



bosnia and herzegovina

The ICRC has been present in Bosnia and Herzegovina since 1992, opening a delegation in Sarajevo in 1995. The organization strives to clarify the fate of missing persons and to address the needs of their families. It advocates a comprehensive approach to the issue and supports related initiatives in line with the outcome of the ICRC's 2003 International Conference on the Missing. It also contributes to strengthening the National Society to enable it to respond to immediate needs and to assume longer-term responsibilities in society. The ICRC works with the authorities and civil society to promote IHL.

EXPENDITURE (IN CHF ,000)

Protection	1,304
Assistance	449
Prevention	1,489
Cooperation with National Societies	1,504
General	-

► **4,747**

of which: Overheads 290

IMPLEMENTATION RATE

Expenditure/yearly budget	81.0%
---------------------------	-------

PERSONNEL

3 expatriates
64 national staff (daily workers not included)

KEY POINTS

In 2005, the ICRC:

- provided legal and technical assistance to the authorities in charge of creating official central records on the missing, of implementing the Law on Missing Persons and of establishing the Missing Persons Institute; chaired the 18th session of the Working Group on Persons Unaccounted For and promoted the use of ante-mortem data;
- obtained access to war-crime suspects held under the jurisdictions of the State Court and the Ministries of Justice at entity level and visited people detained by NATO;
- continued to support the National Society in clarifying and consolidating its management and governance roles, through the revision of its statutes and the strengthening of its capacities in restoring family links, mine-risk education and promotion of IHL;
- participated in IHL training sessions for legal professionals at the State War Crimes Chamber and entities' courts;
- developed teacher-training in the Exploring Humanitarian Law programme in the Brčko District, the Republika Srpska and the Federation of Bosnia and Herzegovina, and promoted integration of the programme into the secondary-school curriculum.

CONTEXT

A decade after the signing of the Dayton Peace Agreement, Bosnia and Herzegovina made some progress towards stability. The international community, led by the UN Office of the High Representative, maintained pressure on the political authorities in Bosnia and Herzegovina to meet the conditions for accession to the European Union (EU).

Despite tense political negotiations between the leaders of the three main ethnic groups, major reforms advocated by the international community were approved. The defence reform package included full State-level competence, with the elimination of the entity Ministries of Defence, the abolition of general conscription and the creation of a single defence budget. An agreement on police reform was adopted by a clear majority in the Republika Srpska National Assembly and subsequently the House of Peoples of Bosnia and Herzegovina.

These encouraging developments enabled the European Commission to recommend negotiations with Bosnia and Herzegovina on a Stabilization and Association Agreement, which were initiated on 25 November. The talks were expected to last at least one year, and the EU made it clear that progress would depend on the commitment and political will of the authorities of Bosnia and Herzegovina at all levels to ensure effective implementation of the requisite reforms.

To cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY), the Republika Srpska developed a policy of encouraging voluntary surrenders and, consequently, 15 war-crime suspects were transferred to The Hague. The international community welcomed these steps but insisted that all remaining indicted war-crime suspects still at large be rapidly apprehended and brought to justice, in particular Radovan Karadžić and Ratko Mladić, before Bosnia and Herzegovina could be considered for membership of NATO's Partnership for Peace.

The War Crimes Chamber within the Bosnia and Herzegovina State Court was inaugurated in March to prosecute war-crime suspects. A registry similar to the ICTY's was set up to coordinate international support.

The 10th anniversary of the fall of the town of Srebrenica, a difficult and painful milestone on the road to reconciliation, was commemorated serenely in July. On the eve of the event, Serbian President Boris Tadić offered his apologies to the families of those killed and missing and attended the commemoration and funeral ceremony for 600 identified victims.

MAIN FIGURES AND INDICATORS

PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)	
Detainees visited	29
Detainees visited and monitored individually	29
Number of visits carried out	5
Number of places of detention visited	5
RESTORING FAMILY LINKS	
<i>Tracing requests, including cases of missing persons</i>	
People for whom a tracing request was newly registered	112
Tracing requests closed positively (persons located)	1,297
Tracing requests still being handled at 31 December 2005	15,266

ICRC ACTION

The issue of missing persons remained the most tragic legacy of the conflict in Bosnia and Herzegovina. The ICRC worked closely with the relevant authorities and organizations, such as the International Commission on Missing Persons (ICMP), to accelerate the tracing process. In November, the ICRC convened and chaired the 18th session of the Working Group on Persons Unaccounted For. The ICRC expressed its concern that the fate of 15,266 missing persons remained unresolved and proposed that efforts to relieve the suffering of the families of missing persons be strengthened. The authorities took a major step forward by officially launching the Missing Persons Institute at State level in August.

The ICRC organized and chaired the second meeting of the Working Group's Regional Sub-Committee, composed of representatives of Bosnia and Herzegovina, Croatia and Serbia and Montenegro, and obtained the renewed commitment of the States in the region to developing coordination and improving inter-State information transmission, the cross-border exhumation process and the repatriation of human remains.

