



INTEGRATED ACTIONS

TOWARDS CLARIFICATION OF THE FATE AND
WHEREABOUTS OF PERSONS

MISSING

AND SUPPORT TO THEIR FAMILIES

INTERNATIONAL CONFERENCE

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INTERNATIONAL CONFERENCE

FOREWORD

We would like to express our heartfelt thanks to all participants in the First International Conference on Integrated Actions towards Clarification of the Fate and Whereabouts of Missing Persons and Support to their Families on 4th and 5th October, 2018 in Kyiv, Ukraine.

In all 127 persons attended the 2 day event, which included representatives from all spheres and sectors involved in the search for missing persons and identification processes in Ukraine, including ministers and other senior government representatives, parliamentarians, police, judiciary, forensic practitioners and academics. The topical and globally relevant nature of the contents also saw a number of official representatives from Armenia, Azerbaijan, Colombia, Cyprus, Georgia, Iraq, Nigeria, Northern Ireland, Peru and Sri Lanka and experts coming from Argentina and Spain, attending the Conference.

Participants engagement in the presentations was evidenced by the numerous questions asked and multiple networking and connections made between all participants. This interest and dynamism made the Conference a success and it was a great pleasure to see so many of you there.

We hope that the participants enjoyed both the scientific part and the social programme and used the opportunity to extend their existing networks. No doubt that the cooperation with most of the participants will continue in the near future.

In the next pages, you will find an executive summary of the contents, conclusions and recommendations of the Conference, followed by the summary of each presentation and questions and answers.

We would like to extend our gratitude to our ICRC colleagues in Ukraine Cleber Kemper, Deputy Protection Coordinator in charge of the Missing and Restoring Family Links, and Maria Dolores Morcillo Mendez, Regional Forensic Coordinator, who did outstanding work in organizing the event. A special thanks also to Jane Taylor, Regional Forensic Manager for Europe and Central Asia, and Jelena Milosevic Lepotic, Missing Persons and their Families Advisor for Europe and Central Asia, for drafting this report.

Alain Aeschlimann

Head of International Committee of the Red Cross Delegation for Ukraine

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Yevgen Nosenko/CRC

MOTHER OF A MISSING PERSON PARTICIPATES IN AN EVENT ON THE INTERNATIONAL DAY OF THE DISAPPEARED. MARIUPOL, 2017.

SECTION 1

EXECUTIVE SUMMARY



INTRODUCTION

The ICRC organised the First International Conference on Integrated Actions towards Clarification of the Fate and Whereabouts of the Missing Persons and Support to their Families (the Conference) on 4 and 5 October, 2018 in Kyiv, Ukraine. Ukrainian authorities and their counterparts from around the world were able to engage in peer-to-peer discussion, networking and sharing of experiences in order to strengthen their actions in dealing with the plight of the families of the persons who go missing as a result of a conflict.

Locally, the recent adoption of the Law on the Status of the Missing Persons¹ in Ukraine provided opportune timing for the Ukrainian authorities to consider lessons learned from mechanisms employed in other countries, and exchange information to facilitate effective implementation of this Law.

Globally, the Conference aimed to:

- highlight the necessary political will and long-term commitment required from governments, including appropriate financial resources;
- underline the need for coordination in the search for missing persons and identification of the dead, including centralized case management and a multidisciplinary integrated identification process especially in large scale and/or long term incidents² ;
- facilitate the exchange of experiences and lessons learned about the critical interactions between national mechanisms and operational structures responsible for the search for missing persons and the identification process;
- present the multifaceted needs of the families of missing persons and affected communities and call for authorities' integrated and comprehensive response to those needs, including the need for psychosocial accompaniment of the families during the search and identification processes;
- identify main requirements and most common challenges for the investigative/medico-legal systems and forensic institutions in responding to large scale and/or long term identification projects;
- encourage networking between representatives of participant countries.

¹ The Law on the Legal Status of Missing Persons of Ukraine, n° 2505, was adopted by the Ukrainian Parliament on 12 July 2018, and signed by the President of Ukraine on 30 July 2018. It has been in force since then, though its implementation requires the adoption of governmental regulations and institutional measures. The ICRC welcomes the adoption of the Law on the Missing and is pleased to have been consulted in the drafting process, and that a number of ICRC recommendations have been taken on board.

² E.g. conflicts, natural and man-made disasters, migration, among others.

In all 127 people attended the 2 day meeting, and included representatives from all levels involved in the search for missing persons and identification process in Ukraine, including senior government ministers, parliamentarians, police, judiciary and, forensic practitioners and academics. The topical and globally relevant nature of the conference also saw a number of official representatives from Armenia, Azerbaijan, Georgia, Iraq, Nigeria, Northern Ireland and Sri Lanka attending the conference. Topics covered included political aspects, government will and policy-making, the role of the families and developing appropriate articulation between government and operational structures, presented by speakers from Argentina, Bosnia and Herzegovina, Colombia, Cyprus, Chile, Georgia, Peru, Spain, Sri Lanka and Ukraine.

The program consisted of four main themes:

- Coordination mechanisms for the effective search for missing persons, identification of bodies and support to affected families;
- Interaction between national coordination mechanisms/commissions and the operational structures responsible for the search for the missing persons and the identification process;
- Understanding and addressing the multifaceted needs of the families;
- Search for missing persons, management of the dead and identification of bodies, the need for a holistic and multidisciplinary coordinated approach.

Each session had Ukrainian and international speakers ensuring local and global perspectives were given to each topic. The Question and Answer sessions enabled the audience to focus on issues key to their contexts and draw relevant conclusions from other contexts' practices and experiences.

PART 1: COORDINATION MECHANISM FOR THE EFFECTIVE SEARCH FOR MISSING PERSONS, IDENTIFICATION OF BODIES AND SUPPORT TO AFFECTED FAMILIES

Established in February 2018, Sri Lanka's Office on Missing Persons (OMP) came to be one of the four pillars³ of the transitional justice processes envisaged by the 2015 UNHRC Resolution. A multitude of previous commissions in Sri Lanka ignored the individualised clarification of the fate and whereabouts of missing persons and failed to provide families with truth, justice and reparations. This resulted in deep distrust by the families and affected communities in the newly born political will of the Sri Lankan government to tackle the issue of missing persons and their families holistically. Aside from fate and whereabouts clarification, OMP is mandated to make recommendations pertaining to the welfare of the families, provide psychosocial support to the families, make recommendations towards non-recurrence and ensure centralised management of data on missing persons and their families.

Also established in 2018, the Colombia's Special Unit for Missing Persons is part of the transitional justice processes and coexists with existent judicial, transitional justice, and ordinary administrative mechanisms that support the search for missing persons. Mandated to search for missing persons that disappeared in relation to the internal armed conflict, the Special Unit is extrajudicial and humanitarian, autonomous and independent, and complementary to other transitional justice processes. Unlike the Sri Lankan OMP that is a permanent structure, Colombia's Special Unit has its existence/mandate guaranteed for 20 years. Both newly established national mechanisms are families focused and inclusive.

The national mechanism on missing persons of Ukraine is to be established in November 2018 based on the newly adopted Law on the Status of Missing Persons. The plans for the structure of this mechanism envisage inclusion of national police, security services, prosecutor's office, Ministry of Defence, ombuds office, emergency services, Ministry of Temporarily Occupied Territories and Internally Displaced Persons, and other organisations. The Law provides for the national mechanism to be funded from the state budget and mandates the national mechanism to collect and centralise data on missing persons and their families. The necessity to protect the mechanism from the ongoing political processes and conflict/peace negotiations was emphasised, as was the need to manage the expectations of the families.

3 Office on Missing Persons, Office of Reparation, Truth Commission and Accountability Mechanism

PART 2: INTERACTION BETWEEN NATIONAL COORDINATION MECHANISMS / COMMISSIONS AND THE OPERATIONAL STRUCTURES RESPONSIBLE FOR THE SEARCH FOR THE MISSING PERSONS AND THE IDENTIFICATION PROCESS

The Ukrainian Armed Forces Directorate for Civil Military Cooperation identified the horizontal interagency cooperation as an important factor contributing to more efficient search for missing persons and identification of bodies processes. As the mechanism is being built while the conflict is still ongoing, issues such as dialogue with representatives of all parties to the conflict were emphasised as important, particularly in issues such as collection of DNA samples and comparison of data.

The Argentine Forensic Anthropology Team (EAAF)'s extensive global experience enabled a comprehensive overview of mechanisms which reinforced that the creation of a new mechanisms to search for missing persons is first and foremost a political decision. Even when a political will exists and a political decision is taken, the articulation of responsibilities between the State and its institutions can be problematic. The practice driven experiences recommended ensuring political will, creation of dedicated institutes that appreciate the need for multidisciplinary forensic teams and understand that DNA is only one tool for identification, participation of families, a long term perspective, coordination between and within State institutions, autonomy of the national mechanism and appropriate and realistic budgets. While Truth, Justice, Reparation, Memory and Reconciliation are the 5 important pillars to work on, no model is completely transferrable, and needs to be specific to the location.

The three members of the Committee on Missing Persons in Cyprus (CMP), presented an overview of the working of this mechanism, which has been functioning for nearly 30 years. The majority of staff are local and bi-communal which builds local capacity. All decisions are taken by consensus of the three members. In lessons learned they emphasised including the families as much as possible, especially in compiling the consolidated list of missing persons as families are the ultimate authority on who is missing. The CMP was originally set up as a fact finding mission and this was unsuccessful as it did not give the families closure. They are finding now that tensions are actually reduced with each identification as emotions move from public anger to private mourning. They emphasised the need for thorough research into potential gravesites and good, centralised data management.

PART 3: UNDERSTANDING AND ADDRESSING THE MULTIFACETED NEEDS OF THE FAMILIES

The State Minister for Reconciliation and Civic Equality in Georgia, provided a summary of the file and an overview of the current state of play in her region, including the structure of the 2 coordination mechanisms that are chaired by the ICRC (the Bi-partite mechanism between GEO and ABK, and the tri-partite mechanism between GEO, SO and RF).

The member of the Advisory Board of the Missing Persons Institute of Bosnia and Herzegovina, detailed the importance of family involvement in all aspects of the fate and whereabouts clarification process. He emphasized the importance of State organized support to families and their representatives (associations of the families of missing persons) and necessity to depoliticize the search process.

The Deputy Minister of Justice of Ukraine described how the State response to the missing persons and their families issue is evolving, and the importance he places on the new law.

The senior clinical psychiatrist in La Paz Hospital in Madrid, Spain, presented important considerations to be addressed in providing psychosocial support to families and that it must never be forgotten that families do not understand the process and it must be explained fully without causing secondary harm. Must remember about ends and not means. The presentation concluded with 16 minimum standards for ensuring adequate quality of family support.

The session concluded with a discussion on the recent cross checking of the families needs assessment originally conducted in 2016 in Ukraine. It showed needs remained the same, and the priorities for families are

the need to know what happened, the need for financial support, the need for more psychosocial support and legal and administrative support. Families wanted their pain acknowledged by authorities, and that they actually feel worse and more isolated as time passes, and this is affecting their health.

PART 4: SEARCH FOR MISSING PERSONS, MANAGEMENT OF THE DEAD AND IDENTIFICATION OF BODIES, THE NEED FOR A HOLISTIC AND COORDINATED APPROACH

The Law on the Search for Missing Persons in Peru was introduced in 2016. There is a long history of various commissions and reparation councils in Peru. This latest version is much more family focused and less focused on criminal responsibility. Reinforced that 3 elements are needed to achieve good outcomes and resolve problems: political will, budget allocation and involvement of victims/families in policies.

The EAAF presentation reinforced the consequences of lack of proper consultation with families and State structures prior to implementing legislation, and cited examples of where mechanisms had failed for different reasons. The importance of the structure and staffing of medicolegal institutes was emphasised, as was the fact that this structure takes time to be successfully established.

Several presentations by representatives of various Ukraine institutions and authorities summarized structures mandates and current activities. These included the Head of State Scientific Forensic Research Centre of the Ministry of Internal Affairs of Ukraine, the Head of Joint Centre for Coordination of Search, Release of Captives, Hostages and Location of Missing Persons in the ATO Area of the Security Services of Ukraine, the Head of Unit of the Main Investigations Department of the National Police of Ukraine, the Head of Body Search and Recovery and Missing Unit of the Civil Military Cooperation Directorate of the Armed Forces of Ukraine, and the Head of Medico Legal Services of Ukraine Main in Kyiv.

The differences between technical and judicial identification were described by the Identification Coordinator of the EAAF, and how the technical identification process must be multidisciplinary, comprehensive, holistic and integrated. Recommendations for an efficient identification process included; creation of identification units at Medicolegal Institutes (holder of the technical ID process), formalization of this unit by law to ensure proper administrative (including financial) operability and with a specific staff and procedures. Set up an information flow system connected intra –and inter –institutionally (multifactorial dialogue, multidimensional approach), appointment of an identification coordinator position, where the center of the identification process is the technical identification coordination and not the DNA as is mistakenly done in various examples of large scale projects.

The final, and very salient, presentation was a case study from Chile which highlighted the need of the State be directly involve and adopt the necessary measures –that included the internal reforms in the medico legal institute and engagement of judicial authorities as well as the families –to resolve and respond to the society for some mistakes in the past, given mainly by, lack of quality control and lack of a coordinated information flow which resulted in many (59 out of 124 cases) misidentifications.

CONCLUSIONS AND RECOMMENDATIONS

Understanding the roles and importance of all government and operational structures responsible for integrated actions on the search for and identification of missing persons and support to their families is normally a major challenge. The development of effective mechanisms, be it Commissions, Specialized Units, independent offices or simply readjusting procedures of the existing system is often necessary. The Conference, therefore, provided a unique opportunity not often available to participants, to hear many administrators, operational workers and consultants of a variety of mechanisms present their experiences and advice.

As main conclusions a number of aspects were consistently raised as key elements to ensure the effective search for missing persons, identification of the dead and support to their families:

- The issue of the missing persons and their families is complex, requiring a multifaceted approach;
- Clarifying the fate and whereabouts of missing persons and identifying the dead is a process that takes time;
- The creation of long-term sustainable mechanisms is a political decision, which requires political will, commitment and transparency;
- This political will must include adequate budget allocation;
- The main role of a mechanism is to ensure proper articulation/interaction between government and operational structures responsible for the technical work including support to families;
- Launching mechanisms requires prior consultation within the government, with the non-governmental sector, with technical experts and, most importantly, with the affected families of missing persons;
- The mechanisms have to have clearly defined objectives, which may include the need to restructure institutions (e.g. creation of dedicated identification units);
- Strengthening the local investigative and medico legal systems responsible for the search for and identification of missing persons is essential for any State to provide effective response to the humanitarian consequences of large scale events such as armed conflict, other situations of violence and disasters;
- Effective and reliable procedures for the search for missing persons and identification of bodies requires technical and scientific standards for quality assurance;
- The concept of identification has evolved to be more of an integrated process, and includes the reconciliation of information from which an integrated identification report is produced. This is the scientific identification, basis for the legal identification;
- Involvement of and constant dialogue with families is essential;
- When appropriate, it is advised to consider public awareness and communication strategies when implementing any mechanism;
- There is no single mechanism that is perfect or transferable; the mechanism must be designed to be fit for purpose for the given context. It may be the case that a specific mechanism is not required/established, however procedures within the existing system need to be adjusted in order to respond to the large scale humanitarian needs.
- The recently adopted Law on the Status of the Missing is an important step towards resolving the issue of missing persons in Ukraine. However, only the adoption of the Law is not going to solve the issue of missing persons and their families, adequate implementation is needed, including allocation of proper funding and further involvement of the victims. The implementation requires the involvement and commitment of all the stakeholders. The legal base has been established, now the institutional base needs to be properly organized.

Following the discussions, main recommendations can be summarized as the following:

Normally, the search for missing persons, dignified management of the dead and identification of bodies are responsibility of the investigative and medico legal systems. Existing procedures or new mechanisms, if necessary, should aim at strengthening these systems. Additional efforts need to ensure that families are properly involved in the clarification of the fate and whereabouts of their loved ones, and supported in their other needs in an integrated, holistic and comprehensive manner.

In launching, operationalising or implementing a functional and effective national mechanism, it is recommended to:

- Ensure the mechanism properly coordinates and interacts with the existing structures responsible for the different phases of the search for missing persons and identification processes in order to avoid duplication of tasks and optimize the knowledge and experience of institutions. Such national mechanism should be transparent, credible and independent from the judiciary (although liaising with it when necessary). It should be the official institution to which all families of missing could easily refer to obtain responses.

- Have national mechanisms distinct, yet complementary to other governmental processes existing in the context (humanitarian/administrative/judicial/criminal).
- The mechanism should not only focus on the clarification of the fate and whereabouts of the missing persons and in the identification of bodies, but also in supporting the families through the whole process.
- Guarantee the continuous communication with the families and proactively explain its mandate, initiatives, procedures and results. In addition, the national mechanism should permanently consult and enable the participation of families in the national mechanism's decision process. The mechanism should create a permanent structure within the mechanism to ensure proper involvement and attention to the families.
- Accompany the families of missing persons throughout the process by providing them with information and answers, including the notification of results and handover of bodies, with particular attention to recognition and remembrance. The accompaniment process of families of the missing persons during the search for and identification process requires specialized procedures and professional attention. The mechanism should also ensure there is a defined system to provide families with this support.
- Have powers and skilled resources (financial and human) to fulfil its mandate and reach its objectives regarding the search and identification processes and the response to the multiple needs of the families of persons who went missing at the given particular circumstances.
- Guarantee that the search for and identification processes follows a multidisciplinary, comprehensive, holistic and integrated approach to ensure trust of the families and their certainty about the identification result. The system established should follow clear procedures with defined roles and responsibilities and that an integrated identification report is produced by forensic experts capacitated, with experience in complex cases and in accordance with the international best forensic practices, guaranteeing the high quality and reliability of the results. The forensic professionals should be at disposal of the families to explain the identification process and answer any existing questions.
- Consolidate a unified, central and comprehensive national register of missing persons including an updated list of contact details of families of missing persons and guarantee its confidentiality. Personal data must be treated and processed in line with national and international rules on personal data protection and confidentiality.
- Ensure there is proper collection and centralization of information on missing persons and unidentified bodies, in accordance with the forensic best practices and international protocols for the search for and identification processes. It should ensure the availability of the information for all those involved in the process.
- Liaise with the family members and involve them in the process of handover of human remains and presentation of identification results, including choosing the most appropriate place to return/ bury the remains of their loved ones, as well as including them in the planning of any related details.
- Draw up and implement an action plan, debated and agreed with/by the families in order to provide support and develop reparation initiatives to the latter. Establish appropriate public awareness and communication strategies.
- Maintain the existing political will and commitment to the process, including to ensure allocation of funding.

It was suggested to the ICRC to regularly organise similar conferences allowing for the national mechanisms on missing persons to exchange their practices, learn from each other's experiences and provide peer-to-peer support to each other. This would contribute to a customary setting of standards in the process of the search for missing persons, identification of the dead and the support to their families.

Though it is recognised that the Ukrainian authorities and practitioners would prefer similar events taking place in Ukraine focusing on the issues pertaining to their present challenges, it was suggested to "globalise" the conference and allow for exchanges linked to standardising practices and priorities of other national mechanisms.

It is recommended that the ICRC takes the initiative and "philosophically, technically and financially" supports such future events.



Boris Heger/CRC

**DURING A MEETING, MOTHERS SHOW PICTURES OF THEIR MISSING SONS.
YEREVAN, 2005.**

SECTION 2

OPENING, INTRODUCTION AND WELCOMING WORDS



Mr ALAIN AESCHLIMANN
Head of International Committee of the Red Cross Delegation for Ukraine

Your Excellences, ladies and gentlemen,

It is a great pleasure for me to welcome the participants who are from different parts of the world and who come to Kyiv to exchange information, practices and work together for the next two days. As the Head of the International Committee of the Red Cross (ICRC) delegation for Ukraine, I would like to particularly welcome the Ukrainian authorities who have continuously shown their commitment to address the issue of missing persons and their families.

Regardless of where in the world we live and work, those of us who have come into contact with the issue of missing persons have witnessed the pain of uncertainty. Not knowing the fate of a loved one can prevent family members from enjoying a normal life for many years – sometimes for decades. It is a situation that can take a tremendous toll on entire families.

Such families have the right to know what happened to their loved ones and to be supported during the search. Their needs are multifaceted, and ought to be comprehensively addressed. The issues such families face include financial, legal, administrative, psychological, psycho-social and health problems. Waiting in uncertainty is a heavy burden to carry, and can have lasting psychological consequences. Communities, local actors and mainly authorities at all levels need to show their continuous commitment to support the families and provide them with answers.

With this in mind, the ICRC decided to organize the First International Conference on Integrated Actions towards Clarification of the Fate and Whereabouts of the Missing Persons and Support to their Families – which is taking place today and tomorrow in Kyiv –, with the purpose to offer the Ukrainian authorities a platform for peer-to-peer discussions, networking and sharing of experience with experts from countries that have also been affected by the issue of the missing and formulated approaches for tackling it.

The event aims to provide participants with the information and know-how needed to set up effective mechanisms, for example Commission on Missing Persons, to ensure an integrated response to address the needs of the families, search for missing persons, manage the dead and identify bodies. The first day is intended to

focus on political aspects, government will and policy making required to ensure an effective and integrated response to the families of the missing persons. The second day presentations will focus on the need for a proper articulation of the State actions at the government level, for example the soon to be created Commission on Missing Persons in Ukraine and Operational Structures, such as the National Police and the Medico Legal services.

The ICRC hopes this forum will assist the Ukrainian authorities in streamlining resources and approaches to a problem affecting an estimated 1,500 missing persons and their families in this country.

We are all aware that the development of appropriate policy and legal frameworks, as well as standards of practices in the field of missing persons is an effective vehicle to provide better quality and rate of answers, including on their fate and whereabouts.

There cannot be standards if there is no solid support from the States to operational structures and continued learning of the personnel involved with the issue of the missing. Tackling the issue of missing persons and their families from a standard-setting perspective means to reflect on the standards related to the collection, management and protection of relevant data. It also means working on the standards applicable to the searching process, the management of the dead and the more importantly to the identification process. The standards in which the complete support of families of missing persons, including the psychosocial and legal support, should be gauged and part of the equation.

Knowing this, I would like to share that the ICRC is launching a four year Missing Persons Project. This project will aim to convene a global community of stakeholders (including experts, practitioners, families, institutions and States) in order to jointly establish standards and best practices on how to prevent and resolve cases of missing persons, ensure positive identification of bodies and render support to families. The project will cover a broad range of contexts from conflict, natural disasters to migration. It will address issues such as the search and collection of information, forensics and the identification process, support to families and the use of big data.

One other focus of the project relates to missing persons mechanisms. Next year, in cooperation with the Committee on Missing Persons in Cyprus, the Missing Persons Project will convene an international meeting of experts and practitioners in Cyprus in order to discuss standards and best practices related to missing persons mechanisms. The discussions and presentations at today's event will undoubtedly be of great use in the preparation of the Cyprus event. And equally, we hope that Ukraine will, in the future, serve as an example of best practice in how to address the challenge of missing persons. Although, it already is by approving a Law on the Missing at a very early stage.

Coming back to today's and tomorrow's event, the active involvement of all participants is what will make this Conference a success. We hope the participants will take advantage of the opportunity to share best practices, lessons learned and support each other. In the end, we hope that this will help the Ukrainian authorities to continue properly designing implementation measures for the recently adopted Law on the Missing, and address the needs of families of missing persons in an integrated and comprehensive manner.

Concluding, I wish you in the name of the International Committee of the Red Cross a successful and enlightening conference.



