICC. International courts in particular often lack adequate forensic investigative resources. ICMP's cooperation with international courts will improve not only their investigative capacities, but also contribute directly to advancing domestic investigations.

Through the Assistance to Justice program ICMP will provide guidance to *ad hoc* investigative engagement at the request of courts and prosecutors or specialized investigative mechanisms, such as the IIMM for Syria, the IIMM for Myanmar or UNITAD in Iraq.