The domestic prosecution of war-crime suspects was set in motion following the creation of a War Crimes Chamber within the State Court of Bosnia and Herzegovina. Before the year's end, the first two indictees were transferred from the ICTY to Bosnia and Herzegovina to be tried before the Chamber. The ICRC therefore initiated contacts with the State and entity judicial authorities and was given access to detainees held on war-crime charges.

The ICRC continued to provide technical and financial support to the Red Cross Society of Bosnia and Herzegovina in its

efforts to complete its restructuring and to undertake capacity building in tracing, first aid and dissemination. Significant efforts were invested in assisting the National Society in refocusing its mine-risk-education programme and in integrating its mine-action activities into the overall programme of the Bosnia and Herzegovina Mine Action Centre.

The ICRC continued to cooperate with the armed forces of both entities on issues pertaining to IHL and missing persons. Given the ongoing defence reform, the ICRC contacted the State Ministry of Defence to initiate the process of integrating IHL into the doctrine, education and training of the armed forces countrywide.

The ICRC's Exploring Humanitarian Law programme followed its course in the Brčko District and the two entities. The ICRC concentrated on training teachers in using the programme and on fostering its formal integration into the secondary-school curriculum.

In October 2005, the ICRC reduced its set-up in Bosnia and Herzegovina by closing its Mostar sub-delegation.

CIVILIANS

Thousands of persons who had disappeared during the conflict, and whose relatives had approached the ICRC for assistance in locating them, remained unaccounted for. The ICRC worked to relieve this uncertainty, not only to allow the families of the missing to come to terms with their circumstances, but also to pave the way for reconciliation and durable peace.

Since 1996, the ICRC had collected 21,487 tracing requests, of which 6,855 had been resolved, mostly through the exhumation and identification process.

- 112 new cases of persons sought by their families registered (of which 22 cases of women and 4 of minors at the time of disappearance)
- 1,297 cases resolved, of which 39 people were located alive and 1,258 exhumed bodies were identified and handed over to their families
- 15,266 cases of missing persons still being handled (of which 1,480 cases of women and 816 of minors at the time of disappearance)
- 15,275 names of missing persons published on a dedicated ICRC website

The Working Group on Persons Unaccounted For met at intervals, with a full session convened in November. Chaired by the ICRC, the session was attended by State and entity officials, as well as family representatives, delegations from Croatia and Serbia and Montenegro, and high-level national and international observers. The ICRC reminded the authorities of the urgency of transmitting to the Working Group all relevant information on the missing. It also recalled its intention to gradually transfer the responsibilities of the Working Group to the Missing Persons Institute, provided the institute was effective in its work and responsive to the needs of the families.

The ICRC continued to update and publish on its website the list of persons reported missing. It also promoted and distributed the sixth edition of its *Book of Missing Persons on the Territory of Bosnia and Herzegovina*. The Federal Commission, the Tracing Officer of the Republika Srpska and the State Intelligence and Security Agency provided regular updates on exhumations and identifications.

The ICRC participated actively in the ICMP-chaired expert group for the establishment of a national central database on missing persons, focusing principally on the issue of data protection and the final transfer of the ante-mortem database, currently managed by the ICRC, to the Missing Persons Institute.

A total of 635 ante-mortem questionnaires were collected by the Red Cross Society of Bosnia and Herzegovina and 16 other National Societies in 2005. By 31 December, the ante-mortem database contained 15,247 identities, of which 7,076 related to the fall of Srebrenica and 8,171 were linked to other events.

The ICRC organized meetings with the Family Coordination Group, created in November 2004, with a view to ensuring that the interests of the families of missing persons were represented in various forums, including the Working Group, as well as in the Missing Persons Institute. Furthermore, the ICRC participated actively in meetings with representatives of the associations of families of missing persons and assisted the associations through financial and technical support. The organization continued to cover the transport costs of families of the missing to visit mass grave or exhumation sites.

The five consultants contracted by the ICRC provided psychological support to 158 relatives of missing persons through nine projects. Four additional projects were approved for 56 family members, to be completed in the first half of 2006.

The ICRC supported the organization for the first time of a three-day psychological workshop for 14 members of expert teams working on exhumations undertaken by the Tuzla office of the Federal Commission on Missing Persons. The workshop aimed to assist the experts, who had been involved in exhumation and identification processes for the past nine years, to cope with stress caused by the difficult nature of their work and to alleviate burn-out symptoms.

Moreover, the ICRC supported an educational seminar for 200 student teachers on the psychological consequences of the conflict, with the aim of assisting future teachers in identifying the psychological problems of children of missing persons.

PEOPLE DEPRIVED OF THEIR FREEDOM

A constructive dialogue with the authorities of Bosnia and Herzegovina resulted in the ICRC gaining access to detainees sentenced or held on war-crime charges in places of detention under the jurisdictions of the State Court and both entity Ministries of Justice.

Subsequently, an ICRC team visited detainees sentenced for war crimes, including detainees who were on hunger strike, in places of detention under the jurisdiction of the Federation of Bosnia and Herzegovina. The team included a doctor to assess the access to proper medical care of the detainees on hunger strike. In December, the ICRC carried out its first visit to the newly built detention unit of the State Court, during which detainees were visited and registered, one of whom had been transferred from The Hague.