Mr VADYM CHERNYSH
Minister of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine

Since the establishment of the Ministry, we have good cooperation with the ICRC that brought experiences of other jurisdictions and practices into our work. This was topped up with embedding of an international consultant into our structures for a few months (financed by international donors). Together we started by identifying that Ukrainian legal framework, though containing many norms and provisions pertaining to the issue of missing persons and their families, needed to be amended, since there was no single overarching, unifying piece of legislation on this issue. The previous one was based on CIS (Commonwealth of Independent States) legislation and we had selected the ICRC's model law on the Missing. Together with the international experts and consultants we have worked on amending the Ukrainian legislation while ensuring preservation of the ICRC Model Law on the Missing spirit. I think we managed to end up with an effective legislation.

However, we have to keep in mind that the legislation alone cannot change the situation.

One delegation from the Ministry visited the Balkans recently with the objective to learn from their experience. We have witnessed in the Balkans that even 25 years after the conflict, the issue of missing persons can still be politicized and the families still wait for the answers on the fate and whereabouts of their missing relatives. I do not want this for Ukraine. It is very important to learn from mistakes.

We cannot be considered a civilized society/country if we violate international law and in particular the one that relates to the Missing. We must claim we are committed to respect human beings as highest priority in our Government.

We developed all this rather fast (with the conflict still ongoing), but I think we had a rather good base.

I wish the next two days to provide fruitful collaboration and that we can gain good experiences from one another.

**Mr HRYHORII NEMYRIA****Chairperson of the Verkhovna Rada of Ukraine Committee on Human Rights, National Minorities and International Relations**

Donetsk is my hometown. It is very painful to observe what has and is happening over there. I am overwhelmed with emotions, which is one of the reasons I am so active in the protection of people and their human rights, as well as international law.

This year marks the 100-year anniversary of the end of WWI. The conflict in Eastern Ukraine has already lasted longer than WWI. I do not want to make comparisons about the number of victims, but still human lives are lost regardless the numbers.

We need to address this specific challenge of the missing persons. Exchange of experiences is invaluable for Ukraine as no one expected that a war could erupt in the 21st century in Europe.

I would like to thank the ICRC for excellent working relationship with the Parliament and our Committee. The ICRC is meticulous and hard working in this cooperation. We did not have a comprehension how complicated the issue of missing persons and their families is and can be if it is not addressed. They have helped us see problems and consequences of the things that were lacking and helped politicians better understand what needed to be done, including establishing legal and institutional base.

I think we would make a huge mistake if we just focused on the law and did not change the institutional base. November 2, 2018 will be the 3-month statutory period since the law passed. The law is important, but we have to focus on establishing the required bodies and vertical cooperation of various State actors. I hope that the Commission of Missing Persons will be established by then. Then we can have a single unified registry of missing persons, and have rules for procedures for agencies to cooperate both vertically and horizontally.

I hope this conference will focus on other contexts' lessons learned and provide guidelines on how to overcome problems.

From a personal perspective, many have mentioned families and it is obvious that there is a strong feeling among the families that they are ostracized, neglected and abandoned. If we are not helping them then we are not helping the society. We need to ensure to involve the families without hurting their feelings more and raising expectations.

I am confident that peace will come, yet post-conflict period will keep this topic very important.

WOMAN IS LOOKING FOR HER BROTHER WHO WENT MISSING IN THE 1992-93 GEORGIAN ABKHAZ WAR. IN THE MIRROR, ON THE RIGHT, A PICTURE OF THE MISSING BROTHER. SUKHUMI, 2013.

SECTION 3

OPENING SPEECH:

**PUBLIC POLICIES AND
OTHER EFFECTIVE
MEASURES FOR THE
EFFECTIVE SEARCH AND
IDENTIFICATION OF MISSING
PERSONS AND SUPPORT TO
AFFECTED FAMILIES**



Dr JÜRGE KESSELRING
Member of the Governing Assembly of the International Committee of the Red Cross

Your Excellencies, ladies and gentlemen,

The legacies of armed conflicts and other situation of violence casts a long shadow over relations between people and States. Missing persons and non-identified bodies are one of the most challenging legacies of armed conflict and other situation of violence. These include interrelated political, legal, technical and societal elements that must be addressed in an effective way in order to develop democratic society and enable families of missing persons to realize their rights and have their needs fulfilled.

The International Committee of the Red Cross (ICRC) has been working on issues related to missing persons since its inception because people have been separated from their relatives and gone missing as long as humanity has been fighting wars or facing natural or man-made disasters. They might be captured or abducted and then held in secret locations or die in custody. They might be victims of summary executions, thrown into unmarked graves. Sometimes they are civilians fleeing combat, or children separated from their families, or elderly or persons with disabilities unable to flee and left behind. They may be military personnel missing in action, often killed without possibility to get accessed and their body properly recovered. Because of the circumstances of conflict or other mass casualties, civilians and military remains are improperly managed or disposed of. In all these situations, families are left in despair, not knowing the fate and whereabouts of their loved ones.

For generations, persons have become missing, in particular in relation to armed conflict, disasters or migration, and this continues to occur around the world, causing great suffering and deep scars to families, communities and societies. Disappearances have profound psychosocial effects on both the direct victims and their families, who suffer uncertainty about the whereabouts and fate of their loved ones. Anxiety and fear, together with distrust towards authorities and society as a whole, make their search process more painful.

The number of persons reported missing in current conflicts around the world is substantial. For example, based on cases of families who have approached the ICRC on the ground, approximately 10'000 cases of missing persons remain open to this day in relation to the Syrian conflict. Many more people are estimated missing and numbers could conservatively reach several tens of thousands, with people still going missing every day. These are already raising challenges in terms of early data collection and early response to the

needs of families. In Nigeria, the ICRC has received over 10`000 requests from families to help search for their missing relatives. This number however only reflects part of the problem.

As time passes, families lose the hope of finding their family members alive. This loss affects them at different levels. The lack of answers about the fate and whereabouts of missing persons is affecting generations. Today, cases of missing persons that occurred decades ago are still pending clarification in many countries. Around 40,000 persons were missing at the end of conflicts in the former Yugoslavia. More than 6,000 persons went missing during the conflict in Croatia (1991-1995). Approximately 4,500 persons went missing during and in the aftermath of the Kosovo conflict (1998-2000). The conflict in Bosnia and Herzegovina (1992-1995) resulted in the largest number of missing persons – more than 30,000. Nowadays, in the Western Balkans more than 14,000 people remain unaccounted for since the 1990s. And in Peru more than 15,000 persons are still missing as a result of the conflict from 1980 to 2000.

Individually, the lack of information on the whereabouts of the victim and the fact of not being able to perform funeral rites in accordance with their religious and cultural beliefs, cause unresolved grief that is frequently compounded by feelings of guilt. For families, this means that the waiting and anguish has spread over generations, and marked the history of entire families and communities. The disappearance produces a reorganization of the familiar unit, in order to cope with the absence of the victims and undertake the search. Often this reorganization can deteriorate the family's socio-economic status and cause alterations and profound changes in family's life projects, affecting children and youth in particular. The families also face stigmatization and isolation from society and State authorities. Unresolved consequences of conflict that stretch over decades can hamper the prospects of peace in a country or region. This is worrisome for countries that are emerging from years of conflict and where thousands of families are already expecting answers. In Colombia, for instance, the toll reaches more than 79'000.

There are also countries where conflict resurfaced and new cases of missing persons join countless others for whom no information has been found for years, even decades. In Iraq, for instance, estimates point from 250'000 up to 1 million missing persons from past and current conflicts and other situations of violence.

Disappearances are a daily and chronic phenomenon in some countries affected by violence. People are going missing every day. As during conflict, people also go missing related to criminal acts or violations of laws that should protect them, such as when they die and their remains are not found or properly identified. This concerns hundreds of thousands of persons in Latin America, as for example in Brazil only, official numbers indicate a yearly average of 70'000 cases of missing persons.

Today the phenomenon has also taken on a global dimension in its overlap with migration. A significant number of migrants go missing, several thousand annually, along migratory routes around the world. The phenomenon is complicated by the coordination and harmonization of practices among a wide range of actors across various countries, regions and even continents which is required by the search.

But, who are all those missing persons? If I may, I would like to ask you to take a moment now to think about the last time you said goodbye to a close member of your family. Perhaps it was this morning, when you went off to work. Perhaps it was at an airport, perhaps over the phone. Think about it.

Often our goodbyes are rushed, half-considered. We assume we will meet again soon and pick up where we left off.

Now imagine a gap between your last goodbye and your next hello – a gap that stretches out indefinitely. Imagine a lifetime of silence. Imagine the waiting. Imagine not knowing where your daughter is, your father is, your wife is. Is he safe or hurt? Is she hungry or thirsty? Alive? Most of us in this room do not know this

pain personally. But this is the experience of hundreds of thousands of families across the world. Let us recall that today here in Ukraine, in Nigeria, Sri Lanka, Colombia, in the Balkans, Syria, Iraq and Afghanistan, today on the Mediterranean Sea or in the Caribbean's, families are experiencing the anguish of waiting for news of a missing relative.

I want to recall the 2003 International Conference on the Missing as a result of armed conflict and internal violence in Geneva. It aimed at heightening awareness among governments, the military, international and national organizations and the general public about the tragedy of people unaccounted for and about the anguish of their families by creating and making available tools for action and communication in order to ensure accountability on the part of the authorities responsible for resolving the problem of missing people, to better assist the families and to prevent further disappearances. Fifteen years later, the statements of the Conference and the Recommendations agreed upon on this occasion remain valid. And yet, despite effort made in several places in the world, measures to effectively address the issue are still desperately lacking.

Recommendations such as respect for International Humanitarian and Human Rights Law is fundamental in preventing persons from becoming unaccounted for. Full implementation by States and parties to a conflict and dissemination of these obligations must be ensured. It is crucial that families receive information on the individual fate of their unaccounted relatives. This includes setting up, whenever necessary, complementary mechanisms, judicial or non-judicial, to respond to the families' needs. Information management and the processing of files of persons unaccounted for and non-identified bodies needs to be properly centralized, managed and coordinated to heighten the effectiveness. Ensuring that all feasible measures are taken to search for and identify the human remains of those who died, ensuring that forensic specialists that carry out the procedures to exhume and identify bodies receive adequate training are amongst these recommendations. Also, the material, financial, psychological and legal needs faced by families waiting clarification of their relatives' fate should be addressed by the concerned authorities. In equal manner the process by which the families are properly and in a respectful manner informed that a family member has died and human remains and/or personal effects are returned needs to be well prepared.

For the ICRC the status quo cannot be an option. Because of the tremendously damaging effect of unresolved cases of missing, all should join efforts to tackle efficiently this issue. Answers for the missing persons and their families should be found. Authorities must assume responsibility for the processes of search, truth, justice and comprehensive support and reparations to families. States and other type of actors involved in a conflict are obliged to adopt norms, mechanisms and procedures to prevent and resolve disappearances in the context of armed conflicts, to involve families in a timely and appropriate manner about the fate and whereabouts of the missing persons.

The long-lasting and growing caseload of missing persons can be the result of lack of political will, a failure in coordinating or information sharing between the different repositories of data, and – at times – a lack of capacity or a combination of many factors. It is important to build recognition of the missing and their families as a humanitarian priority in ongoing conflicts and other situations of violence, and to promote respect for International Humanitarian Law provisions related to the missing and the dead.

The ICRC firmly believes that sustained long-term political will, compromise and transparency are the main elements for a successful approach towards resolving and preventing the missing issue. Complete and truthful commitment of everyone and of all those involved. From the highest level of politicians, parliamentarians and ministers to decision makers and operative structures in the field. International Humanitarian Law recognizes the right of the families to be informed about whereabouts or fate of the disappeared person or, in the case of death, its circumstances and causes. Domestic laws in certain countries affected by this problematic have also moved towards the protection on these rights, as is the case of Ukraine with the recently approved Law on the Status of the Missing which is a remarkable achievement. This, I have to say,

is an important step taken and a precedent so early when the armed conflict is still raging. Definitely a unique example of good practices for the rest of the world. We are all hoping to hear more about similar processes from representatives of other countries attending this Conference.

Ukraine is now in the process to adopt measures and regulations to implement its new law, particularly the establishment of a national commission on missing persons and a unified registry. Hearing from experiences of other countries is very timely.

Transparency is very important and here refers to the need for constant information and transparency of the processes of searching for disappeared persons and forensic investigations. Relatives should be constantly informed, in a clear and precise manner. This right to information includes: (a) knowledge about the process of searching and the forensic investigation, their implications and consequences (b) the progress made, the limitations and relevant technical and legal elements. Only by doing so, will the families have or regain trust in the system.

An adequate participation of the victims themselves in the process should be ensured — they must be heard. This allows to put the victims in the centre of the process which gives an adequate measure of the degree of satisfaction of victims' rights and their expectations.

Knowing the expectations and needs of the victims enables the authorities to put in motion a whole series of reparation measures to complement the existing mechanisms of individual compensation, especially measures that take greater account of the collective impact of the armed conflict. In an armed conflict, it is not only the direct victims of violence that suffer, but the whole society. A comprehensive and multifaceted reparation system is not just to support victims to overcome the humanitarian impact of the armed conflict, but also to help build a basis of trust in the State institutions and between individuals in order finally to promote reconciliation and build peace. In my view, reconciliation, or at least coexistence, should be promoted from the outset and not be seen simply as a distant end-goal.

Proper forensic investigations are necessary for clarifying the fate and whereabouts of the missing persons and positive identification of bodies. This kind of investigations helps locate, identify and establish the cause of death and the return of bodies or remains of the disappeared persons to their family. These investigations can also constitute the source for public recognition of the events, which helps dignify victims and contributes to peace and justice. To improve the rate and quality of the response to the clarification of the whereabouts of missing persons, the authorities must pay careful attention to ensuring effective investigative and medico legal systems, by strengthening their capacities, developing professional standards and ensuring proper coordination. Forensic investigations have also important psychosocial impact. Depending on how they are conducted, these investigations can either provoke a re-victimization of the family members or they can have a reparatory effect. In some countries, adapted psychosocial work has minimized the negative impacts of the forensic process and fostered its reparatory nature.

Despite the authorities' best efforts, misidentifications can occur. In such a case, the family which has incorrectly received the body will in many instances not be willing to actively participate in the identification process. Therefore, the actual mortal remains of their family member, if located, will remain unidentified; and the family whose missing relative's remains were released incorrectly to another family will wait in vain for a resolution. Consequently, since the misidentification also affects the trust of the families in the authorities' action, higher proportion of misidentifications may contribute to an increased number of unidentified mortal remains in mortuaries. In Croatia there are around 900 cases of unidentified mortal remains in mortuaries. But Croatia is not alone in the region: Bosnia and Herzegovina has 3,000 such cases, Kosovo and Serbia both around 400. Addressing the issue of non-identified remains and the correlated issue of possible misidentifications is critically important for the process of accounting for the missing to move forward.

The challenges are high and numerous. This forces all of us to go out of our respective comfort zones and to identify to which extent Governments, International Organizations and local actors can use the complementarity of our respective mandates to increase and strengthen the effect of our respective actions. We can make real differences for those affected only if the relevant stakeholders are willing to commit and to implement the necessary measures to effectively address the issue of the missing persons and the needs of the families.

It is, therefore, essential that the authorities work together with the society, on the basis of the families' needs, with a cross-cutting psychosocial perspective. Psychosocial work, forensic work and investigative work provide families, survivors and societies with crucial elements to help them understand the dynamics of armed conflicts and its particular manifestations. This allows to reflect on the seriousness of the issue of missing persons and to prevent its occurrence in the future.

There is no single model to address the issue of missing persons, non-identified dead bodies, and support to their families. But there are various experiences that may offer useful lessons about how to achieve these goals. These experiences involve different institutional designs, including different balances between national and international processes. On this basis, there should be informed and open discussions in a country concerned by the issue.

That is why I am personally very excited about the upcoming exchanges which will take place during this conference. I wish you all fruitful discussions and would like to close my remarks by hoping that this event will help bringing concrete results to guarantee the right to know of the families of missing persons.

I thank you for your attention!



Rebeca Lucia Gallindo/CRC

EVENT TO COMMEMORATE THE MISSING. CALI, 2018.

SECTION 4

COORDINATION MECHANISMS FOR THE EFFECTIVE SEARCH FOR MISSING PERSONS, IDENTIFICATION OF BODIES AND SUPPORT TO AFFECTED FAMILIES



OFFICE ON MISSING PERSONS OF SRI LANKA **Mr SALIYA PIERIS**

Chairman of the Office of Missing Persons of Sri Lanka

The Office of Missing Persons (OMP) of Sri Lanka is relatively new and was appointed by the President of Sri Lanka in February 2018. It is an independent Office established by Parliamentary legislation. It marks a significant milestone in the efforts of the Government of Sri Lanka to address the issues of the Missing and the Disappeared. The process of establishing the OMP was discussed and debated across the country and actors (even the name has caused a debate as families and their representatives in the North of the country wanted to name it the office of the missing and the disappeared).

A bit of history. Sri Lanka went through:

- The civil war in the North between the Government and the Liberation Tigers of Tamil Eelam (LTTE) 1983–2009;
- Two insurrections in the South launched by the leftist JVP (Peoples Liberation Front) in 1971 and 1987–89, causing mass casualties (I remember as a young boy being told of bodies floating in the river).

There were also other enforced disappearances taking place up until 2015.

The victims belong to all ethnic groups of Sri Lanka – Sinhalese, Tamil and Muslim. They are combatants, members of armed forces and police, and civilians.

The perpetrators belong to State actors (including members of armed forces and police) and non-state actors (including armed combatants from both the LTTE as well as other paramilitary groups).

There are no exact data on the number of persons that went unaccounted for in relation to the civil war. The ICRC's list contains names of 16,100 individuals; the State Commission recognizes over 21,000 missing from the civil war in the North and East and a guestimate of over 20,000 missing in relation to two insurrections in the South. Approximately, one year ago the Government of Sri Lanka called for details of all missing persons and so far about 15,000 files have been received.

There have been several commissions of enquiry over 30 years. These have recorded evidence and made recommendations mainly relating to compensation. There was little or no follow up to these recommendations. None of these commissions was mandated / made effort to trace the missing and there was little effort at accountability. Previous commissions were criticized as flawed, and not sensitive to the needs of the family. Refusal/reluctance of State to acknowledge the plight of the disappeared.

In 2015, UNHRC resolution was adopted and requested four pillars of transitional justice in Sri Lanka:

- Office of Missing Persons;
- Office of Reparation;
- Truth Commission (not developed yet);
- Accountability Mechanism (not developed yet).

Consequently, the OMP was established with the following characteristics:

- Permanent;
- Is guaranteed its independence by law;
- Has extensive powers;
- Will have a regional presence;
- Has a wide mandate.

The main objectives of the OMP are:

- To trace and search for the missing and to identify their whereabouts;
- To identify the fate and circumstances of the missing;
- To make recommendations pertaining to the fate of families, including reparation;
- To provide families with psychosocial support.

The Law establishing the OMP provided it with the following powers:

- Power to investigate and trace including summoning witnesses and calling for documents from the state;
- Power to inspect previous records;
- Power to investigate/enquire via video link/confidentiality (if witness not in SL);
- Power to inspect places of detention;
- Power to grant protection to victims and witnesses.

In terms of tracing and investigations, the OMP:

- Can open a new case from a new complaint or an existing file of a previous commission;
- Can gather evidence and conduct investigations confidentially;
- Can summon witnesses and examine documents;
- Can identify possible mass graves and seek excavations and exhumations of mass graves (through the judicial process).

Challenges so far faced in the process of fate and whereabouts clarification of missing persons:

- The failure of successive State institutions to provide families with truth, justice and reparation has created a deep distrust towards the State, and by extension of the OMP (families distrustful and sceptical);
- Allegations of lack of political will;
- Multiple needs and positions of various families and the importance of securing their trust;
- Limitations in forensic expertise in the fields of tracing;
- OMP does not conduct the forensic examination and is more an observer in the process;
- Administrative challenges in setting up a permanent office (salaries, recruitment, funding promised but perhaps not materialized);
- Families are expecting quick results.

The OMP's relations to judicial process are characterised as following:

- The OMP has a purely humanitarian mandate;
- Evidence provided to OMP does not give rise to any criminal or civil action;
- However, where a crime is revealed OMP, after consulting the families, will notify the authorities so to allow them to investigate and prosecute accordingly.

Confidentiality is seen as an important aspect of OMP's functioning and independence. Therefore, the information gathered confidentially cannot be divulged, the families must be consulted before reporting to law enforcement or prosecuting authorities and right to information law does not apply to confidential information.

Mandate of the OMP requires it to acknowledge the missing persons and their families' plight. In the light of this, the OMP marked the International Day of Enforced Disappearances with an event in Colombo and the release of an Interim Report. The latter contained the recommendations below.

- Urgent measures of Interim Relief:
 - Financial aid (interim);
 - Debt relief;
 - Housing development;
 - Education support;
- Vocational training;
- Recommendations pertaining to truth and justice;
- Recommendations on prevention and non-recurrence;
- Recommendations on memorialisation and acknowledgement;
- Recommendations on strengthening the Enforced Disappearances Act and on current criminal cases pertaining to disappearances;
- In order to guarantee proper identification of human remains, expedite ongoing reforms to the legal framework pertaining to inquests into deaths and related protocols, and ensure a multidisciplinary coordination system between institutions responsible for search, recovery and identification;
- Require State officials as well as the public to report the discovery of bones and other human remains.



SPECIAL SEARCH UNIT FOR MISSING PERSONS AS A CONSEQUENCE OF THE CONFLICT OF COLOMBIA

Mrs LUZ MARINA MONZÓN

Director of the Search Unit for Missing Persons

On 24 November 2016, peace agreements were signed in Colombia, following which the Law Decree 589 of 2017 established the Search for Missing Persons Unit as a part of the Transitional Justice Mechanism.

The purpose of this transitional justice mechanism is to build peace and co-existence and:

- 1) Contribute to the satisfaction of the right of the family to know and receive reparation. This aspect focuses on ensuring rights of families and providing reparation and compensation;
- 2) Alleviate the suffering of families. This aspect is a humanitarian initiative to provide relief, which is vital for any such mechanism.

The mission of the Search Unit is to search for missing persons who disappeared in relation to the context of the armed conflict. The mission does not specify any other details, e.g. kidnapping which was used as a recruitment strategy. In conclusion, the Search Unit does not have judicial objectives.

Though the founding legislation was adopted in 2017, the Search Unit started operationalising in February 2018. Families have to be at the centre of the action and we as State institution have to listen to their needs. Working for and with the families of the Missing is characterising our Search Unit.

To ensure full functionality of the Search Unit, we must have access to data and confidential intelligence. This has been operationalised through agreements with relevant organisations. The mechanism has to guarantee confidentiality so as to gain trust, especially when a parallel judiciary process takes place.

Independence of the mechanism is also very important so as to ensure full control of tracing / investigation process. Finally, there is a high necessity to coordinate with State and non-governmental sector and Forensic services in the country.

In other words, the main aspects of the Search Unit are:

- Extrajudicial and humanitarian nature;
- Autonomy and independence;
- Complementarity;
 - One of the major challenges of the mechanism as it has to co-exist with:
 - the existent judicial mechanisms for the search for missing persons,
 - transitional justice mechanisms and
 - ordinary administrative mechanisms that support search for missing persons.
- Transitory (mandate given for 20 years).
 - Transitory justice adds value, inspires and reinforces to obtain goals, e.g. National Institute with good data set and with information about missing persons and unidentified remains. It also aids political will.
 - The main message is not to duplicate data, but to have one unified national register, to ensure that all the accounts are consolidated (experience shows that when it comes to disappearances of missing persons there is no single accurate account).

The Search Unit has different strategies for the search process:

- Humanitarian strategies:
 - Participation of (permanent exchange and the interaction with) families in the search process;
 - Inclusion of the families' needs and expectations;
 - Recognition of the families' experience and knowledge in the search process.

