



bosnia and herzegovina

The ICRC has been present in Bosnia and Herzegovina since 1992, opening a delegation in the country 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 KCHF)

Protection	1,039
Assistance	459
Prevention	1,428
Cooperation with National Societies	1,183
General	-

► **4,108**

of which: Overheads 251

IMPLEMENTATION RATE

Expenditure/yearly budget	95%
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PERSONNEL

4	expatriates
44	national staff (daily workers not included)

KEY POINTS

In 2006, the ICRC:

- provided the authorities with technical and legal assistance in drafting the bylaws required to implement the Law on Missing Persons and with training in running the Missing Persons Institute;
- together with the International Commission on Missing Persons, organized meetings between key members of the Missing Persons Institute, the Ministry for Human Rights and Refugees and authorities from Croatia and Serbia, with a view to improving regional cooperation in tracing missing persons;
- visited people under investigation or sentenced for war crimes in places of detention under the jurisdiction of the Ministries of Justice at State and entity levels;
- continued to support the National Society in consolidating its management and governance and strengthening its capacities, particularly in the restoration of family links and mine-risk education;
- promoted its "Compatibility Study on IHL for Bosnia and Herzegovina" and encouraged governmental and judicial bodies, academic circles and the National Society to work towards establishing a national IHL committee;
- participated in IHL training for members of the judiciary, as well as for military officers of the region, and worked with all Ministries of Education to integrate the Exploring Humanitarian Law programme into secondary school curricula.

CONTEXT

Over a decade after the signing of the Dayton Peace Agreement, Bosnia and Herzegovina continued to make slow but visible progress towards stability. The opening rounds of negotiations on the Stabilization and Association Agreement with the European Union (EU) enabled the new head of the Office of the High Representative to initiate the transfer of authority from the international community to domestic institutions.

Defence reform entered the final stages, and the armed forces of Bosnia and Herzegovina merged and started operating under a single Ministry of Defence. Components of the armed forces of Bosnia and Herzegovina served in a peace-support mission in Iraq. In December, Bosnia and Herzegovina was invited to join NATO's Partnership for Peace. This step towards Euro-Atlantic integration brought additional responsibilities for the authorities, including renewed cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY).

Presidential and parliamentary elections took place in October. These were the first elections since Dayton to be fully administered by the authorities of Bosnia and Herzegovina. The Organization for Security and Co-operation in Europe (OSCE) declared that the elections represented a step forward in consolidating democracy and the rule of law. However, progress towards Euro-Atlantic integration was set back by delays in some crucial reform processes. Parliament failed to adopt the constitutional amendments that would have trimmed cumbersome governance

and management bodies, which made it impossible for the elections to be conducted in full compliance with the requirements of the European Convention on Human Rights. The reform of police structures was held up because of some resistance to the creation of inter-entity police regions and to the transfer of responsibility to State level, EU requirements that had previously been agreed. Republika Srpska officials requested the creation of a commission to investigate war crimes and disappearances, similar to the Srebrenica Commission.

The ICTY announced that trials should conclude by the end of 2008, with the objective of transferring cases involving mid- and lower-level indictees to the domestic jurisdictions of the territories of the former Yugoslavia. The War Crimes Chamber of the State Court of Bosnia and Herzegovina, established in 2005 to deal with grave breaches of IHL, was a vital component of the ICTY's strategy. Seven war-crimes suspects were transferred from the ICTY to be tried before the Chamber.

MAIN FIGURES AND INDICATORS

PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)	
Detainees visited and monitored individually	78
Number of visits carried out	16
Number of places of detention visited	9
RESTORING FAMILY LINKS	
<i>Tracing requests, including cases of missing persons</i>	
People for whom a tracing request was newly registered	54
Tracing requests closed positively (persons located)	1,241
Tracing requests still being handled at 31 December 2006	14,069

ICRC ACTION

The issue of missing persons remained a tragic legacy of the conflict in Bosnia and Herzegovina. The main concern of the families was to know what had happened to their missing relatives and, if found to be dead, to recover their remains and to bury and mourn them in dignity. The ICRC therefore worked closely with all the parties concerned to determine the fate of persons unaccounted for. It continued to support efforts to set up an effective and sustainable Missing Persons Institute at the State level to serve as a focal point for missing persons and their families. The complex process of transferring responsibilities from the entity-level tracing commissions to the State level, as well as the appointment of the Institute's bodies, took longer than expected and led to the postponement of the start of the Institute's work.

As the domestic prosecution of war-crimes suspects gained momentum, the ICRC continued to participate in IHL training for legal professionals at the State War Crimes Chamber and entity courts. It obtained unrestricted access to people under investigation or sentenced for war crimes or in the context of the "war on terror", at State and entity levels.

The ICRC continued to support the National Society in its efforts to become unified, functional and self-sustained. The Assembly of the Red Cross Society of Bosnia and Herzegovina decided to implement its revised statutes from January 2007. The ICRC also provided technical, financial and training support in the fields of tracing, first aid, disaster preparedness and dissemination.