Following the transfer of the mandate of the Stabilization Force (SFOR) to the EU Force (EUFOR) and NATO headquarters, the ICRC was advised that indicted war-crime suspects and members of their support network would be held exclusively by NATO headquarters. In line with the above, the ICRC received an immediate notification and was granted access to three persons held by NATO.

The ICRC facilitated one family visit and provided transport for seven family members to visit relatives serving prison sentences for war crimes in Croatia.

- ▶ 29 detainees monitored individually (26 newly registered) during 5 visits to 5 detention facilities

AUTHORITIES

The ICRC maintained regular contact with the authorities and representatives of the international community to raise their awareness of the organization's humanitarian concerns and to obtain their support for its activities, notably for IHL and efforts to resolve the missing persons issue.

As planned, the State authorities were encouraged to implement IHL, accede to new IHL treaties and establish a national IHL committee. National legal experts began updating a study on the compatibility of domestic law with IHL. The ICRC provided technical and legal expertise to the authorities at both State and entity

levels in the drafting of bylaws required for full implementation of the Law on Missing Persons, and a leaflet was produced with the Ministry of Human Rights and Refugees to promote public awareness of the new legislation.

The agreement establishing the Missing Persons Institute, signed by the Council of Ministers and the International Commission on Missing Persons in August, was ratified by both Houses of Parliament in December.

The ICRC delivered presentations on key IHL concepts and its standard visiting procedures in training sessions organized for a total of 61 judges, prosecutors and other court officials of the War Crimes Chamber.

ARMED FORCES AND OTHER BEARERS OF WEAPONS

The adoption of the Law on Defence, which provided for the transfer of authority over defence from the entity to the State level, and of the Law on Service in the Armed Forces, which set the basis for the creation of a single professional military force, signalled the last phase of the defence reform.

While continuing to monitor defence reform, the ICRC pursued cooperation with the armed forces at entity level and met the State-level Minister of Defence for discussions on future IHL training for the armed forces.

The ICRC maintained an open dialogue with EUFOR and NATO on IHL, defence reform, missing persons and detention-related activities. It also participated in EUFOR's quarterly legal conferences to familiarize the force with the organization's mandate, working methods and activities.

During the year, the ICRC:

- ▶ held an IHL workshop with both entity teams and trained 13 military instructors;
- ▶ conducted IHL courses for members of the armed forces of Bosnia and Herzegovina and countries involved in NATO's Partnership for Peace programme;
- ▶ sponsored the participation of 2 officers of the State armed forces in an IHL course in San Remo.

CIVIL SOCIETY

Copious media coverage of the 10th anniversaries of the fall of Srebrenica and the Dayton Peace Agreement provided a valuable avenue for the ICRC to foster understanding of its involvement in the missing persons issue, the promotion of IHL and its support for the National Society.

Following an agreement with all 10 cantonal ministries and the Ministry of Education of the Federation of Bosnia and Herzegovina, training in the Exploring Humanitarian Law (EHL) programme was completed for 28 teachers from 22 schools. The programme was also expanded to Mostar, where 27 teachers were trained.

The pilot EHL programme in secondary schools in the Brčko District entered its third year. Lessons were attended by 4,260 students there, and the ICRC awarded 145 certificates to teachers trained since the programme's inception.

In the Republika Srpska, the ICRC and the Pedagogical Institute completed EHL training for 40 new teachers. Altogether, the 80 teachers trained so far were implementing the programme in 40 secondary schools for approximately 2,400 students.

The ICRC continued to work with key professors and academic institutions to promote the ICRC as a major reference on IHL. The ICRC held three IHL dissemination sessions for students of the law faculties of the Universities of Sarajevo and both Mostar law faculties (Croat and Bosniak). Students and professors from two law faculties participated in the regional IHL moot-court competition held in the FYR Macedonia.

- some 100 teachers throughout the country trained in the EHL programme
- 4,260 pupils attended EHL lessons in the Brčko District, taught by 145 ICRC-trained teachers
- 2,400 pupils attended EHL lessons in the Republika Srpska, taught by 80 ICRC-trained teachers

RED CROSS AND RED CRESCENT MOVEMENT

The ICRC continued to support the Red Cross Society of Bosnia and Herzegovina in resolving a number of institutional matters, including reinforcement of its structures and management. Both the ICRC and the International Federation facilitated discussions throughout the National Society to finalize revision of its statutes. A five-year development plan was completed.

The National Society's tracing service continued to benefit from investment. Field branches received basic equipment. Unified tracing service guidelines were produced and distributed.

The ICRC continued to support the integration of National Society mine-action activities into the national strategy defined by the Bosnia and Herzegovina Mine Action Centre. Memoranda of understanding were signed with a view to formalizing the relationships, roles and responsibilities of the different actors in mine-risk education and data collection.

The ICRC provided financial support for two entity National Society IHL dissemination coordinators, as well as two health coordinators.

The ICRC and the International Federation continued to coordinate their support for the network of 22 emergency-response units within the National Society's disaster and conflict preparedness programme. The ICRC concentrated on provision of first-aid kits and training to strengthen the National Society's operational capacity.