This approach allows that the families know that we have done our best, even if we fail to reach the result of the fate and whereabouts clarification. The families never give up on searching for answers and in the years of their search, they accumulate specific skills.

- Institutional strategies:
 - Respect;
 - Recognition (of experience and competence of what has been accomplished so far);
 - Understanding;
 - Permanent exchange (with everyone to be more efficient);
 - Proper articulation;
 - Coordination (with all relevant agencies/structures/bodies).
 - As one agency will not be able to meet all the needs, we need interaction and to be supportive of a favourable climate to exchange information. Misunderstandings have to be avoided and handled properly.

The search for missing persons has to take both, the rights of the victims and the State obligations, into account. The families have the right to know what had happened to their missing relatives, are they alive or dead. The State must conduct all the necessary investigations to provide answers.

The victims also have the right to reparations. Reparations aim at redressing or ceasing the harm caused. As the disappearance generates uncertainty and suffering to the families, establishing the fate and whereabouts of missing persons contributes to alleviate the suffering of the families. The State has the obligation to implement all actions needed to establish these rights.

The right to justice is also guaranteed to the families. It is necessary to establish who disappeared the missing person, why the disappearance occurred and for which purpose. The accountability is tackled in criminal processes. The State must ensure serious, effective and timely investigations to clarify the fate and whereabouts of missing persons.



DEVELOPMENTS IN THE STATE RESPONSE TOWARDS THE ISSUE OF THE MISSING PERSONS IN UKRAINE

Mr VADYM CHERNYSH

Minister of Temporarily Occupied Territories and Internally Displaced Persons

I want to help you understand what is happening currently. There is an armed conflict still ongoing in Ukraine and the government does not control part of the country.

Before the new law we didn't have agencies or information about the Missing. Everything was scattered between different agencies. The Law creates a universal system for categories and sub-categories of individuals and we will have a unique system created to support the victims. Dear participants to the Conference, please share with us how you have implemented the laws on the Missing in your own contexts.

The special commission provided by the mentioned law should be coordinated by cabinet of ministers, and involve Prosecutor's Office and Ombudsman. In total fifteen State institutions are involved in order to implement the law.

The law envisages the National Commission be empowered to:

- Request information;
- Systematize information;
- Have the Central Registry of Missing Persons;
- Ensure clear mechanism for information sharing between different agencies.

Minsk platform is a political process and it might delay humanitarian / technical processes. The soon to be established mechanism should discuss the exchange with the Minsk platform at a certain point.

Up to now many different agencies were involved in tracing missing persons. However, with the new Law all these activities will be coordinated under the National Commission that these agencies will be part of. The ICRC supported the whole process in setting up the national mechanism in Ukraine (commodities, training, etc.). Funding is necessary for the powers of the mechanism to be executed.

The success of the implementation of the law will depend on relevance of secondary legislations. We need to be flexible in implementation stage and take lots of feedback. Basis has been created to provide funding, while the existing involved agencies will have to adjust their budget to fund the search process and support to the families of the Missing.

It was extremely important to involve non-government agencies in the process of building and future implementation of the mechanism. We have very active NGOs involved in searching that have acted in Grey Zone and NGCA.

The legislation now allows to actively involve the civil society sector and they are represented in the commission.

Commission on Missing persons

The soon-to-be established National Commission on Missing Persons will involve National Police, Security Services, Prosecutor's Office, Ministry of Defence, Ombudsman, Emergency Services, Ministry of Occupied Territories, ICRC and other International organisations. Representatives will now coordinate their activities within the legal mechanism.

I would like to emphasize that excessive politicization is detrimental – special protection of data is very important. Previously created lists of detained and allegedly dead persons may have been incorrect. The registry should work in such a way that information is not used for political purposes. All should be able to be part of the registry, including missing in NGCA, Crimea, Russian Federation. It is critically important to maintain dialogue with international experts e.g. ICRC, as this helps to learn international best practice e.g. about examinations, respecting religious practices about funerals etc. and very importantly: how to work with families.

We need to maintain a balance and ensure that we do not exaggerate expectations: we have to tell people the truth, but do not discourage them in their quest for answers.

Jointly with ICRC, we have elaborated several very special programs that will help people to try alternatives to change attitudes towards their lives (e.g. experiences from Georgia) and use effective social practices.

One of the main challenges is to avoid staying too formal, as the process of search and identification of the Missing is not about gaining political dividends but about getting the job done.

We can work with the ICRC, but we must take responsibility and initiative.

I am pleased to say it is not just my Ministry that is stepping up, we are witnessing rise in numbers of committed and dedicated people in Ukraine. I would like to call all participants to share your contact details with all Ukrainians here today for the future exchanges.

QUESTIONS AND ANSWERS

Mrs Gulden Plumer Kucuk, Turkish Cypriot member of the Committee on Missing Persons in Cyprus (CMP):

1. Thank you for your kind presentations. As no one mentioned the budget of the projects, could you update us on this aspect of running a mechanism?

Sri Lanka – the law requires the government to fund the OMP. The government has allocated funds in the national budget. Also allowed to accept donations subject to government approval.

Colombia – the state set the budget this year, unknown if there will be increased allocations over the 3 years. Challenges are associated with political will. Able to receive support from abroad.

Ukraine – commission itself under Cabinet of Ministers (key authority in Executive Branch) and is being funded by the Secretariat. Each authority/ministry must have a budget line. Need to tackle some problems as its not well coordinated as yet, e.g. the Forensic Bureau is expensive, so financing will be important and there is a lack of funds. Some additional activities will be necessary to establish funding. I must tell you that the ICRC help us a lot to finance events and with technical events.

2. To the Sri Lankan presenter – in the truth commission how will this combine with the judicial system?

Sri Lanka – The truth commission and the accountability mechanism were agreed to at UN but have not been established yet. The accountability mechanism will be the most difficult e.g. whether to have only Sri Lankan judges or to include international judges as well which might be difficult to sustain in the Sri Lankan system.

Mr Ademilola Oluseun Adesiyun from the National Human Rights Commission of Nigeria to Sri Lanka and Colombia:

1. Before the laws were enacted how did you collect data on missing persons?

Sri Lanka – several ad hoc commissions each collected data, the government also collected data at vil-

lage and district levels. International organizations such as ICRC also collected data but some of this is confidential.

Colombia – until 2000 we collected data in different agencies and in different formats depending on the nature of the agency. After 2000 the first task of the commission was to integrate data to create a registry in single format. In 2007 the single registry of missing persons was included in law requirements. Still have some problems with actually verifying exact numbers of missing persons, as the data was not always collected in a timely manner.

2. How do you intend to integrate all this data?

Sri Lanka – we are getting advice from ICRC and understand there will be some duplicated data. Final idea is to have a consolidated list – this will take some time and require training.

Major General Hazam, Ministry of Defence of Republic of Iraq, to Sri Lanka and Colombia:

1. How many cases have been collected and returned?

Sri Lanka – only established in 2018, therefore no identifications yet. Have supported 1 excavation.

Colombia – only started in Feb 2018.

2. I would like to make some comments to the organisers. We should have been asked for some input before the meeting as we have the highest number of missing persons in the world. So we could have shared a lot of information if you had asked.

From Joint Centre of Missing Persons, Security Service of Ukraine to Sri Lanka and Colombia:

1. Who is involved in your commission?

Sri Lanka – appointed by the President, includes lawyers, civilians, retired army major general (legal) and representatives of families of missing persons.

Colombia – my department, representatives of 7 state agencies, Forensic experts, 2 civil society representatives, families of missing persons, 2 representatives from families where the missing person have been found.

2. Means to search?

Sri Lanka – still developing these.

Colombia – 1 unit collects information, 1 unit analyses, 1 unit for technical experts e.g. forensic, 1 unit working with families.

Comment from Yuri Boznitsky, Chief Adviser to the Secretariat of the Committee on Human Rights, National Minorities and interethnic relations of the Verkhovna Rada – Parliament – of Ukraine

As one of the authors of the document I want to let you know my perspective.

The system functioned in a peaceful and stable situation, but now Ukraine is in a state of war/conflict and we now have special groups of missing persons.

We thought we would need one coordination body and this commission will be the central body.

The Ministry of Internal Affairs is our centralized accounting system. But the new law introduces a new kind of register (for the new category of MP).

There are approx. 400 people who went missing due to combatant activities – these people need a different approach.

Search team is a new term in Ukrainian legislation.

Will work in cooperation with ‘the other side’ – previously did not have this legal mechanism for cooperation.

For the first time also will be provided social aid to families. I hope in 2019 extra funds will be allocated for the implementation of the law.

In Ukraine we do have mechanisms for searching for missing person (Ministry of Interior, MoD) — experiences from here will reinforce this group.



WOMAN SHOWING PHOTOS OF HER MISSING SON TO AN ICRC TEAM COLLECTING ANTE MORTEM DATA. BRCKO DISTRICT, 2004.

SECTION 5

INTERACTION BETWEEN NATIONAL COORDINATION MECHANISMS / COMMISSIONS AND THE OPERATIONAL STRUCTURES RESPONSIBLE FOR THE SEARCH FOR THE MISSING PERSONS AND THE IDENTIFICATION PROCESS



**STATE ACTIONS TOWARDS THE SEARCH AND IDENTIFICATION OF MISSING PERSONS
IN RELATION TO THE CONFLICT**
Col OLEKSII NOZDRACHOV
**Head of Civil-Military Cooperation Directorate of the Armed Forces of Ukraine, Ministry
of Defence of Ukraine**

Thank you for your invitation and thanks to the ICRC for our strategic partnership, which has been a starting point for us, especially toward proper identification. Without day-to-day careful work, we would not have had a proper search and identification system. So far, we did not have a horizontal inter-agency system of cooperation and information exchange.

Presently we cooperate with the Police in search activities for all the victims. CIMIC Directorate of the Ukrainian Armed Forces under the Ministry of Defence is in charge of transport of human remains. This is a key operational task for people who perish in Donetsk and Lugansk oblasts. Our department also provides legal and regulatory support, is involved in great deal of tracing and is in charge of following up on human rights issues. Within the Ministry of Defence, we are the key for initiatives to support families. Right from the start of the conflict we were looking for the prisoners of war and the missing persons.

Since 2016 and still ongoing is the work with the families of missing persons. We provide support best to our knowledge and ability and in cooperation with the ICRC. The social support involves a lot of bureaucracy. So far, there was not much horizontal cooperation on this issue though some contacts with the Ministry of Health and Ministry of Social Policy were made. We hope that this will be further developed with the establishment of the national commission on missing persons.

Presently main issues faced that are slowing down the process of clarifying the fate of Missing in Action and identification of the Killed in Action¹:

- Dialogue with representatives of occupied territories;
- Subgroups of prisoners of war;
- Large political/dialogue component – interaction is needed e.g. getting DNA samples (Minsk Treaty was a political document and unfortunately contained no discussions about the exchange of DNA samples/profiles).

The future commission is going to be a very important step in the searching for missing military and civilians – my mandate is more limited with respect to civilians.

We need more conferences of this kind to ensure the commission is well set up.

¹ Missing in Action (MIA) are soldiers in the official armed forces and fighters from armed opposition groups, of whom their families have no news.



**POLITICAL AND ORGANIZATIONAL ASPECTS, COORDINATION AND INTERACTION
AMONGST OPERATIVE STRUCTURES AND COORDINATION MECHANISMS
(E.G. COMMISSIONS, COMMITTEES, PRESIDENCY, ETC.)
Dr LUIS FONDEVBRIDER
Director of the Argentine Forensic Anthropology Team**

There are many mechanisms — all have good points and limitations.

One of the main problems is that each function carried out by different state agencies that often don't talk to each other

There are not many countries who have commissions that have been functioning for more than 10 years – these are good examples.

New mechanisms/State structures have many challenges: credibility, politically sensitive and lack of (field) operations, for example.

The creation of a new mechanism to search for the Missing is a political decision. There are/can be conflicts in articulations between the State and the institutions in who is responsible for what aspect of the process.

Lessons Learnt

- Political willingness is key to setting up national mechanisms processes to clarify the fate of the Missing;
- Creation of specific institutes is necessary for the efficient and effective functioning of such mechanisms;
- Participation of families is fundamental;
- Long term view has to be kept in mind;
- Coordination with State institutions is required;
- Autonomy / independence of such mechanism is vital to avoid political influence;
- Proper budget has to be allocated;
- State must take responsibility;
- Regional and gender perspectives have to be taken into account when staffing the mechanism;
- Multidisciplinary forensic teams with exclusive dedication to the process are crucial;
- DNA is a last tool, use it in a strategic way;
- If perpetrators are free, people do not want to talk;
- Truth, Justice, Reparation, Memory and Reconciliation are the five important pillars to work on the issue of missing persons effectively;
- No model of a mechanism is transferrable, every mechanism needs to be specific to the location and the context;
- Concept of coordination is paramount.



SEARCH, RECOVERY, IDENTIFICATION AND RESTITUTION OF BODIES OF MISSING PERSONS ON CYPRUS

From left to right:

Mr NESTORAS NESTOROS

Greek Cypriot Member of of the Committee on Missing Persons (CMP)

Mrs GÜLDEN PLÜMER KÜÇÜK

Turkish Cypriot Member of the Committee on Missing persons (CMP)

Mr PAUL-HENRI ARNI

Third Member (UN) of the Committee on Missing persons (CMP)

Committee on Missing Persons in Cyprus is a good example of a long-term sustainable project as today we count with over 30 years of experience. This experience shows that the only wound of war that does not heal with time, but actually deepens and gets worse with time – is the wound of having a missing relative. The wound is not affecting only the family of the missing person, but as well hits the society and has effects diplomatically as countries and neighbours cannot restore relationships.

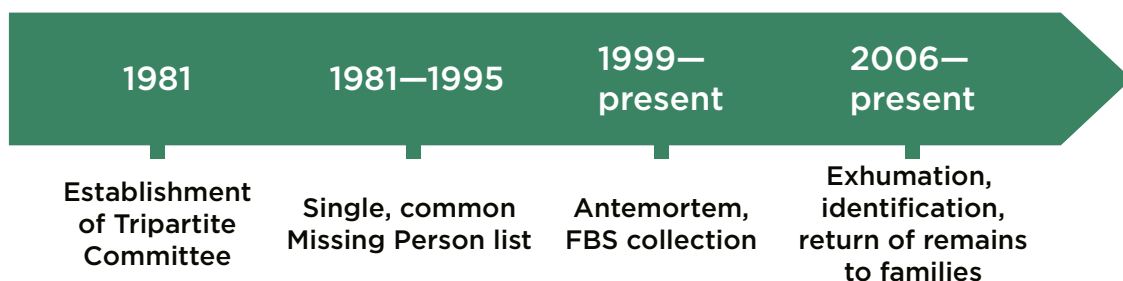
Structure and mandate of the CMP

CMP was initially created in 1981 and fully set up in 2001. The ICRC helped establish first list of missing persons.

2,002 missing persons from the events of 1963–64 and 1974. CMP is set up by two communities under UN auspices.

Staff is “bicommunal” ensuring representation of both communities. Joint work in all phases ensures trust in results. Only two foreign positions in 100 staff – builds local capacity. All decisions are taken by consensus (all three members have to agree).

Mandate of the CMP is strictly humanitarian, i.e. no judicial aspect, no attribution of responsibility or cause of death. However, thorough forensic analysis is undertaken as it is crucial for identification. Witnesses have immunity and police do not turn up to exhumations, as it is not a crime scene. CMP has sole responsibility to deal with cases of missing persons across the island. All phases are coordinated under one roof and there is no competing or overlapping of institutional mandates.



Lessons learned from the over a thirty years old process:

- Cannot find facts if you do not find a body;
- CMP was originally set up as a fact finding mission – this doesn't work as it doesn't give families closure;
- Lists of missing persons – there are always conflicting figures;
- Governments tend to exaggerate the numbers as more victims is perceived more importance;
- Get data from families if possible, as families are the ultimate authority when it comes to who is missing;
- Political will is key to operationalising a mechanism. CMP became operational only after 25 years into the process;
- Tensions are reduced with each identification – it moves from public anger to private mourning.

The CMP is set up around the Project on Exhumation, Identification and Return of Missing Persons. This project relays on the international scientific assistance and so far has received it from the ICRC, EAAF, European Community and donor countries. The aim of the project was to set up structured teams of investigators, archaeologists, anthropologists and psychologist and to set up infrastructure necessary to conduct fate and whereabouts clarification – laboratory and equipment. The scientific processes are agreed upon and recorded in standard forms, Standard Operating Procedures (SOPs), common database.

Project on Exhumation, Identification and Return of Missing Persons:

- International scientific assistance (ICRC, EAAF, EC/donor countries);
- Set up structured teams (investigators, archaeologist, anthropologist, psychologist);
- Set up structure infrastructure (laboratory, equipment);
- Agreed on scientific processes (standart forms, SOPs, common database).

International experts are like quality control e.g. SOPs and years of scientific auditing of the SOPs.

Financial accountability

Since 2006, the CMP has been funded through donations. The main donors are governments of a few countries, however the EU provides a long-term funding for the last 12 years and this contribution represents approximately 73% of the annual 3.5M € budget.

The cost structure is divided between excavation and exhumation costs (46%), anthropological analysis costs (22%) and genetic identification (32%).¹

Operational structure of the CMP — Investigations

Good investigations are key to locating grave sites. Without good investigations you cannot locate sites.

Investigations of the CMP are conducted in four phases:

- Evaluation of the existing information;
- Search for new witnesses/informants;
- Search in other local archives/other written/audiovisual sources;
- Public outreach.

CMP has two investigation teams: one covering the North and one covering the South of Cyprus.

In 2016, we established an archive research team. The archival collection of information is composed of the following stages: identification of the information source, inventory of the information source, selection of the files, review of the files, clearing of the files and sharing of the files.

So far, our research team has investigated the following archives: CMP Third Member, UNFICYP HQ, British Archives, UNHQNY, ICRC.

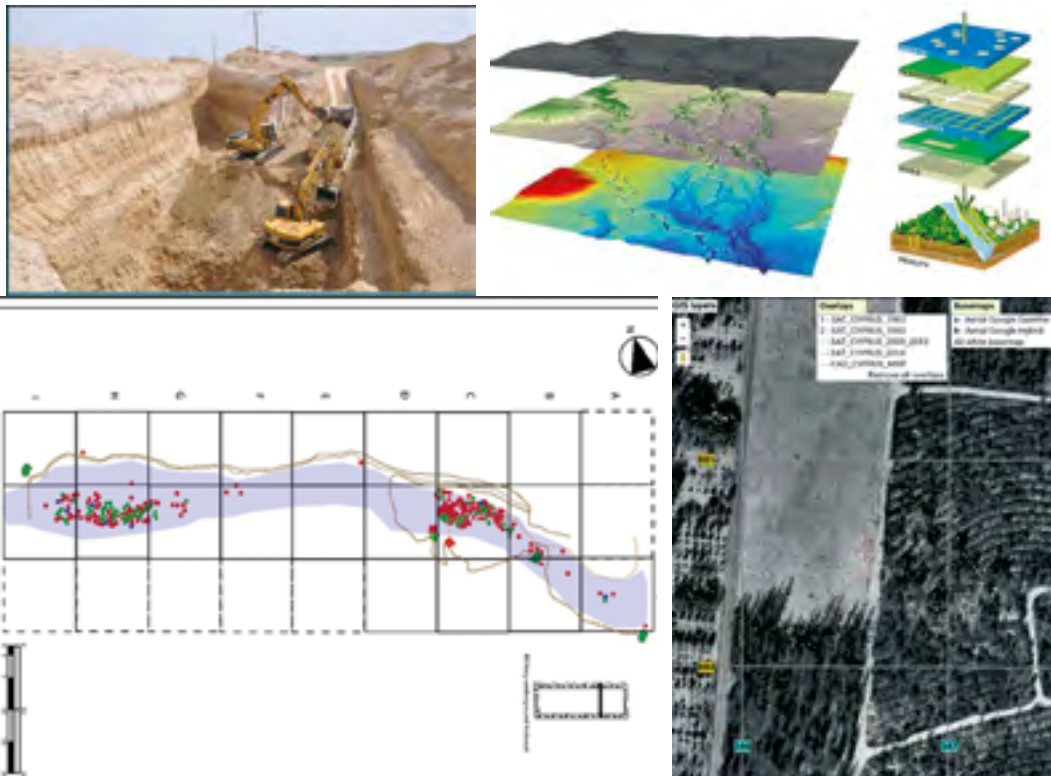
Field Operations are conducted by 9 bi-communal teams on both sides, 2 field coordinators and 10 team leaders, which in total amounts to 44 archaeologists and digger operators. The field operations include activities such as site assessment, excavation/exhumation and site documentation.

¹ This breakdown of costs is made based on the CMP's 2014 expenses.

Archives Research Team

Archival collection	Identify the source	Inventory the source	Select the files	Review the files	Clear the files	Share the files
CMP Third member	Yes	840 files	47 files	28 files	86 docs	50 docs
UNFICYP HQ	Yes	1,080 files				
British archives	Yes	4,000 files	411 files	281 files	10 files	Ongoing
UNHQ NY	Yes	4,200 files	978 files	510 files	113 docs	515 docs
ICRC	Yes	658 files	Ongoing	May 2018		

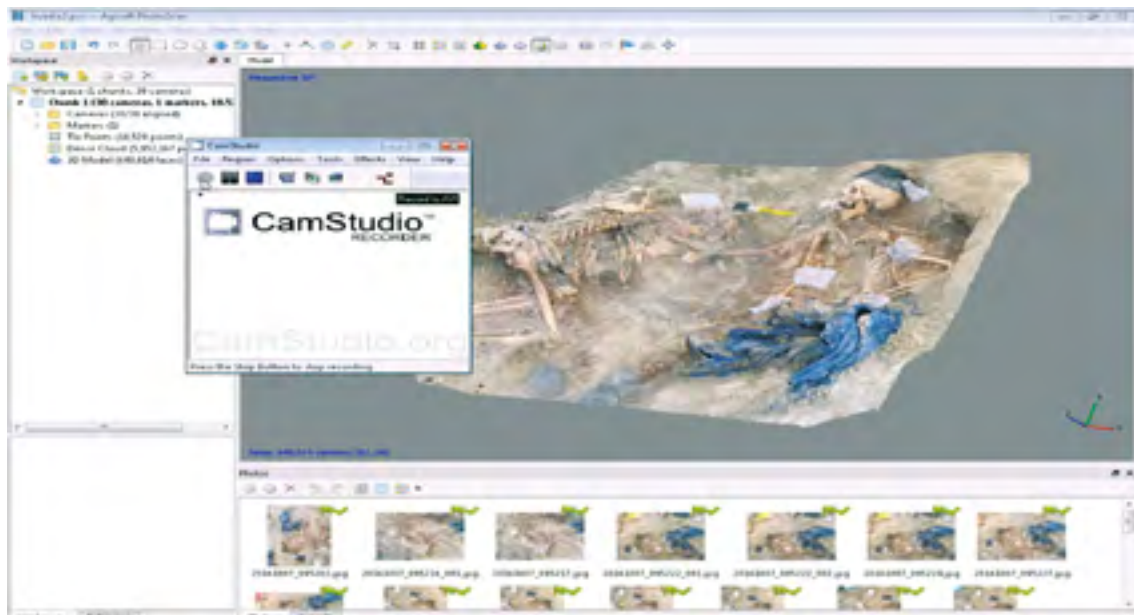
Until today, success rate for exhumation is 25%. Since recently we have updated our field operations and provided with new technologies to be used in the activities hoping for higher success rate in field operations.



The (new) technologies include:

1. Geographic Information System (GIS);
2. Total station;
3. Drones;
4. Metal detectors;
5. Ground Penetrating Radar (GPR);
6. Maps, areal photos, satellite images.

