

## ICMP UKRAINE PROGRAM

### FACTSHEET

#### ICMP AND UKRAINE

In April 2022 the authorities in Ukraine requested urgent assistance from the International Commission on Missing Persons (ICMP) to account for thousands of people who have gone missing as a result of the conflict. This assistance will be based on an exchange of diplomatic notes, supplementing an earlier Memorandum of Understanding (MoU) signed in Kyiv on 22 July 2021.

Ukraine's Prosecutor General is working to ensure that ICMP has the cooperation of the relevant authorities so that it can assist in locating missing and investigating their disappearance, including excavating sites of forensic interest, the process of identifying missing persons, and supporting families of the missing.

#### ICMP HAS SUPPORTED UKRAINE FOR A NUMBER OF YEARS

- In July 2014 a Malaysian airliner departing from Amsterdam was shot down over territory controlled by pro-Russian separatists in Ukraine. All 298 passengers and crew were killed. At the invitation of the Ukrainian Government and under the terms of its standing agreement with INTERPOL to provide assistance in case of disasters, ICMP deployed with INTERPOL at the crash site to assist in recovering victims' remains that were subsequently transported to The Netherlands. ICMP has subsequently worked with the Netherlands Forensic Institute to make DNA-based identifications in some of the most difficult cases from the 2014 incident.
- In September 2014, at the invitation of the Prosecutor General, ICMP conducted a fact-finding mission to Kyiv, following which ICMP recommended that the authorities, establish a central entity to coordinate missing persons investigations, create a mechanism for collecting and processing data on missing persons, build the capacities of civil society, in particular the families of the missing so that they are able to exercise their rights, and build the capacities of public institutions including in the forensic field. Ukraine subsequently adopted a number of measures in line with these recommendations, most importantly through the adoption of the Law on the Legal Status of Missing Persons on 2 August 2018, and subsequently through decrees concerning the establishment of a Central Register for Missing Persons.
- In 2021, at the invitation of the Deputy Prime Minister and Minister for the Reintegration of the Temporarily Occupied Territories of Ukraine, ICMP again visited Kyiv to conclude an MoU on ICMP support in a range of practical measures including capacity building for the Commission on Missing Persons, improving DNA-based human identification processes, establishing a State Register of Missing Persons, as outlined in the 2018 law, and building consensus between civil society and the institutions of the State.
- Following the Russian invasion in February 2022, Ukraine urged ICMP to implement without delay and through its own capacities the measures agreed under the 2021 MoU.

#### COLLECTING, PROTECTING, AND USING DATA

ICMP's experience elsewhere in the world (including the Western Balkans, where it spearheaded an

effort that has made it possible to account for 75 percent of all those who went missing during the conflicts of the 1990s) shows conclusively that a successful missing persons process depends on comprehensive data collection. DNA is extracted from unidentified human remains recovered from clandestine and mass graves and compared to DNA provided through saliva or blood samples by relatives of the missing. Other information is also collected from families and witnesses, including evidence of human rights violations, war crimes, crimes against humanity and genocide.

Data from different sources is uploaded to a central database. ICMP's Integrated Data Management System (iDMS) enables the comprehensive processing of missing persons data globally. The iDMS stores a huge volume of genetic and other information related to missing persons cases. The Online Inquiry Center (accessed through mobile application or through ICMP's website) makes it possible to report a missing person from anywhere in the world.

Efficient data collection will play an indispensable role in the Ukrainian missing persons process. Millions of Ukrainians have been displaced, which means the authorities will have to reach out to families in different parts of the country and beyond. Over the last two decades, ICMP has launched successful global campaigns to help displaced families report missing persons in relation to the Western Balkans, Syria and Iraq.

Data provided to ICMP is safeguarded, and only shared with third parties with the permission of the individual who provided the data and can be returned to the family of the missing person at their request.

## **A RULE-OF-LAW PROCESS**

A missing persons process based on the rule of law, upholding international standards in the management of crime scenes and applying state-of-the-art forensic science and database technology, will facilitate the prosecution of those accused of war crimes and other human rights violations. ICMP has extensive experience with securing such evidence on a large scale and to standards required in court. The successful investigative work of the International Criminal Tribunal for the Former Yugoslavia depended instrumentally on ICMP's work for its high-profile convictions, as has the work of domestic courts. ICMP maintains similar cooperation agreements with the International Criminal Court, the Kosovo Specialist Chambers, the International, Impartial, and Independent Mechanism for Syria, and the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh, as well as domestic forensic institutes.

ICMP supports efforts to secure the rights of all families of the missing and rigorously pursues a rule-of-law approach: this means accounting for missing persons, regardless of nationality, religion, or role of the missing person in armed conflict.

## **ICMP'S PROGRAM IN UKRAINE**

Through its Ukraine Program, ICMP will:

- Engage Families, Non-Governmental Organizations (NGOs), and the authorities in learning & development programs on data reporting and data collection efforts;
- Conduct largescale media outreach to encourage families to report missing persons using the OIC and conduct a largescale effort to collect data directly from families of the missing, including genetic reference samples;

- Ensure coordination and cooperation with domestic institutions, civil society and with relevant international organizations and the diplomatic community; and
- Provide technical and material support to enable Ukrainian authorities to conduct investigations into missing persons cases, conduct mortuary-based analyses that supports identification and evidence-gathering efforts and to reunify separated families;
- Under an existing cooperation agreement with the ICC Office of the Prosecutor, ICMP will endeavor to ensure Ukraine's efforts to account for the missing align with the investigative strategies of the ICC, as well as domestic processes.

## **ABOUT ICMP**

ICMP is an intergovernmental organization based in The Hague, the Netherlands. Its mandate is to secure the cooperation of governments and others in locating persons from conflict, human rights abuses, disasters, organized crime, irregular migration and other causes and to assist them in doing so. It is the only international organization tasked exclusively to work on the issue of missing persons. ICMP has more than 25 years of experience in helping countries to address the issue of missing persons. ICMP is voluntarily funded primarily by governments and international organizations.