The ICRC's "Compatibility Study on IHL for Bosnia and Herzegovina" facilitated dialogue among relevant stakeholders on the importance of IHL and led to initial discussions on the establishment of a national IHL committee.

The ICRC maintained a constructive dialogue with senior officers and officials of the armed forces of Bosnia and Herzegovina, as well as with the EU Force (EUFOR) and NATO, focusing on the ongoing defence reform and IHL. It also participated in training activities for the armed forces, including those organized by the Peace Support Operations Training Centre (PSOTC).

With continued ICRC support, the education authorities in some parts of the country started to formally integrate the Exploring Humanitarian Law programme into secondary school curricula. The ICRC concentrated on training teachers and trainers, particularly in areas where the authorities demonstrated ownership of the programme.

CIVILIANS

Thousands of people who had disappeared during the conflict and whose relatives had approached the ICRC for assistance in locating them remained missing. While the ICRC-chaired session of the Working Group on Persons Unaccounted For was postponed until 2007 owing to the delay in establishing the Missing Persons Institute, the ICRC continued to collect information on missing persons and relay it to the authorities, reminding them of the urgency of transmitting to the Working Group all relevant information on the missing.

By the end of 2006, out of a total of 22,340 tracing requests regarding missing persons submitted since 1996, 8,243 had been resolved, mostly through the exhumation and identification process.

- new tracing requests registered for 54 people (12 women)
- 1,241 cases resolved, including 4 people located alive and 1,217 exhumed bodies identified and handed over to their families

- 14,069 cases (1,446 females, 758 minors at the time of disappearance) still being processed

The ICRC continued to update and publish on its website the list of persons reported missing (15,275 names published in 2006, including cases closed). In February, it promoted and distributed the seventh edition of its "Book of Missing Persons on the Territory of Bosnia and Herzegovina". The Federal Commission on Missing Persons and the Office for Tracing Detained and Missing Persons in the Republika Srpska provided regular updates on exhumations and identifications.

The identification process of human remains continued to be the main source of information on the fate of missing persons. Matching ante-mortem to post-mortem data, together with DNA analysis, remained an essential task. In all, 61 ante-mortem questionnaires were collected by the Red Cross Society of Bosnia and Herzegovina and 16 other National Societies, bringing the total number of identities in the ante/post-mortem database to 15,433, of which 7,146 related to the fall of Srebrenica and 8,287 were linked to other events. Forensic experts had regular access to the ante-mortem data.

While the ICRC continued to manage the ante-mortem database pending its transfer to the Missing Persons Institute, it conducted training for four future staff members of the Institute in the management and use of the database. Meetings took place with the Institute's board of directors, the International Commission on Missing Persons (ICMP) and forensic experts to discuss technical issues pertaining to the transfer of the database to the Institute.

With ICRC support, the working group on the implementation of the Law on Missing Persons, established by the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, drafted bylaws relating to

various aspects of the issue, from the status of the families to the functioning of the Missing Persons Institute. Bylaws adopted by the Council of Ministers of Bosnia and Herzegovina and the Ministry for Human Rights and Refugees featured rules on marking the places of burial and exhumation of missing persons, provisional instructions on the issue of certificates of disappearance, and the establishment of a support fund for the families of missing persons.

The Ministry for Human Rights and Refugees, in close coordination with the ICMP and the ICRC, organized four meetings with representatives of families of the missing to hear questions and proposals from the families on the exercise of their rights. Their input contributed to the creation of a guide to the Law on Missing Persons that was distributed to the authorities at all levels and to the families of the missing.

Representatives of Bosnia and Herzegovina, the Republic of Croatia and the Republic of Serbia attended two regional cooperation meetings organized and chaired by the ICRC and the ICMP on the issue of missing persons. States in the region renewed their commitment to develop further coordination and improve the exchange of information, the cross-border exhumation process and the repatriation of human remains.

The ICRC regularly met representatives of the associations of families of missing persons. The associations also received ad hoc financial and technical support from the ICRC and the Red Cross Society of Bosnia and Herzegovina, and families of the missing had their transport costs covered to visit mass-grave or exhumation sites.

Psychological-support and team-building workshops were organized for employees of the two entity tracing commissions and future staff members of the Missing Persons Institute. These workshops aimed to help the participants, who had been involved in exhumation and identification processes for several years, to cope with the stress caused by the difficult nature of their work, to alleviate burn-out symptoms and to contribute to building the capacity of the Institute. In addition, members of families of missing persons, including children, continued to receive support through local psychologists to cope with uncertainty and its psychological effects. In December, members of the Red Cross Society of Bosnia and Herzegovina and the Union of Bosniak Family Associations participated in workshops on support to families of missing persons during the identification process.