In terms of documenting and mapping of the sites, we have employed a software allowing for 3D imaging of an excavation/exhumation site.



Operational structure – Laboratory

The CMP owns the anthropological laboratory which is based in the buffer zone. All the anthropological analyses are conducted in this laboratory by the bi-communal teams. The laboratory is staffed with two Lab Coordinators and two anthropological teams of 6 anthropologists.

Aside of focusing on anthropological analysis for the fate clarification of the missing persons, this laboratory hosts volunteer programs and training visits, and it provides continuous education to its staff (MoUs with FBI, DPAA).

Operational Structure – Genetic Unit

As all aspects and phases of the project are “under one roof”, the decision making is fast and dynamic. The genetic analysis is conducted by a team of 2 geneticists/identification coordinators. Family trees are being verified by the CMP geneticists and this step is extremely important as in Cyprus everyone is genetically related and 3% of the total population went missing. The DNA samples go to the US DNA Laboratory who is a service provider to the CMP on this project. The genetic unit is regularly audited by an external auditor.

Operational Structure – Data management

Data management of CMP Laboratory is conducted by a bi-communal team of 4 archaeologists and one IT technician. This aspect of our work is very important as it provides for data centralization and allows both sides to access all the data. The common database contains data, provides statistics, GIS mapping and reporting.

Operational Structure – Psychological support

Psychosocial support to the families of missing persons is provided by our two teams composed of 4 psychologists/social worker. The psychosocial support is provided during home visits, presentation of the scientific findings / viewing of the remains and during funerals. Main impact of this activity is in the field of closure for the families and the reconciliation process.

Family needs assessment

CMP is conducting a family needs assessment with two groups of the families in Cyprus:

- Those that have already identified their previously missing relatives (research conducted by the local universities);
- Those that have not received information on the fate of their missing relatives yet (conducted by the ICRC).

Aside of understanding the needs of the families of missing persons better and adjusting its activities if necessary, the CMP also wants to understand the families' perception of the CMP.

Challenges

- Political complexity – there is no political settlement on the island, two communities / regional actors;
- Legal complexity – the whole project is based on one 3 page terms of reference document, no enforcement power to witnesses for provision of information, Lack of access to grave sites;
- Scientific complexity – relocation of remains, commingled remains, landscape changes;
- Other – witnesses pass away, no matches, personnel turnover;
- Financial costs and sustainability of budget (3.5M € annual).

Recommendations

To ensure results, the following has to be ensured:

- Integrated multidisciplinary approach to the fate and whereabouts clarification and support to the families of missing persons;
- Building of local capacities;
- Centralisation of information;
- Investing in new technologies;
- Coordination with the authorities/UN/ICRC/other UN troop contributing countries;
- Collaboration with external bodies (ICRC, EAAF, Federal Bureau of Investigation – FBI, Defense POW/MIA Accounting Agency – DPAA).

So far 896 missing persons have been identified (almost 45%) and 876 returned to their families (40%)². The CMP is mandated to overcome the difficulties and serve the families of the Missing.

² Of the total number of registered missing persons (2002)

QUESTIONS AND ANSWERS

Mr Ademilola Oluseun Adesiyun, Chief Legal Officer at the National Human Rights Commission from Nigeria to CMP:

1. Can you shed more light on CMP and legal framework? E.g. interviewing families and consent – how do you manage?

CMP has no legal existence but government has entrusted operational and humanitarian work, so there is political will. Consent forms do pass through authorities to CMP. We have found a way to manage. Appointments to CMP are by the highest authorities on the island.

Mr Geoffrey Knupfer, Consultant Forensic Scientist and Investigator for the missing in Northern Ireland to CMP:

2. You have your own lab, and get official test results, what is the legal basis for you to make an identification?

CMP: We have to be practical and create a way to move forward. The report is prepared to the best scientific standards and it is not us who makes the final legal decision.

Dr Mercedes Salado Puerto, EAAF: CMP has power of technical /scientific identification, based on which legal identification is done by relevant community followed by a provision of a death certificate.

Major General Hazam, Ministry of Defence of Republic of Iraq to CMP:

3. I have visited Cyprus two times. In Iraq a missing person cannot be declared dead until four years have passed. Does this apply in Cyprus?

CMP: No. It was the authorities who agreed on the list of missing persons. As it took many years to compile this list, one can assume most of missing persons are dead. On the Turkish side they are referred to as missing, presumed dead, while in the Greek side just as missing.

4. How do you arrive at decisions?

CMP: We need to have all agree. Please note that this is not always possible. Some issues have to go to the political level automatically. This is when the two members (Greek Cypriot member and Turkish Cypriot member) call UN third member to find a solution. This process involves a lot of negotiations.



**FAMILIES OF MISSING PERSONS AT A PEER SUPPORT GROUP SESSION.
MULLAITHIVU, SRI LANKA, 2018.**

SECTION 6

UNDERSTANDING AND ADDRESSING THE MULTIFACETED NEEDS OF THE FAMILIES



SEARCH AND IDENTIFICATION PROCESS OF MISSING PERSONS IN GEORGIA: ACHIEVEMENTS AND FUTURE PERSPECTIVES

Mrs KETEVAN TSIKHELASHVILI

State Minister for Reconciliation and Civic Equality in Georgia

I am very glad to be in Ukraine. I also want to confirm high esteem for ICRC. ICRC in Georgia are doing a great job in our currently unresolved state of conflict.

Presently, there are 2,413 people registered as missing. Authorities and ICRC believe likely to be more.

In 2010, ICRC with Ministry for Internally Displaced Persons set up two coordination mechanisms:

- Bi-partite Coordination Mechanism to clarify the fate of those missing in relation to 1992–1993 conflict in Abkhazia. This mechanism gathers Georgian and Abkhaz participants.
- Tri-partite Coordination Mechanisms to clarify the fate of those missing in relation to 1989–1992 and 2008 conflicts. This mechanism gathers Georgian, South Ossetian and Russian participants.

Each mechanism meets twice a year. So far a lot has been achieved: numerous gravesites exhumed, 155 bodies identified and returned to their families. This file has just be assigned to my ministry, however, I have been following and informed about these two processes before.

These processes are not widely promoted. Low profile is kept to fence out the processes from other processes that are of political nature. All sides quote the processes as a good example of cooperation.

So far the ICRC has been providing support, yet we are trying to take on this responsibility. I can freely claim that my State and my Ministry are ready to take on this work. We are looking to develop a national capacity (as part of 5 year plan). In the light of this I am very happy to learn from your experiences.



SEARCH AND IDENTIFICATION PROCESS OF MISSING PERSONS IN BOSNIA AND HERZEGOVINA (BIH) MISSING PERSONS INSTITUTE OF BIH

Mr AMIR KULAGLIC

Member of the Advisory Board of the Missing Persons Institute of BiH

Ladies and Gentlemen, respected friends,

Allow me to greet you on behalf of the families of missing persons, Advisory Board of the Missing Persons Institute of Bosnia and Herzegovina and on my own behalf. I would like to thank the organizer of this conference for providing me with an opportunity to exchange with all of you and share some of my experiences in the process of the clarification of fate and whereabouts of missing persons in Bosnia and Herzegovina (BiH).

Ladies and Gentlemen,

My name is Amir Kulagic and I am coming from Srebrenica – a little town in north east of BiH whose Bosniak residents were victims of the gravest war crime – genocide – during the 1992-1995 conflict. I have the personal terrible experience of losing several beloved male family members and relatives. I am still searching for the remains of some of my family members.

Since March 2017, I have been a member of the Advisory Board of the Missing Persons Institute (AB MPI). I am also participating in the transitional justice processes in BiH and in the territories of ex-Yugoslavia since 1995. I am an active participant of a number of national and regional initiatives.

Allow me in next 20 minutes to present:

- 1) the main aspects of search and missing persons' fate and whereabouts clarification processes;
- 2) functioning of MPI as an institution of public interest with powers related to missing persons' fate and whereabouts clarification;
- 3) AB MPI that works as a part of the MPI;

Successful resolution of the fate of missing persons is a necessary pre-condition for the establishment of a permanent and stable peace and trust in BiH, but as well in the whole region of Western Balkans. For this reason, the process of fate and whereabouts clarification has to be looked at from the context of successfully facing the consequences of war past, i.e. successful implementation of transitional justice. I believe that these two terms are complementary. The position of all victims, not only the families of the missing, as well as the relationship between the institutions of power and society in their entirety towards the victims represents the foundation for the successful implementation of transitional justice.

It is generally believed that the level and height of the attention and support, which the institutions of government and society as a whole devote to the victims, is insufficient and uncoordinated. For now, the accused persons are in a much better position than most families of victims and survivors, when it comes to achieving practical support and assistance. This is not just a situation in BiH but also wider. For a better understanding of the problem, through which the victims and the families of the missing go through, let me remind you about several issues.

The 1995 General Framework Agreement for Peace in BiH (known as the Dayton Agreement) ended the four-year devastating war conflict, which left deep wounds when it comes to human losses, big material devastation, and a deeply divided society.

From my Bosniak and Srebrenica perspective, after surviving the genocide, the Dayton Peace Agreement stopped the war, but to BiH citizens it did not bring a stable, lasting peace, as a prerequisite for peaceful and stable development. Our national political elites with their war-rhetoric cause fear and insecurity. These are especially expressed before the elections.

The Dayton Peace Agreement also institutionalized the ethnic divisions that occurred during the war. BiH is divided into two entities – Republika Srpska and the Federation of BiH – and one BiH district. Republika Srpska is set as unitary territory and occupies 49% of BiH, while the Federation occupies 51% of the territory and represents a complex political entity, divided into 10 cantons, each with its own constitution, government, police, and education system. After a couple of years, the Brcko District was established, which has its own separate institutions and competencies.

The resulting division of constitutional, political and social structures has direct implications for the process of transitional justice in BiH, but also in the region of the former Yugoslavia, especially in the area of determining the facts about war crimes, seeking and telling the truth, where they speak only about their war experiences with their like-minded people.

Since the end of the war in BiH, several international, state and local initiatives in the field of transitional justice have been initiated. Criminal prosecutions of those responsible for the violation of human rights and war crimes (ICTY, Court of BiH, district and cantonal courts).

The relevant legislation that regulates the area of reparations in a certain measure was adopted. Some institutional reforms have been made in the sense that new institutions have been formed, such as the MPI, some old ones such as the national armies have been abolished and some new reform laws have been adopted. However, all these initiatives did not result in reaching consensus within the BiH society on ways to overcome trauma of missing persons as a result of war events. Different interpretations of the recent wartime past and contradictory ideas about attitudes towards heritage, war crimes, mass graves and serious violations of human rights continue to burden political development and move away the generations of BiH citizens.

Institute for Missing Persons

In order to resolve the fate of missing persons from Bosnia and Herzegovina who disappeared from 30.04.1991 to 14.02.1996, as well as close cooperation and coordination with government institutions, establishment of central records of missing persons, improvement of the process of finding missing, more efficient identification of posthumous the remains of war victims and the discovery of the truth about the fate of the missing in BiH, 2007 the BiH Institute for Missing Persons was established. The establishment of the MPI was created as a need for the state of BiH to fulfill its obligations towards the families of missing persons. The establishment of the Institute and the transfer of powers from the Entity Missing Persons Commission was a condition for the elimination of possible discrimination in the process of exhumations and identification of missing persons, as well as the improvement and acceleration of the process of finding missing persons.

The Institute is an independent, professional and unique institution of public interest, entrusted with the authority in connection with the process of searching for missing persons, acting as such throughout the territory of BiH, through its regional offices and field offices in a number of cities and municipalities.

The Institute was established in accordance with the Law on Missing Persons, and on the basis of agreements signed by the Government of BiH and the International Commission on Missing Persons (ICMP) as co-founders.

The Missing Persons Act was adopted in 2004. This law sets out the principles for improving the process of searching for missing persons from BiH and in BiH, the definition of a missing person, the way to keep central records and the realization of social and other rights of family members of missing persons, and other issues related to the search for missing persons.

In addition to the MPI, this law provides for the establishment of a fund to help families of missing persons, as an independent organization of the rights of family members of missing persons, such as the right to financial assistance, health care, assistance to associations of families of missing persons and other rights in accordance with the law.

Although the law was passed in 2004, and the MPI was established in 2007. Still, to our regret, the fund for helping families of missing persons as an independent administrative organization, due to the lack of political will of key political actors, has not been established, which has not provided a stable and long-term source of funding. Because of this, many associations of families of missing persons are struggling with problems because they do not have normal working conditions and are necessary as partners in solving many problems.

I think it is very important here to emphasize that associations of families of missing persons in the process of passing and adopting the law on missing persons, as well as establishing the MPI played very important, I dare to say irreplaceable, the role!

Advisory Board

In order to realize the interests of family members of missing persons as an authority of the Institute, an Advisory Board has been formed, with the following main tasks:

- Monitoring the work of the Institute;

- Advising the bodies of managing and managing the Institute;
- Promoting the resolution of the problem of missing persons;
- Consultation and exchange of information with representatives of associations of family members of missing persons.

Cooperation with governmental institutions, non-governmental and international organizations.

The members of the advisory board are appointed by the board of directors of the institute, on the basis of candidates' proposals from the registered associations of families of missing persons, whereby national representation at the level of BiH, as well as gender equality, must be respected. The Advisory Board has 6 members, who are mainly representatives of family members. The mandate of the members of the Advisory Board is 4 years, and can not be reappointed. In the presidency, members rotate every 8 months, so that all board members will be given an opportunity to chair for a term of four months during a four-year mandate.

The current Advisory Board is complete, which means it has 6 members and was appointed in March 2017, following a transparent and lengthy procedure.

If we were to analyze the national composition of the committee, we would notice that within the committee we have 2 representatives of Bosniak victims, 2 associations of Serb victims and 2 representatives of associations of Croatian victims, and in this way the national criterion is satisfied. The composition of the advisory board includes three ladies and three male members, which fulfils the criterion of gender equality.

Regarding the capacity and credibility of board members, I can say responsibly that these are all persons with experience who have been involved in the search for missing persons since 1995, and we all have missing members of our families for whom we have been searching or are still searching.

Since March last year, when we were appointed, so far the Advisory Board in this composition has held 18 sessions, on which more than 120 decisions and conclusions were passed and adopted. All decisions and conclusions were adopted unanimously and by the consensus of all members of the advisory board, which was not the case in previous conventions.

Among the members of the committee there is understanding, tolerance, and determination to speed up and improve the process of resolving the fate of missing persons in BiH, in order to provide families with the satisfaction and justice. Understanding, tolerance and willingness to work for the benefit of all missing persons is an important condition for the successful functioning of the Advisory Board, as well as the MPI.

The Advisory Board has its own rules of procedure, but also a very ambitious annual work plan. The latter provides with various activities and events such as round tables, conferences, marking important dates, joint visits to exhumations and commemorations, meetings with representatives of various levels of government, printing annual newsletter and press conferences. Realization of these activities would contribute to making the process of resolving the fate of the missing more visible in society and the public and more effective.

However, due to the lack of financial resources, I am not sure that we will fully implement it. I hope that with the help of our friends from international organizations, primarily the ICRC, we will succeed in realizing at least some of the most important ones.

Perhaps it would be important here to point out that the Advisory Board was conceived as a coordination mechanism, i.e. a link between different levels of government, State institutions, international organizations and associations of families of missing persons. In order to achieve a more successful fulfilment of our role, we have decided to organize roundtables across BiH entitled "Achievements and Priorities in the Search for Missing Persons in BiH". These are multiethnic gatherings of 50–60 people called from one micro-region (10–12 municipalities). The aim of such gatherings is to gather, in the first place, the representatives of the families of missing persons from the area, the most responsible representatives of the MPI BiH, the Ministry of Human Rights and Refugees of BiH, responsible district and cantonal and state prosecutors who are prosecuting the perpetrators of disappearances of persons from that area. In a free and tolerant conversation, these participants can exchange on what has been done so far, what are the most significant problems and challenges in resolving the fate of missing persons from that particular area, in addition to what are the priorities for the coming period.

What is pleasing is the response and activity of the participants in the events. I think that in an open conversation, we have resolved many problems and ambiguities that have burdened the process of seeking and solving the fate of missing persons from that region, but also throughout BiH. We have brought a number of quality conclusions and recommendations, the realization of which will primarily improve mutual trust, but also accelerate the process of finding and solving the fate of missing persons.

Through press conferences and written press releases, we informed the public about the problems that burden these processes. So far, we have successfully organized 5 such meetings (Prijedor, Tuzla, Mostar, Bugojno and Brčko). Meetings in Derventa and Sarajevo are under preparation.

Ladies and Gentlemen,

Let me finish my presentation.

Although certain results have been achieved in the process of resolving the fate of the missing persons in BiH (so far about 25000 people have been exhumed and identified, out of which 6800 were in Srebrenica), there are still many challenges that must be resolved as this important social process will be brought to an end, and the families of the missing persons received the satisfaction of justice and the remains of the precisely and accurately identified members of their family. It is very important for families, because time takes its toll and many family members die without receiving justice.

I take the opportunity to publicly thank the ICRC for all professional, financial, technical, logistical, but also all other selfless assistance provided by the government institutions, MPIs, and families of missing persons in the past.

When talking about challenges, we must first of all:

- 1) To make the Fund for the Assistance to Families of Missing Persons Establish Funds to Ensure Funds for the Realization of the Rights of Families of Missing Persons
- 2) Although 23 years have passed since the end of the war in BiH out of a total of 34,964 persons reported as missing, it does not correspond to the actual number of missing persons and until complete verification or verification of the identity and status of each of the registered persons is completed, we will not be able to speak about the actual number of missing persons in BiH. So far, more than 25,000 have been verified, which means there are still many problems ahead of us.

The most significant problems that slow down the process of resolving the fate of the missing are:

- 1) Lack of reliable information on the locations of mass and individual graves;
- 2) Lack of reliable witnesses (time takes its toll);
- 3) Lack of financial resources in the budget of institutions for work of MPI, which resulted in insufficient number of field investigators, as well as the lack of material resources that would increase their efficiency;
- 4) The transfer of the DNA laboratory from BiH to the Hague has significantly slowed down the identification of already exhumed mortal remains;
- 5) The lack of political will of BiH's key political actors is a key problem in resolving the fate of missing persons.

Finally, we [the families] just want to retrieve our family members and have a place to pray and find peace for our souls.



DEVELOPMENTS IN THE STATE RESPONSE TOWARDS THE ISSUE OF THE MISSING PERSONS IN UKRAINE

Mr DENYS CHERNYSHOV

Deputy Minister of Justice of Ukraine

I don't think I will be able to tell you many new things that you have not heard so far in this conference, but thank you for the invitation. This is a great platform to help Ukraine in its efforts to set up a National Commission to clarify the fate of the Missing.

Despite the fact that here in Ukraine we need additional international dialogue on the issue of missing persons, we have to use every dialogue efficiently as it is our duty to deal with this issue. Thanks to the new law we made a good start, e.g. previous legislation did not have term 'missing person' and did not have enforced disappearance criminalised. Ukraine is committed to fulfil its obligations under the UN Convention on the protection against enforced disappearances, which was signed by the President of Ukraine in summer.

The conflict is accelerating and to reach the post-conflict period will take years. Therefore, we cannot wait for the end of the conflict to resolve the fate of those who are missing. We have to act immediately and in this process the coordination of State agencies is most important.

For twenty four years we lived in security and peace and never imagined such things as armed conflict would happen in Ukraine. Today, we need to work through the process to come to acceptance of the present situation and to a rational attitude towards resolution of such a situation. With the involvement of international consultants, who have also went through similar horrible experiences themselves, we were able to ensure adequate legal framework for our action.

Today we ask, and again thank you, to share your experiences and lessons you learned to help us to shorten the time to resolve problems and minimize mistakes. I call for a sincere and proactive discussions and open sharing of what you see as our potential mistakes.



KEY ASPECTS IN PROVIDING PSYCHOLOGICAL/PSYCHOSOCIAL SUPPORT TO THE FAMILIES OF THE MISSING PERSONS IN THE PROCESS OF SEARCH AND IDENTIFICATION

Dr PAU PÉREZ-SALES

Senior clinical psychiatrist in La Paz Hospital in Madrid

The goal of my presentation is to describe what we mean when we say psychosocial support, as these terms can be a bit clichéd.

Psychosocial work is defined as processes of individual, familial, community and social accompaniment aimed at preventing, treating and dealing with the consequences of the impact of enforced disappearance, arbitrary or extrajudicial, executions and other serious violations of human rights.

These processes promote wellbeing, providing social and emotional support to the victims and contributing to the reestablishment of their integrity, their dignity, and supporting their efforts in the search for truth, justice and comprehensive reparations. This is usually carried out by mental health professionals or psychosocial workers.

Actions with a psychosocial perspective are defined as the whole range of actions that should be taken into consideration and developed at the individual, familial, community and social levels by all the institutions, teams and professionals who intervene in order to ensure that these processes are reparatory in nature for both the direct and indirect victims and for the society as a whole.

This perspective is not exclusive to specific teams of mental health or community work professionals, but it should be permeating each and every one of the actions taken by different teams and professionals in each of the intervening fields (forensic specialists, lawyers, psychologists, social workers, doctors, dentists, criminologists, among others).

All actions undertaken in cases of enforced disappearances, arbitrary or extrajudicial executions, and forensic investigations must provide the elements necessary to ensure that these types of processes are reparatory as a whole for persons, families, communities and societies, so as to promote mechanisms of resilience and coping that respect the emotions, thoughts and experiences of the persons and reconstruct individual, familial, community and social life plans.

Do no harm! All the teams involved in the process of searching for disappeared persons and forensic investigations must, above all, ensure that no further harm is inflicted on victims, and must promote actions of a reparatory nature.

The purpose and ultimate goal of all actions taken must be to fulfil the expectations of victims and their families, and generate actions aimed at their inclusion and participation in the search processes, forensic investigation and return of their loved ones without re-traumatization.



At international level, support to families has to comply to standards and rules.

The families of missing persons face a grave lack of knowledge about the fate of their relatives, without information on whether they are dead or alive and without any perspective about the future.

The families are already badly traumatised by the ambiguous loss of their relatives, and they, as secondary victims of disappearance, should be protected from further being harmed. This include any potential political component in the process of fate and whereabouts clarification.

When speaking about clarifying the fate of missing persons through identification of their remains, we are obliged to inform the families about the four main stages of this process: location, exhumation, examination, and identification of the remains. Beware of possible deception and avoid at any times providing biased information, wrong remains, or underestimating suffering of the families.

The professional psychologists are professionally equipped to wipe tears. They have skills that can enable people to regain control of their lives and their work is more about dignity than compassion.

The key idea is that with good emotional and psychological support one can safely say the process brought reconciliation, peace and relief, even without a body. The professional psychologist provide professional psychological support and help the families manage the challenge of facing the truth about their relatives' fate and whereabouts.

We always have to keep in mind that the families are live actors in the process and must have the final say. We always must remember about the ends and not about the means.

Minimum standards for ensuring adequate quality of family support

Standard 1. Search for persons who have been the victims of enforced disappearance, extrajudicial and arbitrary executions.

The government must employ all available means (all efforts must be carried out) until the Missing are found and the events pertaining to their disappearance clarified [knowing the truth] regardless if there was a prior formal denunciation on the part of the relatives.

Standard 2. Find all the relatives before beginning.

All necessary efforts must be made to identify, find and facilitate the participation of all the possible relatives (...) before starting forensic investigations and legal proceedings.

Standard 3. Active participation of relatives.

Efforts must be made to promote and facilitate the active participation of relatives (...) in the forensic investigations, favouring the existence of spaces where individuals can organize and reaffirm themselves, as well as to take well-informed decisions in view of the technical and legal processes that affect their rights to justice, memory and comprehensive reparation.

Standard 4. Right to truth and memory.

The investigation of cases (...) should be promoted until the events are fully clarified. Facilitate conditions to the victims to reconstruct their historical memory as part of the process to ensure dignity and non-repetition.

Standard 5. Right to justice.

Transition from crime to knowledge and from mystery to knowledge. The State must adopt (...) measures of legislative, administrative, judicial or any other nature to ensure (...) the individual and collective rights to justice for victims (...) at the individual, family, community and social level.

Standard 6. Comprehensive reparations- not just financial.

Acknowledge the right to reparation (...) contemplated in national and international regulations (...) at the individual, family and community level.

Standard 7. Protection and security – family members free of violence, and free of fear of violence or accusations, especially if perpetrators are still alive and around.

All necessary means for guaranteeing the security of the families of victims (...) especially in context of armed conflict or of on-going human rights violations.

All information obtained (...), from evidence and proof to testimonies and confidential, personal information, should be protected in a similar manner.

Standard 8. Full information and transparency of process.

Relatives should be constantly informed, in a clear and precise manner, favouring decision-making about future actions.

The right to information includes: (a) access to know about (...) the forensic investigation, including progress made, limitations and relevant technical and legal elements; (...) (c) access to the findings to elucidate responsibilities, the conduct of the perpetrators towards the victims, and the causes to commit the crimes.

Standard 9. Right to psychosocial care – cornerstone of all interventions.

Psychosocial care should be a cornerstone of all interventions.

All the necessary steps should be undertaken in search processes and forensic investigations to prevent new forms of victimization of relatives, communities and their companions.

Standard 10. Care of people and intervening teams.

Comprehensive physical and psychological care of the people who carry out the technical, legal and psychosocial processes.

Standard 11. Cultural context.

Take into account and respect the culture, worldviews and meanings of the affected population.

Standard 12. Gender approach.

Incorporate a gender focus, which implies raising awareness on the differential impact that the events (...) have on women and men. Also, the focus should be placed on additional and different obstacles faced by women and men in participating in these processes and differentiated measures to ensure their participation should be proposed.

Standard 13. Work with children and adolescents.

Children and adolescents who are victims, or somehow find themselves involved in cases of enforced disappearance, (...) should be provided with special programs (...).

Standard 14. Coordination.

Mechanisms to coordinate the actions of all actors (...) including the processes of gathering and analysing the information available, legal, technical and psychosocial actions, as well as mechanisms for follow-up and assessment of all actions to be undertaken.

Standard 15. Non-governmental and independent teams.

To incorporate local, national and international organizations into the process (...), with the objective to have them contribute to the best technical, legal and psychosocial processes (...), legal and scientific national and international standards (...) [and principles of] transparency, independence and objectivity.

Standard 16. Highest scientific standards in forensic work.

To guarantee that forensic work complies with national and international scientific, legal and technical standards, (...) including identification and preserve of bodily remains, regardless of whether or not they have been identified.

To have the families moving from emotional support to being reinforced is a long process. But, still a part of the healing process, and families can and where appropriate should have some control.

BASIC MATRIX OF WORK THEMES AND POSSIBLE ACTIONS	PREPARATORY WORK BEFORE EXCAVATION, previous months	WORK AROUND TIME OF EXCAVATION (previous weeks, during excavation and subsequent weeks)
1. COORDINATION	<ul style="list-style-type: none"> • Determine national or international institutions that work in exhumations and seek possibilities of consensus and joint work. • Identify networks of institutions that can potentially provide support in exhumation processes. • Develop national exhumation policies in consensus with all actors, particularly victims' associations, that respect the principles and standards agreed on in this guide. • Incorporate the exhumation policy into the agenda of national human rights agencies. • Find stable mixed sources of funding, preferably State sources. • Provide integral training for each professional sector on aspects of work related to other sectors, in accordance with the indications in this guide. • Promote training for legal entities, police, etc. on human rights and exhumation processes in this context. • Coordination of all institutions and organisations to develop the work of searching for and identifying possible relatives, with special emphasis on support and resources for the associations of individuals affected. 	<ul style="list-style-type: none"> • Set up coordination systems between institutions: roles, responsibilities, meetings and decision making systems. • Establish coordinated diagnosis and evaluation systems (see section 2), avoiding duplication of actions (e.g. interviews). • Encourage the participation of relatives in decision making at key times to adapt to the needs and desires of relatives: <ul style="list-style-type: none"> • excavation dates. • starting time. • presentation of clothing. • closing of graves. • symbolic rituals and ceremonies. • Coordination to facilitate logistical support particularly for relatives with fewer economic resources: <ul style="list-style-type: none"> • transport from communities to the exhumation. • support for lodging or meals if required. • support with child care or care for others. • support with digging, etc.
2. PARTICIPATORY DIAGNOSIS AND EVALUATION	<ul style="list-style-type: none"> • Understand the expectations of relatives or communities involved: Why exhume the remains? How do they imagine the process? What conditions should be present? • Revise and systematise information about the historical process and strengths and weaknesses observed in other situations. Learn from previous experiences. 	<ul style="list-style-type: none"> • Identification of entities and organisations working in the region and their services. • Participatory diagnosis of: <ul style="list-style-type: none"> (a) reasons for the exhumation (b) expectations (c) perception of the social and political climate (d) perception of justice (see point (5)), perception of reparation (see point 6) (e) cultural context. • Make a participatory diagnosis of the strengths and weaknesses of relatives for developing the process, and possible support and alliances necessary. • Create local strategies, systems and tools for monitoring the process (indicators, measures for real impact in terms of individual, family or community reparation).
3. ACCOMPANIMENT FOR RELATIVES AND VICTIMS	<ul style="list-style-type: none"> • Contribute to conditions and/ or where necessary promote the creation or maintenance of organisational possibilities for relatives. • Coordinate all the mechanisms available in coordination with relatives and other institutions involved to guarantee maximum opportunities for locating relatives who could potentially have relatives in the exhumation process (snowballing methodologies and others). • Creation of a registry of relatives to permit fast dissemination of information. 	<ul style="list-style-type: none"> • Guarantee a relationship of trust with relatives and with the community, following the "bond of commitment" principles. • Guarantee appropriate, reliable and understandable information on anthropological and legal considerations for relatives and the community (schools, community associations, etc.). • Promote mobilisation of relatives and ownership of the process as far as possible. • Understand the expectations and motivations of relatives (see point 2). Analyse and anticipate: <ul style="list-style-type: none"> • the possibility of no findings • the possibility of finding signs of ill-treatment, cruelty or torture. • Analyse the position of relatives in relation to the whole community (potential support and sources of rejection; strategies; threats; rumours; fear; conflict). • Emotional support during the excavation process and in view of possible findings. • Guarantee reliable and understandable information from the forensic anthropological and legal processes. • Support for the possible appearance of organisational processes or of new leaders. • Encourage the emergence of self support groups. • Encourage conditions for cultural and religious practices to be adapted to the demands of relatives. • Support and accompaniment during particularly significant symbolic times.

WORK DURING WAITING PERIOD AND INHUMATION	INTEGRAL MEDIUM AND LONG TERM ACTIONS
<ul style="list-style-type: none"> • Coordination of activities during waiting periods (visits to laboratory and other activities). • Provision of information on the process in consensus. • Inhumation ceremony, in consensus with all the institutions and in accordance with the religious or symbolic requirements of relatives. • Contribute to the process not being only a private affair. 	<ul style="list-style-type: none"> • Develop a strategic plan with the organisations to: • provide information about the process. • provide information about findings. • promote strategic actions to achieve non repetition. • promote the inclusion of lessons learned in national policies on exhumations. • Encourage processes to develop historical memory (books, ceremonies, reminders...) throughout the country.
<ul style="list-style-type: none"> • Maintain monitoring systems for community impact. 	<ul style="list-style-type: none"> • Define opportunities for periodical meetings with victims to inform them about progress, concerns and prospects of the process. • Evaluation of the impact of the exhumation at the individual, social and community levels. • A report to give back to relatives, the community and institutions with information about the process and lessons learned from it. • Compare the results with those of other national and international experiences.
<ul style="list-style-type: none"> • Accompaniment in processes of identifying clothing or identifying skeletal remains. • Evaluate with participating relatives whether the process meets their expectations and possible sources of conflict or discomfort, particularly with regard to emotional and humanistic considerations. • Work with relatives not found. • Perception of the task as being completed or not. • Continuity of work: • organisational • local memory • search for justice (criminal or other). • Information about on -going forensic anthropological aspects. • Expectations and organisation of inhumation (individual -collective; civil -religious...). • Give support and follow-up to self 	<ul style="list-style-type: none"> • Contact with relatives to evaluate the impact of actions and the extent to which exhumations have met their expectations. • Findings and implications. • Contact in case of new exhumations in adjoining areas where there is a possibility of locating a relative. • Involve the more motivated relatives in compiling a historical memory (testimonies, books, ceremonies, remembering...) throughout the country. • Coordination with public health institutions or human rights agencies to provide care for relatives with serious traumas.

BASIC MATRIX OF WORK THEMES AND POSSIBLE ACTIONS	PREPARATORY WORK BEFORE EXCAVATION, previous months	WORK AROUND TIME OF EXCAVATION (previous weeks, during excavation and subsequent weeks)
4. COMMUNITY PROCESS 4.1. Historical Memory / Truth 4.2. Support for victims and relatives 4.3. Attention for special groups: children, former perpetrators...	<ul style="list-style-type: none"> • Preparation (preferably with IAP techniques) of a map of networks of community authorities and institutions and their position in support or rejection of exhumation. • Analysis and documentation of the historical process and violent events. Actors and current status of conflict. • View of relatives in the community (support, stigmatisation...). Mapping of risks and potential coverage and management strategies. • Existence of groups particularly sensitive to the process (presence of perpetrators in the community...). • Detection of actors or community institutions with whom it would be possible to carry out coordination or awareness raising (schools, youth centres, historical or cultural associations, universities...). 	<ul style="list-style-type: none"> • Promote community actions to provide psychosocial support for relatives and victims. • Learn and/or coordinate with culturally significant figures (traditional authorities, healers, spiritual or social leaders). • Involve different sectors (schools, churches, local or regional media). • Promote the participation of volunteers in the community in tasks related to exhumation, as a form of support and dignity for relatives (digging, assistance with shelter or food, cultural ceremonies or dissemination). • Promote local actions to recover the historical memory. • Identify the relation between the local context and possible conflicts in the national political context. • Analyse the presence of perpetrators in the community. Possible conflicts.
5. LEGAL ASPECTS 5.1. Legal process 5.2. Criminal proceedings	5.1. Legal process. <ul style="list-style-type: none"> • Coordinate accompaniment for legal formalities to start the process (complaint, ratification, testimony or others). 5.2. Criminal proceedings. <ul style="list-style-type: none"> • Accompaniment for a prior visit to the possible place of the exhumation. • Discuss the right of relatives to have access to justice and possible coordination of actions with all institutions involved. 	5.1. Legal process. <ul style="list-style-type: none"> • Coordinate process accompaniment for legal formalities with possible organisational or emotional implications. • Support for the legal team to achieve an appropriate and reliable understanding of technical legal aspects by relatives or the community. • In all processes guarantee appropriate respect for the human rights of relatives and victims (confidentiality, privacy, security...). • Guarantee adequate witness protection in places where massacres or war crimes occurred. 5.2. Criminal proceedings. Create opportunities for discussion of the possibility of relatives or the community initiating a lawsuit against perpetrators.
6. FORENSIC ANTHROPOLOGICAL ASPECTS	<ul style="list-style-type: none"> • Make visual interdisciplinary inspections to establish communication and encourage initial contacts with relatives. 	<ul style="list-style-type: none"> • Support for the anthropological team to achieve an adequate and reliable understanding by relatives or the community of technical forensic anthropological aspects • ante mortem records • value of different evidence for identification (clothing, physical signs, DNA...) • custody and storage of remains • Presence during the preparation of ante mortem records.
7. COMPENSATION AND REPARATION 7.1. Relation with authorities 7.2. Compensation and reparation programmes	<ul style="list-style-type: none"> • Encourage an analysis of the right to integral reparation, this being understood not only as a possibility to relieve the effects of damages caused by the crimes, but also as a form of generating transformation of the conditions that led to violations, thus avoiding their repetition. • Work in a participatory way in relation to victims' expectations of reparation. • Enable communication of victims with state entities responsible for reparation policies. 	<ul style="list-style-type: none"> • Make the analysis and actions possible in relation to locating the whereabouts of disappeared persons, as a form of reparation. • Pay attention to all aspects related to respect for remains, dignified treatment of the deceased and of relatives.
8. INFORMATION	<ul style="list-style-type: none"> • Make a map of the local and regional media and possible position in the process. • Existence and handling of rumours and other sources of division. 	<ul style="list-style-type: none"> • Analyse the level of visibility that relatives and organisations involved wish the exhumation to have. • Guarantee reliable, respectful information in the appropriate political context for the local, national and international media. • Prevent unethical use of images.
9. WORK TEAMS	<ul style="list-style-type: none"> • Develop training processes to accompany exhumations. • Promote the establishment of multicultural teams. • Promote teams with gender perspective. 	<ul style="list-style-type: none"> • Steps to give attention to the teams. • Promote ethical and responsible behaviour in the teams (use of tape recorders or cameras, respect for local customs in clothing, attitude, etc.).
10. EDUCATION	<ul style="list-style-type: none"> • Find resources for formal and informal education in the area. 	<ul style="list-style-type: none"> • Coordinate with teachers and institutions: • information about the process. • participatory workshops with children and adolescents • accompany visits to the exhumation.

WORK DURING WAITING PERIOD AND INHUMATION	INTEGRAL MEDIUM AND LONG TERM ACTIONS
<ul style="list-style-type: none"> • Evaluation of the impact on the community of the exhumation in terms of community cohesion versus polarisation / conflict; opening of new organisational opportunities or others. 	<ul style="list-style-type: none"> • Development of a sense of ownership of the process among community members. • Understanding the exhumation as an integral development process for the community. • Take steps to permit sectors of the community to “put a human face” on their recent history to understand the significance and scope of exhumations as well as the experience of relatives.
<p>5.1. Legal process.</p> <ul style="list-style-type: none"> • Explain and analyse the implications and consequences of identification. <p>5.2. Criminal proceedings.</p> <ul style="list-style-type: none"> • Support the discussion and/or measures if any relatives decide to take this path. • Coordinate proceedings against perpetrators with relatives from other exhumations in the case of regional violence. • Design a psycho legal strategy. 	<ul style="list-style-type: none"> • Promote the ratification of international conventions on the prevention of torture or international criminal jurisdiction in the country. • Promote legal reforms to prevent impunity for acts of genocide or crimes against humanity.
<ul style="list-style-type: none"> • Accompany the process of identifying clothing or remains, seeking opportunities for emotional and community strengthening. • Psychosocial aspects related to looking after the remains and the laboratory procedure. Communication to relatives and the possibility of guided visits by groups of relatives to the laboratory. 	
<ul style="list-style-type: none"> • Involvement of state entities responsible for reparation policies in relation to actions by victims in exhumation processes. 	<ul style="list-style-type: none"> • Memorials and monuments and other forms of symbolic reparation. • Define the actions necessary for adequate social, economic, educational or medical support for the survivors of massacres or relatives of victims. • Improve relations with state entities responsible for reparation policies. • Improve relations of victims with reparation programs so they can demand their right to integral reparation.
<ul style="list-style-type: none"> • Improve or develop community structures which contribute to disseminating the collective memory of events and the process being carried out by relatives. 	
<ul style="list-style-type: none"> • Promote human rights education in the curriculum. 	

Additional comments from Mr Amir Kulagic, Member of the Advisory Board of the Missing Persons Institute of BiH:

I thought a person could die only once, but after Srebrenica I understood a person could die at least twice – due to relocation of mass graves and/or person's remains being in more than one grave. It's difficult when you get additional remains later because you are retraumatised. I recommend everyone to have a lot of patience. Also, on the issue of involvement of younger generations – some mothers said no as they don't want their only surviving family member to suffer. In conclusion, each society will have their own wishes, as support to families is sensitive and difficult.



PRESENTATION OF THE ICRC FAMILY NEEDS ASSESSMENT REPORT

Mr CLEBER KEMPER

ICRC Deputy Protection Coordinator in charge of the Missing and Restoring Family Links

In 2016, the ICRC conducted a needs assessment of families of persons missing in relation to the conflict in Eastern Ukraine (FNA). 73 relatives of missing persons participated in semi-structured interviews. The interviews lasted between three and four hours and took place from April to June.

In 2018, the ICRC conducted a cross-checking exercise with the aim of understanding how the needs recorded two years earlier have been evolving over time and if the conclusions of the FNA are still valid today. 13 relatives of missing persons participated in four in-depth focus group discussions, which on average lasted for 5 hours, between July and August. The objective was to learn the specific difficulties, expectations, needs, resources and coping mechanisms of the relatives of missing persons and to support the concerned authorities in addressing the multifaceted identified needs.

Despite the relatively limited scope of these assessments in view of the much larger number of persons believed to be missing in relation to the conflict in Eastern Ukraine, its conclusions can be taken as illustrative of the situation of any family. Any action undertaken by the authorities based on its lessons and recommendations will help to alleviate the suffering of other relatives of missing persons.

According to the 2016 FNA, 92% of the interviewed families thought that their plight had not been sufficiently recognised by the authorities. Simultaneously, more than a half of all interviewed families were confronted with legal/administrative issues because of the absence of a clear status of their missing relative (obtaining documents, getting access to the salary/pension, managing the property registered under the name of the missing person, having access to the bank account of the missing person, etc.).

Seventy four percent of the interviewed families, saw authorities as committed to clarifying the fate of their missing relatives and 38% expressed their need to have the perpetrators of the disappearance to be prosecuted.

At that time, the families asked the following actions to be taken in priority:

- 1) More active search for their missing relative (49%);
- 2) Provision of financial support to the families (33%);
- 3) Provision of legal support to the families (24%);
- 4) Assistance in the view of their administrative problems (19%).

The 2018 Crosschecking exercise showed that:

- 1) Families still contact different authorities and organizations hoping to find information about their loved ones.
- 2) Most families mentioned insufficient coordination between different authorities. On different occasions, they received controversial information about the fate and whereabouts of their loved ones from different institutions.
- 3) Families of missing persons still have economic and financial problems that are directly related to the disappearance of their relatives
- 4) Families strongly affirmed that time does not heal the pain.
- 5) Continuous psychological suffering leads to deterioration in the health conditions of family members. Pain and suffering caused by the disappearance slowly turn into physical diseases.
- 6) Families still incur additional expenses connected to the search process.
- 7) Families are concerned about the lack of a clear status for their missing relatives.
- 8) Families are unaware whether they are entitled to specific rights or benefits because their loved ones went unaccounted for.
- 9) Families still think that authorities show insufficient recognition of their plight. According to the families, authorities should increase their efforts to clarify the fate and whereabouts of their missing loved ones.

In relation to the meaning of justice for them, the families two years later said that taking all necessary actions to clarify the fate and whereabouts of the Missing (47%), establish a legal status of the Missing (16%) and punish the perpetrators (11%) will constitute justice for them.

Following the FNA and the Crosschecking exercise, the ICRC recommended:

- 1) Implementation of the National Commission to coordinate the actions of all authorities working on the file of the Missing;
- 2) Establishment of a multilateral mechanism between the parties to the conflict for coordination of activities and exchange of info;
- 3) Establishment of a financial support system for families of civilians missing;
- 4) Take the necessary measures to address administrative and legal concerns;
- 5) Authorities should ensure that families of missing have easy access to psychosocial and psychological services;
- 6) Express acknowledgement of the situation of the families of the missing.

Many actions for the families start on the presumption that the needs of the families are known and it was noticed that actually asking the families about their needs and expectations is not, while it should be, a common practice.

QUESTIONS AND ANSWERS

Comment from Geoffrey Knupfer, Northern Ireland: I am concerned about earlier comments that DNA is expensive. I want to urge caution about this attitude. Important to collect familial swabs while still available, and medical and dental records and all personal details etc.

Paul Henri Arni, UN third member to the CMP to Deputy Minister of Justice of Ukraine:

1. In your reported 1500 MP how many nationalities are represented?
Deputy Minister of Justice of Ukraine: Interesting question but I cannot answer as we need the full centralized data register which we do not have yet.

Paul Henri Arni, UN third member to the CMP to Dr Pau Perez-Sales.

2. Could you give us an update about the Spanish situation 3 generations later?
Dr Pau Perez-Sales: In Spain the situation has changed a lot. When Franco died a pact on amnesty killed all hopes of victims for justice. Any exhumations were done at the behest of families and not the authorities. They were seen as 'historic remains.'



Ramin Hashempour/ICRC

MOTHERS OF MISSING CHILDREN LINE UP TO FILL IN ICRC TRACING REQUEST FORMS IN A CAMP FOR INTERNALLY DISPLACED PERSONS. MAIDUGURI, BORNO STATE.

SECTION 7

CONCLUSIONS AND RECOMMENDATIONS, CLOSURE OF THE FIRST DAY



Dear Participants,

I am impressed by presentations and knowledge that we have witnessed today. It is remarkable that there is such a commonality of issues. The presentations today provided a global analysis of development of mechanisms, emphasised the importance in involving families and underlined sustainability as a key to the process of the fate and whereabouts clarification. We have heard today that political decisions and political will are necessary to form and operationalise the national mechanisms. The will and the decision have to be followed by a commitment and transparency.

The issues regarding missing persons and their families, and the fate clarification and support to the families, are complex issues and difficult tasks. The response has to be multidisciplinary, but also multifaceted. We have repeatedly heard about the necessity to follow technical and scientific standards and ensure quality control throughout the process of fate and whereabouts clarification, identification of the dead and support to their families.

I am personally pleased to see the recently adopted Law on the Status of Missing in Ukraine incorporates many of the recommendations and lessons learned e.g. ensuring coordination, integrated approach to the identification process, support to and involvement of the families, and consolidated central registry. However, only the adoption of the Law is not going to solve the issue of missing persons and their families, adequate implementation is needed. This is the main challenge and it requires the involvement and commitment of all stakeholders. The legal base has been established, now the institutional base needs to be properly organized. From the presentations, we heard how important proper interaction amongst structures or between the different phases of the process of search and identification is, in order to ensure positive results.

While avoiding duplication of tasks and while optimising the usage of the knowledge and experience of institutions, we should not raise expectations of the families. Yet, we have to fully commit to the process over years. This includes financial and other resources commitment (e.g. budget secured and ensured).

As different mechanisms have different mandates – tailor mechanisms to the situation and country. Ensure complementarity between humanitarian and judicial, administrative, criminal processes.

It is central to have the families involved throughout the process (even before the design of the process). The work on the issue of missing persons is for the families and should be done with families. If the missing persons are not found, it is important for the families to be certain that the State responsible did all that was possible to search for them.

Tomorrow we expect equally fruitful discussions on the organization of institutions responsible for the search for the missing persons and support to their families. We will hear about the main challenges of the operational structures of Ukrainian authorities, as well as main recommendations and lessons learned from experts from Argentina, representatives of Peru, and the example of Chile.

Alain Aeschlimann

Head of International Committee of the Red Cross Delegation for Ukraine



Rodrigo Abad/CFRC

EXHIBITION OF CLOTHING BELONGING TO PEOPLE WHO WENT MISSING TO HELP WITH THEIR IDENTIFICATION. AYACUCHO, 2013.

SECTION 8

INTRODUCTION AND WELCOMING WORDS, SECOND DAY



Mr ALAIN AESCHLIMANN

Head of International Committee of the Red Cross Delegation for Ukraine

Ladies and Gentlemen,

I would like to start this second day of the Conference by asking you to consider what ICRC Delegation in Ukraine should do next as a follow-up to this event. In my opinion there are a few options:

- Same conference next year – invite same countries or other countries
- Have a conference on other issues
- Open to facilitate study tour for the Ukrainian participants to a context abroad e.g. to Cyprus.