- ▶ 189 members of families of missing persons received psychological support through 11 projects
- ▶ 30 women, members of families of missing persons, attended educational workshops
- ▶ 20 National Society staff members and 20 members of the Union of Bosniak Family Associations attended workshops on support to families of missing persons
- ▶ 31 staff members of entity tracing commissions attended 3 psychological-support and team-building workshops

PEOPLE DEPRIVED OF THEIR FREEDOM

The ICRC maintained regular contact with the relevant authorities and, in accordance with its mandate, continued to have access to places of detention under the jurisdiction of the Ministries of Justice at State and entity level. Detention visits focused on persons under investigation or sentenced for war-crimes offences or within the context of the “war on terror”. Following visits, confidential reports were submitted to the relevant authorities.

- ▶ 78 detainees visited and monitored individually, including 43 newly registered, during 16 visits to 9 places of detention

AUTHORITIES

The ICRC maintained a network of contacts with representatives of the international community, including the Office of the High Representative, to mobilize support for the organization’s activities and to ensure that matters of ICRC concern were raised in national and international fora. The international community was also a valuable partner for the ICRC in promoting IHL and its implementation and in maintaining the momentum on the missing persons issue.

The ICRC completed the “Compatibility Study on IHL for Bosnia and Herzegovina”, which reflected the legislative and institutional changes of the last three years. Representatives of executive, legislative and judicial authorities, academic circles and the National Society discussed the document at a round-table organized by the ICRC in April. A decision to establish a national IHL committee was later drafted by the relevant State ministries and submitted to all stakeholders for consideration.

The Parliament of Bosnia and Herzegovina adopted a law implementing the Chemical Weapons Convention, and the criminal code was amended accordingly.

- ▶ 150 defence lawyers representing or potentially representing people accused of war crimes before the State War Crimes Chamber and entity courts attended IHL training courses in Sarajevo and Banja Luka
- ▶ 60 judges and prosecutors involved in war-crimes trials attended IHL sessions
- ▶ 30 interns from the State War Crimes Chamber and the State Prosecutor’s Office attended an IHL seminar
- ▶ members of the Parliament of Bosnia and Herzegovina attended a briefing on the current status of IHL implementation and the rule of law co-organized by the ICRC and the OSCE

ARMED FORCES AND OTHER BEARERS OF WEAPONS

Senior representatives of domestic and international armed forces present in Bosnia and Herzegovina maintained contact with the ICRC on issues pertaining to IHL. The internationally run PSOTC in Sarajevo integrated IHL into its curriculum and organized courses with ICRC participation. At the quarterly EUFOR legal advisers’ conferences, representatives of the Ministries of Defence and armed forces of Bosnia and Herzegovina and of EU countries learned about the ICRC and IHL.

- ▶ 65 officers from Bosnia and Herzegovina and other European countries attended 2 three-day IHL modules at the PSOTC
- ▶ 23 participants in a regional seminar for military observers from the Balkan countries attended an IHL presentation at the PSOTC
- ▶ 28 officers from the countries of the region interacted with the ICRC and the National Society during the “Blue Beret” exercise organized by the PSOTC, which involved key international role players (ICTY, IOM, OSCE, UNHCR)

CIVIL SOCIETY

Media

- ▶ the Law on Missing Persons and a guide to it promoted through 3 press releases issued jointly with the Ministry for Human Rights and Refugees and the ICMP

- ▶ the ICRC's psychological-support programme and its impact on families of the missing and their children presented in a live television broadcast

Schools

- ▶ 14 coordinators of the Exploring Humanitarian Law programme, representing all Ministries of Education and 8 pedagogical institutes, selected by the authorities
- ▶ Exploring Humanitarian Law integrated into the secondary school curriculum in Zenica Canton
- ▶ 8 teacher-trainers and 214 teachers trained in Exploring Humanitarian Law and 2,100 pupils taught basic IHL principles through the programme

Universities

- ▶ IHL integrated into the curricula of the Sarajevo and Mostar (Croat and Bosniak) law faculties
- ▶ 14 students attended a regional conference on IHL in Belgrade, Serbia
- ▶ 300 books and leaflets distributed to students and lecturers of all 4 law faculties in the Federation of Bosnia and Herzegovina, and 1 standard IHL library given to the newly established law faculty in Tuzla

RED CROSS AND RED CRESCENT MOVEMENT

The Red Cross Society of Bosnia and Herzegovina continued to receive ICRC support in its institutional and operational development in a coordinated approach with the International Federation.

Two landmark documents, namely the strategic plan for 2006–2010 and the revised statutes, paved the way for substantial structural and operational development of the National Society.

- ▶ 10 coordinators at National Society headquarters and entity level received technical and financial support in tracing, mine-risk education, conflict preparedness and dissemination
- ▶ 22 disseminators trained in promotion of the basic rules of IHL and the Fundamental Principles
- ▶ 6 tracing workshops held by the newly formed 13-member core team, and basic training provided to all 142 branches
- ▶ 30 Red Cross volunteers trained and certified by the Bosnia and Herzegovina Mine Action Centre to work in mine-affected communities, and 19 staff trained in effective presentation techniques in mine-risk education