In the meantime, I want to reiterate the conclusions and the findings from yesterday.

Three elements are key to the implementation of a functional national mechanism to clarify the fate and whereabouts of missing persons and support their families: political will, budget/allocation of money, constant dialogues with / regular involvement of the families. It is the process that takes time, which restricts institutions to respond to the needs. Launching mechanisms requires previous consultation and clearly defined objectives – roles of each institution, communication strategies and forensic capacities. We have learned to ensure to professionalize teams and institutions, equipment and means. Regarding the reparations to the families it was confirmed that the reparation process is not about money or about having psychologists next to the families that cry, it is about respect, recognition and remembrance and providing the families with answers and support. It is about doing the right things right!

We also learned about the difficult work of the Ukrainian structures, such as SBU, MoI, CIMIC, MLB, the main challenges and adjustments they had to make in order to respond to the needs. Still more changes are required to effectively implement the law and provide answers to the families. The difficulties regarding the establishment of the exact number of the Missing were raised. This reminded us of the need to have a unified register, although as mentioned by Minister Daniel, this register is important not only to know who is missing and how many are missing, but it represents recognition for the families.

In the second part of yesterday, we heard about specific requirements to establish an identification process that can be reliable to regain trust of the families. We also heard about the differences in con-

cepts of scientific and legal identification. It was emphasised that public awareness and communication strategies are necessary and need to be adjusted to the situations and contexts.

Finally, it was several times recalled that the families should be treated with the respect and dignity they deserve, and involved throughout the process.



Karine Matevosian/CRC

A CEMETERY WITH DOZENS OF GRAVES OF UNIDENTIFIED BODIES OF THOSE WHO WERE KILLED IN THE ONGOING CONFLICT IN EASTERN UKRAINE. SLOVIANSK, 2018.

SECTION 9

SEARCH FOR MISSING PERSONS, MANAGEMENT OF THE DEAD AND IDENTIFICATION OF BODIES, THE NEED FOR A HOLISTIC AND COORDINATED APPROACH



KEY ASPECTS FOR THE IMPLEMENTATION OF THE LAW ON THE MISSING PERSONS IN PERU

Mr DANIEL SANCHEZ VELASQUEZ

Vice Minister of Human Rights, Peru

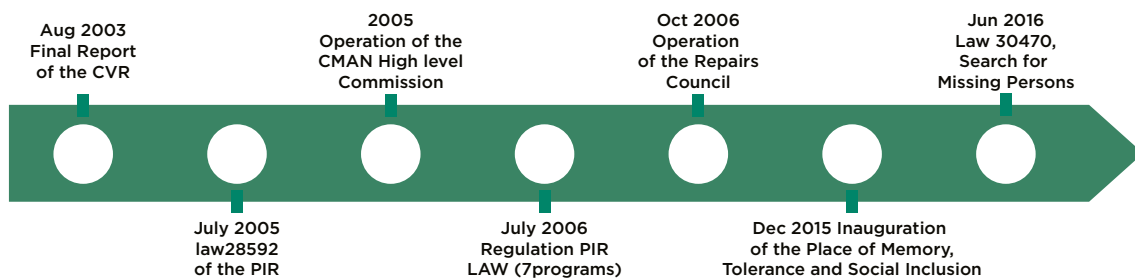
Peru has a population of 30 million. There are approximately 220,000 victims of the conflict, which is not considered to be an ethnic conflict as victims of many different ethnic groups fought on all sides. Although there had been some discrimination evident about 30 years ago, e.g. against the Quechua people who were disenfranchised, as they did not speak Spanish and therefore did not have voting rights.

The Maoist groups committed terrible crimes and thousands of people disappeared.

Our experience shows that there are three elements needed to achieve good outcomes and resolve the issue of missing persons:

- Political will;
- Budget allocated;
- Involvement of victims/families in policies.

It is necessary to have a good intention based on logic, and accept that resolving the fate of the Missing is a long term commitment. There have been norms developed for providing reparation but not all victims (<50%) have received support. It is also necessary to accept that it is not always possible to provide everything.



The new legislation (Law on the Missing Persons) is the key achievement politically.

This is a comprehensive reparation plan which has 7 programs including financial compensation (\$7,000) including for rape and sexual assault, targeted communities, scholarships for those who failed to receive education and symbolic reparation, humanitarian aid.

At the same time in a number of circumstances, people's hopes and expectations were not always met.

Up until 2016 political will seemed to decline and interventions were not as comprehensive and had lower coverage.

In 2016 introduced Law 30470 Search for Missing Persons. We did have a system prior to this, run by Prosecutors Office, but the focus was on criminal responsibility rather than on running a comprehensive reparation system.

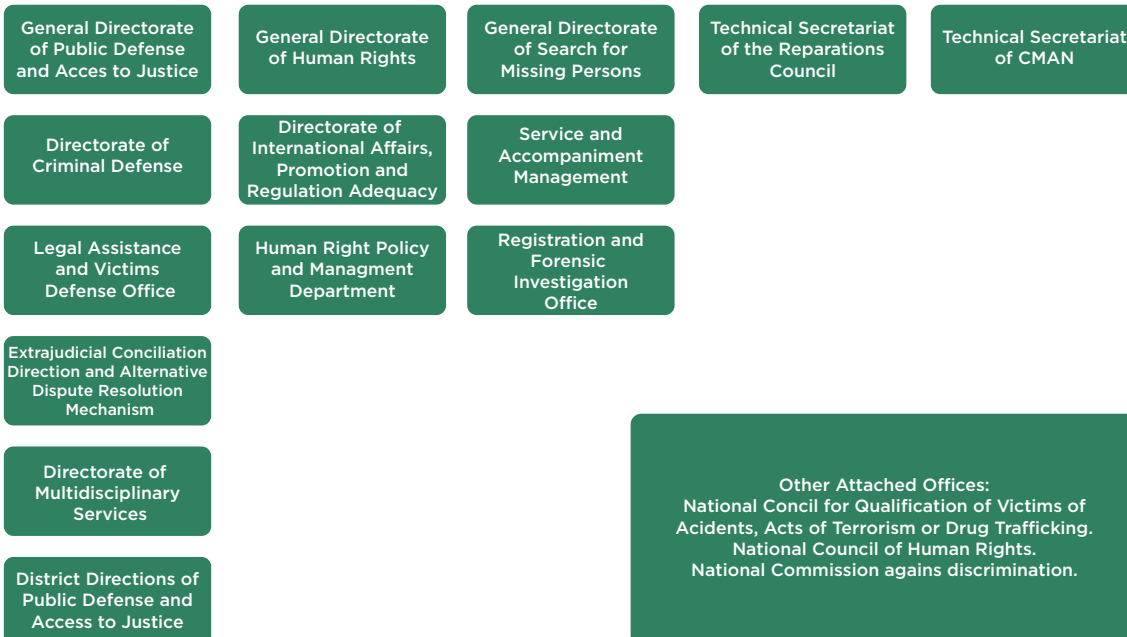
Established a number of authorities, and people's willingness to change was noticed – seemed to broken the curtain of silence.

Important steps were made. Opened register of data to identify the people who remained unidentified. Established several mechanisms to enable family members to be involved and participate in the search and identification process. Adopted tools and did research for DNA of exhumed remains.

For the first time in the history of Peru, the President received family members, he apologized and signed a decree to push the search and identification process. The result of this was much higher expectations so that people can hope that they will be heard at high levels. It may have been symbolic but it was important. Politicians now mention about the missing and the missing has an increased public agenda.

STRUCTURE OF VMDHAJ

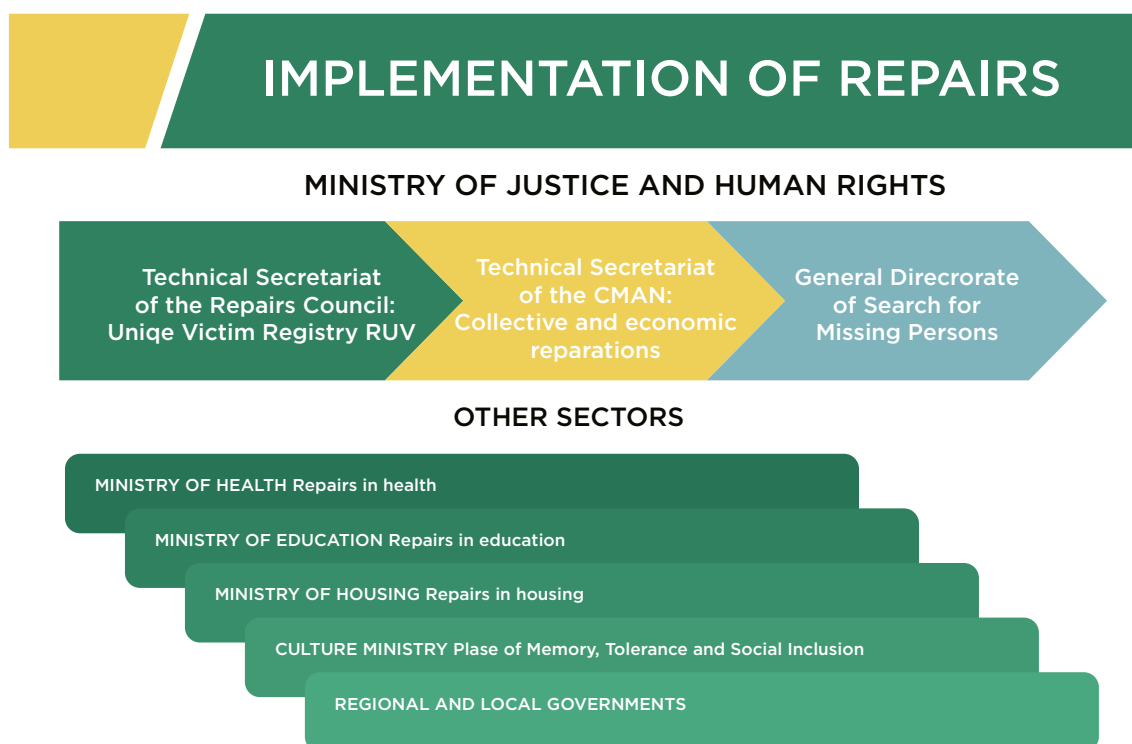
VICE-MINISTRY OF HUMAN RIGHTS AND ACCES TO JUSTICE



Structure of the Vice-Ministry of Human Rights and Access to Justice (VMDHAJ in Spanish) has an institutional base and proper leadership. Ministry of Human Rights coordinates with Ministry of Justice the implementation of public policies on human rights.

IMPLEMENTATION OF REPARATIONS POLICY

Peru has registered 227,388 civil, police and military victims; as well as 5,712 peasant and native communities, and 138 organizations of displaced persons.



In collective reparations:

Attended 2650 communities and 24 organizations of displaced persons (46% registered) with approximately 2,700 infrastructure and development projects, for around PEN 266 million soles (around USD 67 millions).

In economic reparations:

Attended 85 thousand civil, police and military victims (96% of beneficiaries), with PEN 319 million soles (around USD 94,5 millions).

In symbolic reparations:

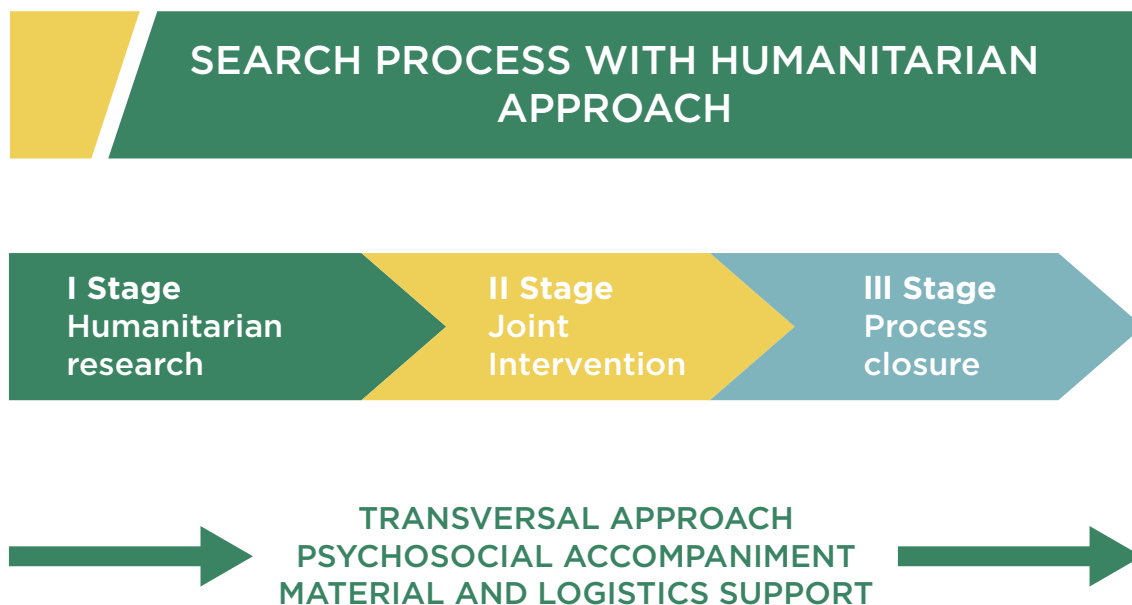
Ecological memory sanctuaries (4 inaugurated, 4 to be inaugurated).
Design and implementation of the national policy on memory.

SEARCH POLICY FOR MISSING PERSONS

In 2016 started to develop policy for Search for Missing Persons, shifting focus away from prosecutions. This was enabled by the Law No. 30470, Law of Search for Missing Persons during the period of violence 1980-2000. We have focused on the Humanitarian approach, aspiring to alleviate pain, uncertainty and give comprehensive answers to the families of missing persons. The National Plan for the Search of Missing Persons was developed (knowing what happened, exhausting all the search efforts, if necessary, recovering, identifying and hand over the human remains found and identified to their relatives, or providing symbolic closures. The mechanism seeks to address the psychosocial impact to the families and to promote the informed participation of family members in the search processes.

SEARCH PROCESS WITH HUMANITARIAN APPROACH

3 main components: research, analysis, finalization.



ADVANCES IN SEARCH FOR MISSING PERSONS

There have been accomplishments but also short comings. Structures should be created but this is not enough. Budget constraints may influence certain decisions, particularly in relation to criminal responsibility. Need to convince politicians that it is not all about criminal prosecution.

The main achievements are: a) investigations to close cases of missing persons in Ayacucho, Huánuco and Junín, b) installation of the Working Group to assist in the processes of Search for missing persons with a humanitarian approach, and c) presentation of the National Registry of Disappeared Persons and Burial Sites - RENADE, first official registry containing names of 20,329 people who disappeared in the country.

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MULTIAGENCY COORDINATED RESPONSE IN THE SEARCH OF MISSING PERSONS AND IDENTIFICATION OF BODIES. INTERNATIONAL EXPERIENCE OF THE ARGENTINE FORENSIC ANTHROPOLOGY TEAM

Dr LUIS FONDEVBRIDER

Director of the Argentine Forensic Anthropology Team

Yesterday I mentioned about the political will needed to introduce legislation. This is often done without proper consultation with families and state structures. This brings different consequences, e.g. in Balkans, multiple external agencies made it complicated; in Guatemala the State structures were not ready in Colombia the country was ready but there was too much information to process.

MAIN ISSUES OF MECHANISMS

Who are the victims:

- The concept of family can change from context to context;
- Missing persons can be dead and alive;

It is necessary to understand and recognize the role of NGOs and Human Rights movement.

The list of victims should be as inclusive as possible. Sometimes there are more than one list of victims.

- It should be discussed and decided what to do with the already collected information. And State authorities should be aware of every organization interviewing the same families.
- What do we do with the information provided by perpetrators?

Some questions and issues regarding Medico-legal institutes:

- How do they adopt a new mechanism?
- What forensic specialists are available – who will examine the skeletal remains?
- It is necessary to create specific teams with full time dedication.
- Regarding the recovery – are there archaeologists?
- Training programs – short and long term view, what kind, remember to evaluate.
- Multidisciplinary perspective – including new areas e.g. geology, entomology.
- Role of the university, important to involve them taking into account the long term vision and the need for capacity building.
- Ante Mortem data collection – just DNA collection is not enough, who is best to collect his data, and these people need to be trained.

Often takes 1-2 years to set these things up and the law should be the last issue not the first. However, often this is not the way it is done. If the law is done first this can increase family expectations. There is also a need to convince politicians that State structures are also important. If there is a preparation before the law, there is a bigger chance to get a better outcome.



OPERATIONAL RESPONSE TO THE SEARCH AND IDENTIFICATION PROCESS OF THE MISSING PERSONS FROM THE CONFLICT IN UKRAINE

Mr RUSLAN ABVASOV

**Head of the Genetic Laboratory of the State Scientific Forensic research Centre of the
Ministry of Internal Affairs of Ukraine**

Since 2009 we provide DNA research and have a DNA database.

Service has active participation with countries of former USSR and European countries. We provide identification of missing persons in Ukraine. Events in Eastern Ukraine triggered a large amount of work. We have appointed a chief investigator/coordinator. For each missing person we establish a profile and we provide this profile to the central database. We are ensuring to collect samples from mothers, children, etc. Database provides key information, while all profiles are being verified. DNA is only one of methods employed for identification – but has a high probability to complete the identification.

Up to today, 1638 samples produced 900 DNA profiles. We have identified 555 from 1110 dead bodies.

Number of samples are decreasing over the years, mainly because its difficult to get samples from Non Government Controlled Areas.



Mr YURI KACHANOV

Head of Joint Centre for Coordination of Search, Release of Captives, Hostages and Location of Missing Persons in the ATO Area of the Security Services of Ukraine

The Joint Search and Coordination Center, the release of illegally deprived persons, hostages and the location of missing persons in the area of an anti-terrorist operation (ATO) is guided by a joint order of the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Defense of Ukraine "On Approval of the Regulations on the Joint Center for coordination of search, release of illegally detained persons, hostages and locating missing persons in the area of anti-terrorist operations m "from 19.05.2016 №237 / 267/388 registered in the Ministry of Justice of Ukraine on 14.06.2016 №856 / 28986.

The said structure was created on the basis of the Antiterrorist Center under the SBU.

The main tasks of the Center are to coordinate activities on the following issues:

- Search, release of illegally deprived persons, hostages in the area of the anti-terrorist operation (hereinafter – ATO);
- Location of missing persons in the area of ATO;
- Search and return of bodies of victims in the area of ATO.

The main directions of the Center's work are:

- 1) The creation and record keeping of persons who were illegally deprived of their liberty, taken hostage, disappeared and dead (if their bodies were not returned) in the area of the ATO, at the present time, from April 07, 2014;
- 2) Coordination of activities of subjects of the fight against terrorism, other bodies of state power, as well as (with the consent) of public associations and individuals on the search, release of illegally deprived persons, hostages, the location of missing persons, the search and return of the bodies of the dead in the area of ATO;
- 3) Participation in the negotiation process for the release of the illegally deprived persons of hostages;
- 4) Consideration of applications, appeals, communications on matters that fall within the competence of the Center;
- 5) Preparing a proposal for the elaboration of draft legal acts regulating the activities of the Center.

The Joint Center has created and constantly updated lists of persons who were illegally deprived of their liberty, taken hostage, disappeared and died (if the body was not returned) in the area of ATO. An identity form is created for each person which contains data like in which the person was taken hostage or disappeared, the status of the search, contacts of relatives and relatives, etc.

Information on the victims is constantly used to hold the negotiation process for the release of hostages during meetings of the Tripartite Contact Group on the Peaceful Settlement of the Situation in the East of Ukraine, as well as in the course of the activities of international humanitarian organizations in an uncontrolled area.

The order of action of citizens whose relatives have been taken hostage or have disappeared in the area of the ATO:

- Citizens must contact the National Police authorities with a written application, in which to inform expanded information about the person and circumstances of her falling into hostage or disappearing;
- Criminal proceedings are opened by the authorities of the National Defense League; the applicant is questioned;
- The prosecutor (if there is such a necessity) makes a decision on the selection of samples for the expert examination of close relatives (biological parents, children
- In the future, citizens should contact the Joint Center with written or oral address in any convenient way, stating detailed information about the person and circumstances of her becoming a hostage or disappearance, number of criminal proceedings, etc.

Also, citizens turn to international humanitarian organizations (ICRC, UN, OSCE, etc.), NGOs, human rights activists and volunteers. With these structures, we are constantly in contact, sharing information.

Taking into account the adopted Law on the Status of Missing Persons, the establishment of a Commission in the near future, the Center's work will be somewhat reformatted, certain powers concerning, first of all, the registration and determination of the status of missing persons will be relied on the members of the Commission.

I would like to note separately that as a director of the Center I regularly participate in meetings of the Humanitarian subgroup of Tripartite Contact Group in Minsk.

With the direct participation of representatives of the Center, the release of hostages is carried out, including the so-called "Exchange" between the parties to the conflict. During the existence of the structure, more than 3,200 people were found and released.

Among the positive experiences I would like to note is the unprecedented exchange that took place on 27.12.2017, when we handed over to the non-government controlled areas (NGCA) 306 people who stressed that they were in different procedural statuses and seized 74 hostages from NGCA. Representatives of the ICRC also took a direct part in the event, for which they were very thankful. Unfortunately, there are more than 100 hostages at present, about 300 unidentified missing persons are registered at the Center.

The experience of my work at the Center shows that the main problem in obtaining the final results in the search for missing persons and the identification of the dead, is the fact that the conflict is still ongoing.



OPERATIONAL RESPONSE TO THE SEARCH AND IDENTIFICATION PROCESS OF THE MISSING PERSONS FROM THE CONFLICT IN UKRAINE

Mr IGOR KALANTAI

Head of Unit of the Main Investigations Department of the National Police of Ukraine

Since 2014, working groups have been operating at the Main Regional Departments of the National Police to receive applications for the disappearance of persons in the ATO zone, to collect biological samples from relatives of missing persons and to identify unidentified bodies (hereinafter – working groups). The activities of the working groups were organized in accordance with the instruction of the National Police from 02.12.2016 “On improvement of work on investigation of facts of disappearance and missing citizens and identification of unidentified bodies found on the ATO territory “, and their tasks are:

- To immediately input of information about an unknown disappearance in the Register,
- Organization of taking biological samples from close relatives of missing persons,
- Appointment of molecular genetic expertise,
- Organization of tracing people, etc.

From the beginning of 2018, the working groups have been updated with involving of forensic criminalistics specialists to proper take biological samples from relatives. The updated information on working groups is available on the official internet resources of the Main Departments of the National Police.

In addition, the National Police of Ukraine (NPU) provides monthly summary information to the Presidential Administration regarding the number of criminal investigations initiated by investigative departments on the facts of the disappearance and unlawful deprivation of liberty of persons in the temporarily occupied territories of Donetsk and Lugansk oblasts (hereinafter – TOT).

Also, monthly summary information about the results of the work of the NPU working groups is provided to the Administration of the President of Ukraine.

Thus, as of August 5, 2018, the investigation authorities of the NPU started almost 6 thousand criminal proceedings on the facts of the disappearance of over 6,2 thousand people and 3,2 thousand criminal

proceedings on the facts of illegal deprivation of liberty and seizure of more than 3.8 thousand persons.

To date, 2.8 thousand illegally deprived persons have been released from captivity, and 3.6 thousand missing persons have been found alive. There are 2 thousand missing persons who remain missing and 999 illegally deprived of their liberty.

Investigative units of the National Police conducted a pre-trial investigation in 784 criminal proceedings on the facts of detecting unidentified bodies in Non Government controlled areas, of which 417 pre-trial investigations are ongoing.

Having been analyzed more than 900 biological samples, more than 500 unidentified bodies have been identified.

The Main Investigative Department is working to establish interaction with the power and state authorities on issues related to the temporarily occupied territories. In particular, such interaction is organized between the MID NP and CIMIC, Joint Center of SBU, as well as with SSRFC.

Mr Kalantai Head of Unit of the Main Investigations Department of the National Police of Ukraine

QUESTIONS AND ANSWERS

Mrs Gulden Plumer Kucuk, Turkish Cypriot member of CMP, to Mr Kalantai

1. Any clashes with police doing investigations?

Mr Kalantai: National police have no problems with cooperation with other agencies.

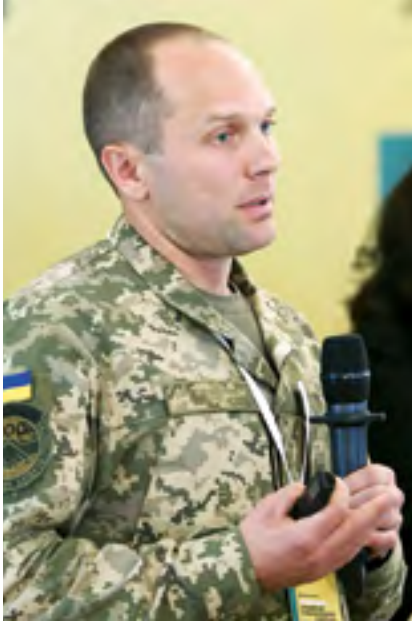
2. What is the period of the identifications?

Mr Kalantai: We have received substantial information from the ICRC. We have taken biological samples from relatives since 2014. We have been functioning since the beginning of the conflict. All samples go to central database. Identification process goes on regular basis depending on availability of samples. Test the new samples against the database.

Mr Ademilola Oluseun Adesiyun, Chief Legal Officer, Human Rights and Education, Nigeria, to Mr Ruslan Abvasov

1. Ruslan Abvasov: What software do you use for the matching process?

In house software and CODIS.



OPERATIONAL RESPONSE TO THE SEARCH AND IDENTIFICATION PROCESS OF THE MISSING PERSONS FROM THE CONFLICT IN UKRAINE
Lt Col VLADISLAV KRAVCHENKO
Head of Body Search and Recovery and Missing Unit of the Civil Military Cooperation Directorate of the Armed Forces of Ukraine

I have to share that our cooperation with the ICRC has increased the professionalism of our staff. My department investigates into combat losses. We have presently 366 military missing, 148 missing in action, 128 hostages. We coordinate searching, exhumation and transfer to mortuary, which are not usual activities for a military group. Have had to draft many cooperation documents. Thanks to the ICRC and State institutions we have good equipment to search and transport human remains.

Main tasks of CIMIC Unit

1. To ensure favorable conditions for the performing by the Armed Forces of tasks and functions entrusted to them by means of interaction with executive authorities, local self-government bodies, non-governmental (international) organizations.
2. To provide (to coordinate the provision) humanitarian assistance to the population.
3. To form a positive image of the State and Armed Forces of Ukraine.
4. To coordinate the mine actions in the Joint Forces Operation (JFO) area.
5. To implement the Humanitarian Project of the Armed Forces of Ukraine ("EVACUATION 200").
6. To organize work with the families of servicemen of the Armed Forces of Ukraine who gone missing.

Areas of work of the Search and Investigation Department

1. Humanitarian Project of the Armed Forces of Ukraine ("EVACUATION 200"):
 - Search for missing military servicemen.
 - Exhumation (recovery from untreated burials) of the bodies (remains) of deceased servicemen.
 - Evacuation (transportation) of bodies (remains) to Medical Legal Bureaus for identification and to the places of burial.
2. Information and psychological accompaniment of the families of missing servicemen of the Armed Forces.

Regulatory framework

Interagency order No. 208/302/381/204 (Ministry of Defence, Ministry of Health, Ministry of Internal Affairs of Ukraine, State Security Service of Ukraine) from 20.10.04 “On approval of the Instructions for the search and transportation of the dead bodies (remains) during the antiterrorist operation on the territory of Donetsk and Lugansk regions”.

Order of the Ministry of Defence of Ukraine No. 185 from 05.06.2001 “On approval of the Instruction on the organization of burial of servicemen who were killed (died) during military service”.

Directive of the General Headquarters of the Armed Forces of Ukraine No. D-8 dated 22.02.2016 “On organization of work with the families of servicemen of the Armed Forces of Ukraine who gone missing (were KIA)”.

Provisions on the Joint Search and Coordination Centre, the release of illegally detained persons, hostages and the location of missing persons in the area of implementation of measures for the provision of national security and defence, repression and deterrence of armed aggression of the Russian Federation in the Donetsk and Luhansk regions (State Security Service).

“EVACUATION 200” – Humanitarian Project of the Armed Forces of Ukraine



Search and Investigation Department coordinates the tasks performing by search groups for searching, exhumation (recovery), evacuation and transportation of bodies (remains) of soldiers and also provides information and psychological support to the families of dead and missing persons.

Special groups search, evacuate and transport the bodies (remains) of killed (dead) soldiers of the Armed Forces of Ukraine, other military formations and law enforcement agencies to the Medico Legal Bureau and further to the places of burial. Searching groups are provided with specialized vehicles (auto-refrigerators). The staff is provided with all the necessary equipment and uniforms for carrying out search-evacuation activities and safe work with the dead bodies. Representatives of the Pavlohrad organization “Union of Samaritans-Kynologists of Ukraine” with specially trained dogs are involved in search activities.

Organization of work with the families of missing and KIA military servicemen.

The electronic database of missing, dead and illegally detained military servicemen was created. We compare data with other agencies and we also have data on individual graves and gravesites.

Dealing with families is painful for us. Currently we have 83 Missing. 38 were identified with DNA. We needed to prepare material to explain process to families e.g. regarding DNA, what does 99.9% mean.

Methods of operations are the following:

- Working “Round Table” meetings with the representatives of ministries (agencies) and families of missing persons for the purpose of solving the issues of identification of deceased servicemen.
- Information meetings with the families of missing military personnel.

- Inter-departmental working meetings with the representatives of investigation authorities of the National Police, SBU, state administrations and other authorities on search and identification of persons who died in ATO (JFO) area.
- Seminars and trainings of the International Committee of the Red Cross on a unified approach in the search and identification of persons killed in a military conflict.

1.	Dead evacuated from temporarily occupied territories	16	8
2.	Dead transferred to temporarily occupied territories	16	9
3.	Dead evacuated from ATO (JFO) area	336	221
4.	Dead transported to the places of burial	320	183
5.	Dead reburied after identification (unidentified bodies before)	8	9

Staff Professional Training

With the support of the International Committee of the Red Cross, staff members were trained on:

- Workshops on search and recovery of human remains;
- Workshops on forensic identification of a person;
- Workshops on collecting information about possible burial places and their mapping;
- Workshops on psychosocial support of the search teams workers;
- Workshops on psychosocial support for the relatives of missing.

Interaction with external structures (ministries), organizations

Cooperation with the ministries (agencies) in Ukraine, international (non-governmental) organizations:

- Criminal Investigation Department and the Main Investigation Department of National Police and SBU;
- Joint Center for the coordination of search, release of illegally imprisoned persons and location of missing persons in the area for implementation of national security and defense measures, resistance and restraint of the armed aggression of the RF in Donetsk and Luhansk Oblasts;
- International Committee of the Red Cross and Ukrainian Red Cross Society;
- Districts (regional) state administrations.

Challenges

The main issues in the Unit's activities are:

- Absence of a unified interagency approach in solving issues of identification of dead bodies (remains);
- Failure or lack of information and psychological support to the families of killed and missing soldiers;
- Lack of opportunities to search close to the contact line and on the temporarily occupied territory;
- Absence of the algorithm of biological reference samples collection for DNA examinations both from the relatives of the dead and from the bodies and remains located on the temporarily occupied territory and the absence of effective information exchange channels with the representatives of temporarily occupied territories regarding the search for missing persons;
- Lack of specialized institutions conducting forensic examinations within the Ministry of Defence of Ukraine;
- Absence, in most cases, of lifetime materials and information on the dead (missing persons) that can facilitate identification (dental card, biological samples, fractures/injuries/ surgical interventions info, etc.).

Proposed solutions

The ways of solving problem issues:

- Creation and provision of an effective algorithm for the work of the Commission in accordance with the Law of Ukraine “On the Legal Status of Missing Persons”;
- Consideration at the state (interdepartmental) level of the issue of creating the necessary information base (dental card, biological samples, fractures/injuries/surgical interventions information etc.) on military personnel, which may facilitate their identification in case of death;
- Studying the experience and methods of identification of the leading countries for further use in the activities of concerned Ministries (agencies) in Ukraine;
- Consideration at national level of the issue of joint search operations together with representatives of international organizations including the International Committee of the Red Cross and the Organization for Security and Cooperation in Europe;
- Establishing of a specialized institution for conducting forensic examinations within the Ministry of Defence of Ukraine.

In conclusion, it is extremely important for us, soldiers, that every Defender of Ukraine, who perished in defence of Ukraine’s independence, state sovereignty and territorial integrity, was buried with all military honour and dignity, and to each unknown deceased give their names and handed over his remains to relatives for honouring, burial and commemorating.



OPERATIONAL RESPONSE TO THE SEARCH AND IDENTIFICATION PROCESS OF THE MISSING PERSONS FROM THE CONFLICT IN UKRAINE

Mr VITALII KONDRATENKO

Head of Medico Legal Services of Ukraine Main Kyiv

When the war broke out in 2014, Ukraine was vulnerable and the forensic service was not prepared to deal with the large number of dead.

Total amount of examinations conducted	2015	2014	TOTAL
	2798	187	4676
Laboratory Department	1815	1258	3073
Examination of Alive victims Department	521	234	755
Thanatology Department	462	386	848

Presidential Administration of Ukraine dated December 10, 2014: carrying out forensic medical examinations of those killed in the ATO zone, as well as conducting of laboratory examinations and researches for district and inter-district departments of the Donetsk Oblast (government-controlled area) are assigned to the Dnipro Oblast Medical Legal Bureau. 4676 examinations were conducted since the beginning of armed conflict. Among them:

Since 10.05.2014 848 dead bodies delivered to morgues of Dnipro Oblast MLB,
Since 01.01.2015 – 462.

Mass deaths related to the conflict
(according Dnipro Oblast Medical Legal Bureau):

- Plane crash of IL-76 (military transport aircraft) on June, 14, 2014 – 49 bodies
- Hostilities near Ilovaisk (August, 2014) – 181;
- Hostilities near Debaltseve (February, 2015) – 86;
- Hostilities near Donetsk Airport (February–March, 2015) – 44.

Other territories of Conflict Area – 487.

Forensic doctors are able to answer:

- Cause of death;
- Types and mechanisms of injuries;
- Time of death;
- Body Identification.

Hand over to the relatives

Causes of deaths of victims on the conflict area

Damage as a result of aircraft crash	49
Damage as a result of hostilities from firearms and other conventional weapons	150
Damage due to hostilities from other explosions and fragments	537
Effect of fire, carbonation, carbon monoxide poisoning	65
Unspecified damage due to military actions	27
Non-determined cause of death (decomposed, skeletonized bodies or other reasons)	15
Natural death	5

The Central/Chief forensic Bureau is funded by the State budget, the local bureaus are funded locally. Had lost 2 very well equipped branches in DON and LUG so had to establish 2 new branches.

There are different tasks with respect to law enforcement and forensic when we consider criminal vs humanitarian identification — e.g. MH17 investigation. Hope the legislation will change attitudes of government and public from the emphasis on criminal to humanitarian perspective.

Prior to Minsk treaty all sorts of weapons were used, severe injuries — up to 80% were not visually recognisable.

We are aware that the integrated approach should be really important and is the only approach to compile the identification report.

We hope the ICRC will help us resolve all these issues.



MANAGEMENT AND CENTRALIZATION OF INFORMATION. ORGANIZATIONAL ASPECTS OF THE IDENTIFICATION UNITS

Dr MARIA MERCEDES SALADO PUERTO

Identification Coordinator of the Argentine Forensic Anthropology Team

Missing persons are a universal problem, and unidentified remains are a hidden reality. There are 2 identification levels, the technical identification and the judicial identification. We need to understand the identification as a process not just as a technique. Remember that identifying one person may help to identify others.

The identification process must be:

- Multidisciplinary;
- Comprehensive;
- Holistic;
- Integrated.

Identification is a comparative process – who owns the various components. It should include integral consideration of antemortem information, archaeological information (recovery), compatibility of antemortem and postmortem information and must have absence of fundamental contraindications.

If the identification is a multifunctional dialogue, it requires a multidimensional, multidisciplinary and multiagency approach.

Large scale investigations and identifications require a different approach than routine isolated cases. If there is a lack of integration the system will often collapse.

We have to always keep in mind that the relatives and victims are not just providers of antemortem and genetic data but also have rights. The identification does not take place only in the name of science!

Main challenges in the identification process

Identification system set-up:

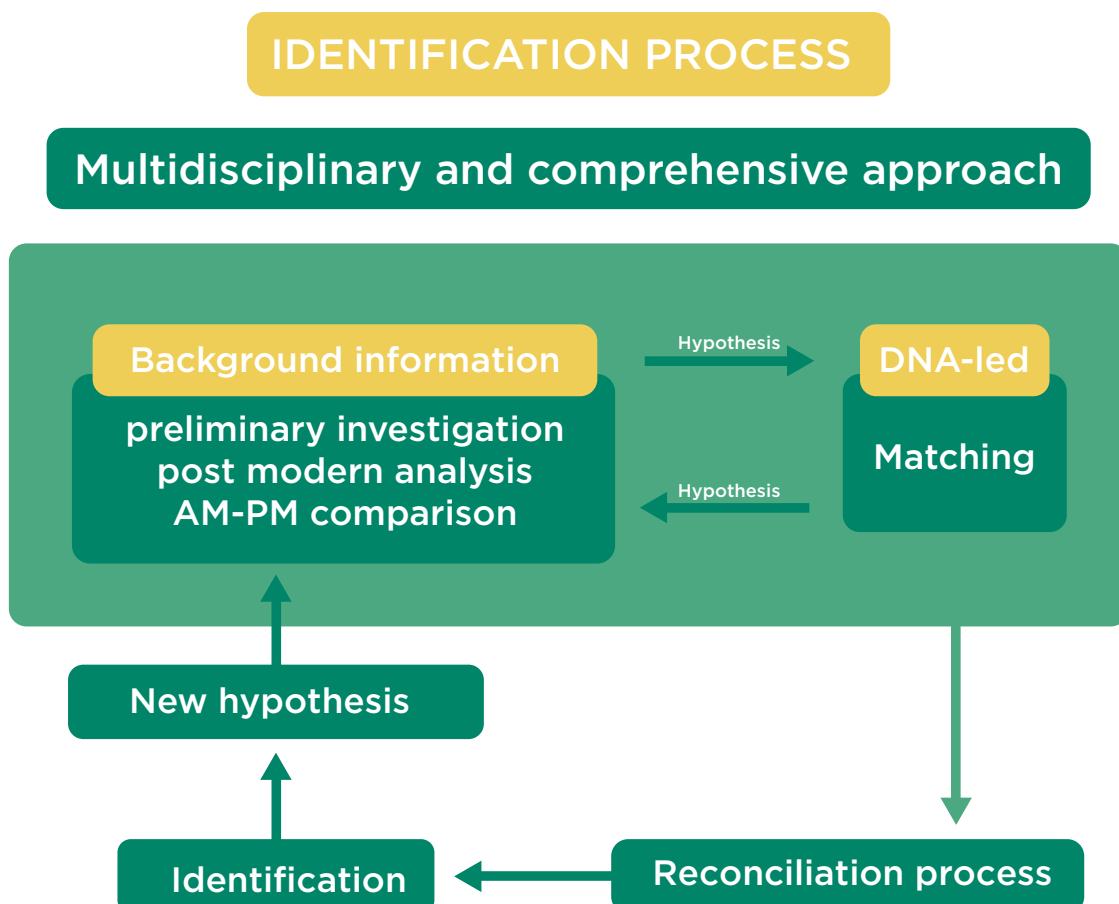
- Legal framework;
- Mandate and scope (concept of missing person);
- Who identifies? technical and judicial identification;

- Roles and responsibilities;
- Lack of inter and intrainstitutional coordination, overlapping of functions;
- Sustainability / continuity over time;
- Credibility/reliability/legality/legitimacy;
- Centralization of information;
- Ownership & administration;
- Access to information: prosecutors, judges, police, investigators, forensic experts;
- Information flow;
- Security / protection of information;
- Confidentiality;
- “DNA led” investigations without reconciliation of information;
- Reconciliation process in identification:
 - Background information;
 - Forensic information (medical, anthropological, dental, genetic, etc);
- Lesson learnt: main problems when this process is led only by non-forensics and/or not following an integrative process.

Setting up a large scale identification system

Integrated model of investigation:

- Historical investigation: recovery and analysis of oral, written, graphical or material sources: context, and come up with an hypothesis on grave location and identity of the remains;
- Collection of Antemortem Data: (medical, anthropological, odontological, blood/saliva for DNA, personal effects, etc.);
- Crime scene/graves: protection, search, documenting, mapping, excavation, recovery, analysis and interpretation of findings;
- Forensic analysis of remains: identification and assessment of the cause of death;
- Reconciliation process of ALL available data.



Identifications units

International tendency/recommendations:

- Creation of identification units at medical legal institutes (holder of the technical identification process);
- Formalization by law/decreet, with a specific entity, budget, staff and procedures;
- Set up of an information flow system connected intra and inter institutionally (multifactorial dialogue, multidimensional approach, multidisciplinary procedure, multiagency reconciliation);
- Identification coordinator position;
- Centralized database with a differential access and responsibilities in the management and recording of information;
- Comprehensive consideration of the case: historical research, forensic examination and genetic analysis (if needed);
- Reconciliation process (reconciliation boards, committees, etc.);
- Integrated technical report on identification send to authorities in charge of judicial identification;
- Multidisciplinary and inter institutional approach in the notification of results to families;
- Formal office for families reception/contact inside identification unit;
- Quality control system.

Organizations Involved in a Mass Fatality DNA Identification Response



General recommendations in a large scale identification system

Centralized database:

- Recording (storage of information);
- Search (queries and comparison);
- Tracking;
- Analysis;
- Reconciliation of information;
- Reporting.

Consider further challenges:

- Penetrate areas of society that are still reluctant to accept the investigation on missing persons.
- Ensure that the will of family members and victims is truly respected and have a voice and presence.
- Ensure the quality, credibility, viability and sustainability of the process.



INSTITUTIONAL REQUIREMENTS IN RESPONSE TO LARGE SCALE/LONG TERM IDENTIFICATION PROCESSES AND CHANGING LEGAL FRAMEWORKS: CASE EXAMPLE
Dr CLAUDIA ELENA GARRIDO VARAS
Forensic Specialist, ICRC Delegation for Sri Lanka. Former Forensic Specialist in the Medico Legal Institute in Chile

I will be telling a story from something that was not considered a success. The story is about “Patio 29”. During the 17 years of dictatorship in Chile, many dead were dumped in the street or the river. They were collected and examined, but not identified. Those that were not identified would be buried Patio 29, without a name but in individual graves.

Fortunately, those unidentified bodies were not cremated, even though the law in Chile allows for exhumations and cremation of such remains. At the end of 1991, Patio 29 was exhumed but few identifications were possible as the graves had been robbed in the meantime and it was pre-DNA era. Some people were identified. Unfortunately, due to lack of quality control and lack of a coordinated information flow mistakes were made.

Not everyone was convinced about the identifications, especially one mother who couldn’t understand how her son was in Patio 29 when he was not in Santiago de Chile at the time of events. In 2003, a judge ordered an exhumation and re-examination of this case. It was proved by DNA to be an exclusion, therefore all processes were in doubt. This created a huge political earthquake and the judge ordered all identifications to be re-examined. This re-examination showed, 45 years later, that of 124 cases there were 59 misidentifications. It was a very painful process, there was a universal lack of trust.

It is possible to identify some reasons for this situation: the system was not prepared and some things (including identifications) were rushed – there was no search and no investigation, the forensic institution based the identification process on visual recognition, superimposition skull – photo, the police took a very important role in the exhumation process and the information the families gave about the physical characteristics of their relatives was crucial in identify the missing persons bodies.

And the consequences were: unnecessary and additional pain caused to families who consequently closed their dialogue with the government. In addition, the credibility was lost.

Based on this example / experience the following were provided:

- Structural recommendations
- Restructure of forensic institutions;
- Creation of the structures for identification – humanitarian identification within the medicolegal system;
- Development of a DNA database;
- Accreditation of the laboratories;
- Implementation of standards, and quality control;
- Included international oversight at the mortuary, as the families had lost trust;
- The identification team also included a historian and a journalist.

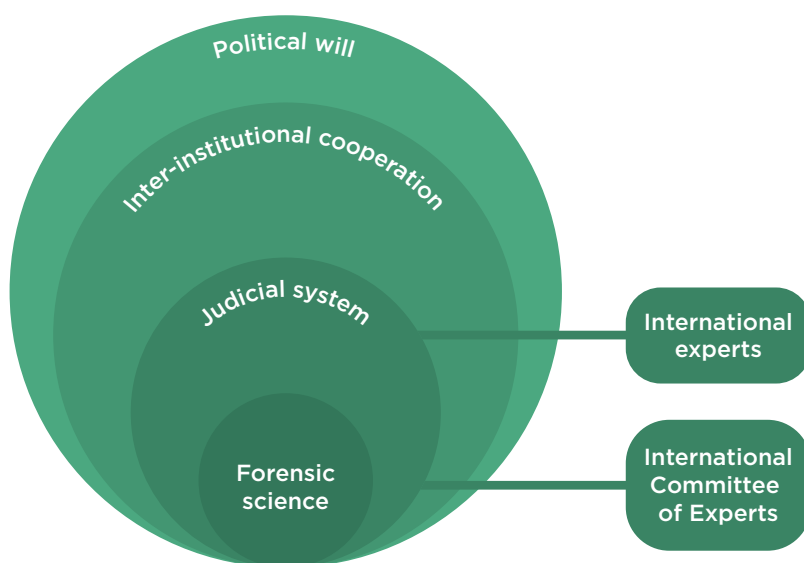
Technical recommendations:

- The development of the DNA data bank;
- The accreditation of the genetic laboratory;
- Implementation of the identification system.

Scientific recommendations:

- Inclusion of profiles and competencies necessary for the identification process;
- Implementation of the international standards;
- Implementation of the quality control system and external audits.

What measures were taken by state?



This approach resulted in:

- Availability of resources;
- Regulations/law;
- Institutional structures;
- Communication and coordination;
- The technical process;
- The inclusion of new professionals;
- Quality control;
- Identification report;
- The inclusion of the international community;
- The communication with the families.

The agencies involved in the process were National Medico-legal system, Human Rights Unit in the Police, Human Rights Program in the Ministry of Interior, psychosocial support teams. The team working on these cases had a chance to gain some international experience and is presently using a multidisciplinary team to identify the remains: Archeologist, Anthropologist, Odontologist, Medical doctor, Finger print expert, Photographer, Ballistic expert and Geologist.

The process of the fate clarification and identification consists of the following phases:

- Historical context
- Chronology of Conflicts;
- Political Environment ;
- Recording Collective Memory.
- Understanding the logic of violence
- Profiles of Victims;
- Patterns of Arrest;
- Patterns of Detention;
- Patterns of Execution;
- Patterns of Disposal of bodies.
- Mapping of :
- Events;
- Places of arrest;
- Places of detention;
- Possible burial Sites;
- Confirmed burial sites;
- Sources of Information
- Families;
- Witnesses;
- Archives: Police, Military, Newspapers, Judicial records;
- NGOs;
- Cemetery records;
- Hospitals;
- Mortuary records;
- Demining Agencies.
- Institutional communication policy with the families of missing persons:
- Personalized;
- Timely;
- Reliable quality;
- Clear information;
- Define the times;
- Process expectations and limitations.

QUESTIONS AND ANSWERS

Mher Bisharyan, Director of the Armenian Scientific Practical Centre of Forensic Medicine to Dr Kondratenko

1. Have you had cases related to torture, and what are the peculiarities?

Dr Kondratenko: All of the cases are examined at local level mortuaries, not at the Main Bureau where I am. According to our legislation the expert who does the examination cannot share their finding. So I have no reliable information to provide you. The only available information comes from witness statements and media reports, e.g. of use of electric current. Really I don't think we have a lot of cases.

Dr Ajith Tennakoon, Head for Forensic Medicine and Toxicology Colombo, Sri Lanka to Dr Kondratenko

1. How is the medicolegal system in Ukraine established?

Dr Kondratenko: There is a central system with 28 oblast branches which are communal enterprises. The central agency can provide methodological advice, and there is collective decision making.

2. Is there a special team to work on cases of missing persons?

Dr Kondratenko: There have been so many artificial blocks since legislation was drafted in 2015, which included a redesign for the forensic bureau. Like the parliament being too busy, but the draft should be considered and adopted.

Mrs Gulden Plumer Kucuk, Turkish Cypriot member of CMP to Dr Mercedes Salado

1. We understand that families are important and must be included in all stages, even at exhumation, but this can be difficult as they are impatient, often want to do it themselves and don't understand why they can't have the body quickly. What do you think?

Dr Mercedes Salado: I come from a system where this does happen, and I think it is important as it makes the process much more transparent. Prosecutors and police are often also present. You have to explain the process and why cannot hand over body straightaway. Relatives should be able to visit the mortuary/laboratory as well, and they often worry about lack of legal processes and respect for the remains.

Lt Col Kravchenko added that in Ukraine almost all parents wanted to be at the exhumation to share the fate of the dead.

Major General Hazam, Ministry of Defence of Republic of Iraq to Dr Mercedes Salado and Dr Claudia Varas

1. In Iraq we have too many mass graves and too many missing people. Does the process differ between graves, is there an acceptable percentage of matching, e.g. is 50% in one and 75% in another acceptable?

Dr Mercedes Salado — it is situationally specific, but the question you need to ask should be why are the others not identified and what can we do to identify the others – how can we strengthen our system to facilitate the identification of the others. Is there enough time to do the necessary complete analysis, and is there good quality control.



Alhamzah Jawad/ICRC

FAMILY OF SABBAR SUGHIAR KREDI, WHO DISAPPEARED DURING THE IRAQ- KUWAIT WAR AND IS STILL MISSING. BAGHDAD, 2017.

SECTION 10

CONCLUSIONS AND RECOMMENDATIONS, CLOSURE OF THE SECOND DAY



CONCLUSIONS AND REMARKS OF THE SECOND DAY

Dr MARIA DOLORES MORCILLO MENDEZ

Regional Forensic Coordinator ICRC Delegation for Ukraine

We have reached the end of this two days International Conference. From the various presentations yesterday and today, we can summarize the main four elements required for the proper implementation of any mechanism to ensure the effective search for missing persons and support to their families: political will, budget/allocation, adequate articulation between government and operational structures –including restructuring institutions if the need be and constant /regular dialogue with families. It is a complex process that takes time.

This second day of presentations reminded us of that the main role of a mechanism is to ensure proper articulation / interaction between the Government and operational structures responsible for the operational work (Police, Forensic services, including Psychosocial accompaniment, etc.) and structures responsible for the support to families (Legal, financial, administrative, etc.), Launching mechanisms requires previous consultation and clearly defined objectives – roles of each institution, communication strategies and very important: forensic capacities: Are the institutions ready? Are Medico-Legal Services ready? Consider the creation of teams, specific groups, task forces, etc.

We once again heard about the role of the families. It is important that amongst the adjustments in the different structures Special offices for proper attention to the families are created. The creation of these offices responds to the important aspect of communicating with the families. Including the notification of results and handover of bodies. This is a process on its own. Families should be treated with the respect and dignity they deserve.

It is also worth to mention, certain principles mentioned by the speakers; when we talk about psychological support and reparations to the families, it is not about money, it is not about having psychologists next to them to have a shoulder to cry, it is about respect and providing them with information and answers. It is about real accompaniment, it is about recognition and remembrance, it is about doing things right!

We also learned about the difficult work of the Ukrainian structures, such as SBU, MoI, CIMIC, MLB,

the main challenges and adjustments they had to make in order to respond to the needs. Still more changes are required to effectively implement the law and provide answers to the families.

We heard about difficulties with figures – this reminds us of the need to have a unified register, although as mentioned by the representative from Peru, this register is important not only to know who they are and how many – it also means recognition for the families.

In the second part, we heard about specific requirements to establish an identification process as the base of the search for the missing persons. A process that can be reliable to gain / regain trust of the families and to be certain about the results.

In the last presentation we had the opportunity to learn from other experiences and how an integrated and holistic response from the State, at the level of the Presidency resulted in the long term in an adequate restructure of the system and re-examination of cases to produce reliable results in response to mistakes from the past. This reminds me to mention that there are limitations and mistakes in every identification process, especially when genetics is involved or left as the only method. Therefore, in the recent years the concept of identification has evolved to be more of a process, and includes the concept of scientific and legal identification. This is extremely important to ensure positive results.

Finally, it is important to consider public awareness and communication strategies when implementing any mechanism or identification projects.



CLOSURE OF THE CONFERENCE

Mr Cleber Kemper, Deputy Protection Coordinator in charge of the Missing and Restoring Family Links, before we formally close the Conference, we would like to hear from you suggestions regarding potential future steps. There are certainly topics that we did not manage to discuss and that relate to the issue of missing persons and their families. Depending on the importance of the topic/s suggested, another conference could be envisaged. It would as well interesting to have the participants “follow up” on the developments in Colombia and Sri Lanka. We have heard from many participants that they would want to have more in-depth discussions on the relationship between humanitarian and judicial processes. It was as well brought to our attention that more space and time needs to be given to the participants to talk with each other and network.

Mr Geoffrey Knupfer, Consultant Forensic Scientist and Investigator, Commission for the Disappeared in Ireland. It would be good to find some way of capturing good practice. Could the ICRC collect this (potentially confidential) information and perhaps share with governments. Mr Cleber Kemper responded this is an objective of the ICRC Standards Setting Project.

Mr Paul-Henri Arni, Third Member (UN) of the CMP. It's been a very interesting and useful conference, thank you very much. 1. Draft a report for this conference and share the condensed summary. 2. Perhaps don't convene a 2nd conference of this kind but be more practical. Identify the main questions authorities are asking themselves and address the how and what, not the why. The question is when – not before a commission is established – include workshops in Kyiv. Include a mix of decision makers and technicians.

Mr Lanre Yusuf, Deputy General Manager Software, National Identity Management Commission of Nigeria. The ICRC could share a document containing lessons learned from here including best practices shared. Also would be interesting if ICRC can take a lead on recommendations e.g. best software, case management tools.

Ms Luz Marina Monzon, Director of the Search Unit for Missing Persons, Colombia. A practical meeting dedicated to information systems. A way to coordinate information and plan searches.

Mr Amir Kulagic, Member of the Advisory Board of the Missing Persons Institute of BiH. This has been a good meeting, I am happy. But families should be at the centre of attention, and I didn't hear the voice of the families from your country.



Torfig Babayev/CRC

FAMILIES WITHOUT NEWS OF THEIR CLOSE RELATIVES ATTEND AN EVENT COMMEMORATING THE INTERNATIONAL DAY OF THE DISAPPEARED. BARDA, 2009.

SECTION 11

CONFERENCE CONCLUSIONS AND RECOMMENDATIONS



CONFERENCE CONCLUSIONS AND RECOMMENDATIONS

Understanding the roles and importance of all government and operational structures responsible for integrated actions on the search for and identification of missing persons and support to their families is normally a major challenge. The development of effective mechanisms, be it Commissions, Specialized Units, independent offices or simply readjusting procedures of the existing system is often necessary. The Conference, therefore, provided a unique opportunity not often available to all these representatives, to hear many administrators, operational workers and consultants of a variety of mechanisms present their experiences and advice.

As main conclusions a number of aspects were consistently raised as key elements to ensure the effective search for missing persons, identification of the dead and support to their families:

- The issue of the missing persons and their families is complex, requiring a multifaceted approach;
- Clarifying the fate and whereabouts of the missing persons and identifying the dead is a process that takes time;
- The creation of long-term sustainable mechanisms is a political decision, which requires political will, commitment and transparency;
- This political will must include adequate budget allocation;
- The main role of a mechanism is to ensure proper articulation/interaction between government and operational structures responsible for the technical work including support to families;
- Launching mechanisms requires prior consultation within the government, with the non-governmental sector, with technical experts and, most importantly, with the affected families of missing persons;
- The mechanisms have to have clearly defined objectives, which may include the need to restructure institutions (e.g. creation of dedicated identification units);
- Strengthening the local investigative and medico legal systems responsible for the search for and identification of missing persons is essential for any State to provide effective response to the humanitarian consequences of large scale events such as armed conflict, other situations of violence and disasters;
- Effective and reliable procedures for the search for missing persons and identification of bodies requires technical and scientific standards for quality assurance;

- The concept of identification has evolved to be more of an integrated process, and includes the reconciliation of information from which an integrated identification report is produced. This is the scientific identification, basis for the legal identification;
- Involvement of, and constant dialogue with families is essential;
- When appropriate, it is advised to consider public awareness and communication strategies when implementing any mechanism;
- There is no single mechanism that is perfect or transferable; the mechanism must be designed to be fit for purpose for the given context. It may be the case that a specific mechanism is not required/established, however procedures within the existing system need to be adjusted in order to respond to the large scale humanitarian needs.
- The recently adopted Law on the Status of the Missing is an important step towards resolving the issue of missing persons in Ukraine. However, only the adoption of the Law is not going to solve the issue of missing persons and their families, adequate implementation is needed, including allocation of proper funding and further involvement of the victims. The implementation requires the involvement and commitment of all the stakeholders. The legal base has been established, now the institutional base needs to be properly organized.

It was concluded that regularly organised similar conferences, allowing for the national mechanisms on missing persons to exchange their practices, learn from each other's experiences and provide peer-to-peer support to each other, would be highly appreciated and useful. This would contribute to a customary setting of standards in the process of the search for missing persons, identification of the dead and the support to their families. Though it is recognised that the Ukrainian authorities and practitioners would prefer similar events taking place in Ukraine focusing on the issues pertaining to their present challenges, it was suggested to "globalise" the conference and allow for exchanges linked to standardising practices and priorities of other national mechanisms.

RECOMMENDATIONS

Normally, the search for missing persons, dignified management of the dead and identification of bodies are responsibility of the investigative and medico legal systems. Existing procedures or new mechanisms, if necessary, should aim at strengthening these systems. Additional efforts need to ensure that families are properly involved in the clarification of the fate and whereabouts of their loved ones, and supported in their other needs in an integrated, holistic and comprehensive manner.

In launching, operationalising or implementing a functional and effective national mechanism, it is recommended to:

- Ensure the mechanism properly coordinates and interacts with the existing structures responsible for the different phases of the search for missing persons and identification processes in order to avoid duplication of tasks and optimize the knowledge and experience of institutions. Such national mechanism should be transparent, credible and independent from the judiciary (although liaising with it when necessary). It should be the official institution to which all families of missing could easily refer to obtain responses.
- Have national mechanisms distinct, yet complementary to other governmental processes existing in the context (humanitarian/administrative/judicial/criminal),
- The mechanism should not only focus on the clarification of the fate and whereabouts of the missing persons and in the identification of bodies, but also in supporting the families through the whole process.
- Guarantee the continuous communication with the families and proactively explain its mandate, initiatives, procedures and results. In addition, the national mechanism should permanently con-

sult and enable the participation of families in the national mechanism's decision process. The mechanism should create a permanent structure within the mechanism to ensure proper involvement and attention to the families.

- Accompany the families of missing persons throughout the process by providing them with information and answers, including the notification of results and handover of bodies, with particular attention to recognition and remembrance. The accompaniment process of families of the missing persons during the search for and identification process requires specialized procedures and professional attention. The mechanism should also ensure there is a defined system to provide families with this support.
- Have powers and skilled resources (financial and human) to fulfil its mandate and reach its objectives regarding the search and identification processes and the response to the multiple needs of the families of persons who went missing at the given particular circumstances.
- Guarantee that the search for and identification processes follows a multidisciplinary, comprehensive, holistic and integrated approach to ensure trust of the families and their certainty about the identification result. The system established should follow clear procedures with defined roles and responsibilities and that an integrated identification report is produced by forensic experts capacitated, with experience in complex cases and in accordance with the international best forensic practices, guaranteeing the high quality and reliability of the results. The forensic professionals should be at disposal of the families to explain the identification process and answer any existing questions.
- Consolidate a unified, central and comprehensive national register of missing persons including an updated list of contact details of families of missing persons and guarantee its confidentiality. Personal data must be treated and processed in line with national and international rules on personal data protection and confidentiality.
- Ensure there is proper collection and centralization of information on missing persons and unidentified bodies, in accordance with the forensic best practices and international protocols for the search for and identification processes. It should ensure the availability of the information for all those involved in the process.
- Liaise with the family members and involve them in the process of handover of human remains and presentation of identification results, including choosing the most appropriate place to return/bury the human remains of their loved ones, as well as including them in the planning of any related details.
- Draw up and implement an action plan, debated and agreed with/by the families in order to provide support and develop reparation initiatives to the latter. Establish appropriate public awareness and communication strategies.
- Maintain the existing political will and commitment to the process, including to ensure allocation of funding.

In order to ensure continued exchanges and ongoing support of national mechanisms, it is recommended that:

- The ICRC takes the initiative and “philosophically, technically and financially” supports organisation, implementation and chairs future events gathering national mechanisms globally.



Brendan Hoffman/ICRC

THE ICRC HELPS FAMILIES FIND THEIR RELATIVES. LILIANA AND DIMITRI'S SON HAS BEEN MISSING SINCE SUMMER 2014. POKROVSK, 2016.

SECTION 12

ANNEXES

ANNEX 1: CONFERENCE PROGRAMME

DAY 1 — CONFERENCE	
09:00 – 10:00	<p>Opening, Introduction and welcoming words</p> <p>Mr Alain Aeschlimann, Head of International Committee of the Red Cross Delegation for Ukraine</p> <p>Mr Vadym Chernysh, Minister of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine</p> <p>Mr Hryhorii Nemyria, Chairperson of the Verkhovna Rada of Ukraine Committee on Human Rights, National Minorities and International Relations</p>
10:40 – 11:10	<p>Opening speech: Public policies and other effective measures for the effective search and identification of missing persons and support to affected families</p> <p>Dr Jürg Kesselring, Member of International Committee of the Red Cross Governing Assembly, Professor of Clinical Neurology and Neurorehabilitation, Bern University Hospital, Head of Department of Neurology and Neurorehabilitation at Valens Rehabilitation Center, Switzerland, former Chairman of the International Medical and Scientific Board of the Multiple Sclerosis International Federation</p>
Part 1.	<p>Coordination Mechanisms For The Effective Search For Missing Persons, Identifications Of Body And Support To Affected Families</p> <p>Moderator: Luis Fondebrider</p>
11:20 – 11:40	<p>Office on Missing Persons of Sri Lanka</p> <p>Mr Saliya Pieris, Chairman of the Office on Missing Persons of Sri Lanka</p>
11:40 – 12:00	<p>Special Search Unit for Missing Persons as a consequence of the conflict of Colombia</p> <p>Ms Luz Marina Monzón, Director of the Search Unit for Missing Persons</p>
12:00 – 12:20	<p>Developments in the State response towards the issue of the Missing Persons in Ukraine</p> <p>Mr Vadym Chernysh, Minister of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine</p>
12:20 – 13:00	<p>Questions and Answers</p>
Part 2.	<p>Interaction between National Coordination Mechanism / Commissions and the operational structures responsible for the search for the missing persons and the identification process.</p> <p>Moderator: Ms. Maria Dolores Morcillo Mendez</p>
14:00 – 14:10	<p>State actions towards the Search and Identification of Missing Persons in relation to the conflict</p> <p>Col Oleksii Nozdrachov, Head of Civil-Military Cooperation Directorate of the Armed Forces of Ukraine, Ministry of Defence of Ukraine</p>
14:10 – 14:20	<p>State actions towards the Search and Identification of Missing Persons in relation to the conflict</p> <p>Mr Arsen Avakov, Minister of Internal Affairs of Ukraine or representative</p>

DAY 1 — CONFERENCE	
14:20 – 14:40	Political and organisational aspects, coordination and interaction amongst operative structures and coordination mechanisms (e.g. Commissions, Committees, Presidency, etc.) Dr Luis Fondebrider, Director of the Argentine Forensic Anthropology Team
14:40 – 15:00	Search, recovery, identification and restitution of bodies of Missing Persons in Cyprus Mrs Gülden Plümer Küçük, Turkish Cypriot Member of the Committee on Missing Persons in Cyprus (CMP), Mr Nestoras Nestoros, Greek Cypriot Member of CMP, Mr Paul-Henri Arni, Third Member (UN) of CMP
15:00 – 15:20	Questions and Answers
Part 3.	Understanding and addressing the multifaceted needs of the families. Moderator: Mr Cleber Kemper
15:50 – 16:10	Search and Identification process of Missing Persons in Georgia: Achievements and Future Perspective Mrs Ketevan Tsikhelashvili, State Minister for Reconciliation and Civic Equality in Georgia
16:10 – 16:30	Search and identification process of missing persons in Bosnia & Herzegovina (BiH). Missing Persons Institute of BiH. Mr Amir Kulagic, Member of the Advisory Board of the Missing Persons Institute of BiH
16:30 – 16:50	Key aspects in providing psychological / psychosocial support to the families of the missing persons in the process of search and identification Dr Pau Pérez-Sales, Senior clinical psychiatrist in La Paz Hospital in Madrid, Chair of the section on torture of the World Psychiatric Association, International consultant for UN, WHP, human rights organisations and international commissions and tribunals
16:50 – 17:00	Developments in the State response towards the issue of Missing Persons in Ukraine Mr Denys Chernyshov, Deputy Minister of Justice of Ukraine
17:00 – 17:10	Presentation of the ICRC Family Needs Assessment Report Mr. Cleber Kemper, ICRC Deputy Protection Coordinator in charge of the Missing file
17:10 – 17:30	Questions and Answers
17:30 – 18:00	Conclusions and recommendations. Closure of the first day.

DAY 2 —CONFERENCE	
09:00 – 09:10	Introduction and Welcoming words Mr Alain Aeschlimann, Head of International Committee of the Red Cross Delegation for Ukraine
09:10 – 09:40	Key aspects for the implementation of the Law on the Missing Persons in Peru Mr Daniel Sanchez Velasquez, Vice Minister of Human Rights, Peru
09:40 – 10:30	Multiagency coordinated response in the search for Missing Persons and Identification of bodies. International experience of the Argentine Forensic Anthropology Team Dr Luis Fondebrider, Director of the Argentine Forensic Anthropology Team
10:30 – 11:00	Operational response to the search and identification process of the Missing Persons from the conflict in Ukraine —part 1 Mr Yurii Kachanov, Head of Joint Centre for Coordination of Search, Release of Captives, Hostages and Location of Missing Persons in the ATO Area of the Security Services of Ukraine Mr Igor Kalantai, Head of Unit of the Main Investigations Department of the National Police of Ukraine Mr Ruslan Abvasov, Head of the Laboratory of Bio research, State Scientific Forensic Research Centre of the Ministry of Internal Affairs of Ukraine
11:30 – 12:00	Operational response to the search and identification process of the Missing persons from the conflict in Ukraine —part 2 Lt Col Vladislav Kravchenko, Head of Body Search and Recovery and Missing Unit of the Civil Military Cooperation Directorate of the Armed Forces of Ukraine Dr Vitalii Kondratenko, Head of Medico Legal Services of Ukraine Main Kyiv
12:00 – 12:20	Management and centralization of information: Organizational aspects of the identification Units Dr Maria Mercedes Salado Puerto, Identification Coordinator of the Argentine Forensic Anthropology Team.
12:20 – 12:40	Institutional requirements in response to large scale / long term identification processes and changing legal frameworks: case example Dr Claudia Elena Garrido Varas, Forensic Specialist, ICRC Delegation for Sri Lanka
12:40 – 13:30	Open forum. Questions and Answers
13:30 – 14:00	Conclusions and recommendations. Closure of the second day.

ANNEX 2: LIST OF SPEAKERS IN ORDER OF APPEARANCE

1. MR ALAIN AESCHLIMANN

Head of International Committee of the Red Cross Delegation for Ukraine

2. MR VADYM CHERNYSH

Minister of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine

3. MR HRYHORII NEMYRIA

Chairperson of the Verkhovna Rada of Ukraine Committee on Human Rights, National Minorities and International Relations

4. DR JÜRIG KESSELRING

Member of International Committee of the Red Cross Governing Assembly, Professor of Clinical Neurology and Neurorehabilitation, Bern University Hospital, Head of Department of Neurology and Neurorehabilitation at Valens Rehabilitation Center, Switzerland, former Chairman of the International Medical and Scientific Board of the Multiple Sclerosis International Federation

5. MR SALIYA PIERIS

Chairman of the Office on Missing Persons of Sri Lanka

6. MRS LUZ MARINA MONZÓN

Director of the Search Unit for Missing Persons Colombia

7. COL OLEKSII NOZDRACHOV

Head of Civil-Military Cooperation Directorate of the Armed Forces of Ukraine, Ministry of Defence of Ukraine

8. DR LUIS FONDEBRIDER

Director of the Argentine Forensic Anthropology Team

9. MR PAUL-HENRI ARNI

Third Member (UNITED NATIONS) of the Committee on Missing Persons of Cyprus

10. MR NESTORAS NESTOROS

Greek Cypriot Member of the Committee on Missing Persons of Cyprus

11. MRS GÜLDEN PLÜMER KÜÇÜK

Turkish Cypriot Member of the Committee on Missing Persons in Cyprus

12. MRS KETEVAN TSIKHELASHVILI

State Minister for Reconciliation and Civic Equality in Georgia

13. MR AMIR KULAGLIC

Member of the Advisory Board of the Missing Persons Institute of BiH

14. MR DENYS CHERNYSHOV

Deputy Minister of Justice of Ukraine

15. DR PAU PÉREZ-SALES

Senior clinical psychiatrist in La Paz Hospital in Madrid, Chair of the section on torture of the World Psychiatric Association, International consultant for UN, WHP, human rights organisations and international commissions and tribunals

16. MR CLEBER KEMPER

ICRC Deputy Protection Coordinator in charge of the Missing file

17. MR DANIEL SANCHEZ VELASQUEZ

Vice Minister of Human Rights, Peru

18. MR RUSLAN ABVASOV

Head of the Molecular Biological Laboratory of the State Scientific Forensic Research Centre of the Ministry of Internal Affairs of Ukraine or representative

19. MR YURII KACHANOV

Head of Joint Centre for Coordination of Search, Release of Captives, Hostages and Location of Missing Persons in the ATO Area of the Security Services of Ukraine

20. MR IGOR KALANTAI

Head of Unit of the Main Investigations Department of the National Police of Ukraine

21. LT COL VLADISLAV KRAVCHENKO

Head of Body Search and Recovery and Missing Unit of the Civil Military Cooperation Directorate of the Armed Forces of Ukraine

22. DR VITALII KONDRATENKO

Head of Medico Legal Services of Ukraine Main Kyiv

23. DR MARIA MERCEDES SALADO PUERTO

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