

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	1,225
Assistance	197
Prevention	1,342
Cooperation with National Societies	806
General	-

► **3,570**

of which: Overheads 218

IMPLEMENTATION RATE

Expenditure/yearly budget	97%
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PERSONNEL

3	expatriates
42	national staff (daily workers not included)

KEY POINTS

In 2007, the ICRC:

- encouraged and financed the full functioning of the Missing Persons Institute and implementation of the Law on Missing Persons
- supported the drafting of a regional handbook on psychological support to families of the missing
- assisted the National Society in developing its working relationship with the Missing Persons Institute and supporting families of the missing
- carried out a full round of visits to people detained on war-crime and security-related charges
- welcomed the education authorities' agreement on a common strategy for the official integration of the Exploring Humanitarian Law programme into secondary school curricula
- organized a regional IHL moot court competition for university teams from 7 countries

CONTEXT

After the elections in October 2006, the formation of a government was delayed until April 2007. Legislative reforms entailing the transfer of responsibilities from entity to State level, including police reform, were also held up.

The closure of the Office of the High Representative was postponed by one year. The new high representative announced a return to the reform agenda and, in October, issued measures aiming to streamline voting rules and prevent further blockages in the Council of Ministers and parliament. The Serb political parties from Republika Srpska rejected the measures, claiming that they disrupted the interethnic balance established by the Dayton Peace Agreement and undermined their community's rights and influence. After the resignation of the Serb chair of the Council of Ministers, the Office of the High Representative addressed Serb concerns in consultation with Republika Srpska legal experts, enabling parliament to function and talks on the new Council of Ministers to take place. The European Union (EU) initialled the Stabilization and Association Agreement with Bosnia and Herzegovina in December.

Uncertainty over the status of Kosovo contributed to destabilizing the region's fragile balance. The UN Security Council extended the mandate of the 2,500 troops of the EU Force (EUFOR) in Bosnia and Herzegovina until the end of 2008.

In the case of Bosnia and Herzegovina *versus* Serbia and Montenegro, the UN International Court of Justice found Serbia not responsible for planning or committing genocide in Bosnia and Herzegovina, but responsible for not preventing genocide in Srebrenica and for not punishing or handing over war-crime suspects to the International Criminal Tribunal for the former Yugoslavia in The Hague. Following an initiative by returnees requesting a special administrative status for Srebrenica, a special body, headed by a former US ambassador to Bosnia and Herzegovina and made up of State and entity representatives, was established to coordinate economic assistance and improve the security, social and interethnic situation in the area.

MAIN FIGURES AND INDICATORS

	Total
PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)	
Detainees visited	98
Detainees visited and monitored individually	87
Number of visits carried out	20
Number of places of detention visited	12
RESTORING FAMILY LINKS	
<i>Tracing requests, including cases of missing persons</i>	
People for whom a tracing request was newly registered	40
<i>of whom females</i>	11
Tracing cases closed positively (persons located)	1,214
Tracing cases still being handled at 31 December 2007 (people)	12,832
<i>of which for females</i>	1,402
<i>of which for minors at the time of disappearance</i>	715
DOCUMENTS ISSUED	
People to whom a detention attestation was issued	789

ICRC ACTION

The ICRC worked closely with all parties concerned to determine the fate of persons unaccounted for as a result of the conflict in Bosnia and Herzegovina. It maintained contact with the relevant national authorities and the International Commission on Missing Persons (ICMP). It supported the full functioning of an effective, sustainable and independent Missing Persons Institute, with the aim of transferring all its data on missing persons to the Institute. The ICRC encouraged implementation of the Law on Missing Persons and urged that the Fund for Financial Support to the Families of Missing Persons be allowed to move ahead. It promoted the right of missing persons' families to know what had happened to their relatives and provided the means to offer psychological support to the families.

The ICRC carried out its annual visit to detainees, focusing on people under investigation or sentenced for war crimes or in the context of the fight against "terrorism". It visited detainees on hunger strike and organized a round-table for prison management, security and medical staff on dealing with hunger strikes.

As authorities continued to prosecute war-crime suspects, the ICRC organized and participated in IHL seminars for legal professionals at State and entity levels, during which it took the opportunity to explain its mandate and its immunity from testifying in court proceedings. It facilitated dialogue among the stakeholders involved in establishing a national IHL committee.

The ICRC maintained a constructive dialogue with senior representatives of the Bosnian armed forces, EUFOR and NATO. It participated in training activities for the armed forces, including those organized for Bosnian and other officers by the internationally run Peace Support Operations Training Centre (PSOTC) in Sarajevo.

The education authorities agreed on a common strategy for the official integration of the Exploring Humanitarian Law programme into secondary school curricula, and increasing numbers of schools began to teach the programme. The ICRC supported training courses for teachers and teacher trainers. University students learned about IHL as three law faculties offered courses in it. The ICRC organized a regional IHL moot court competition for university teams from seven countries.

The ICRC continued to support the Red Cross Society of Bosnia and Herzegovina in its efforts to become unified, functional and self-sustained. It supported the development of working relations between the National Society and the Missing Persons Institute. It provided the National Society with technical, financial and training support in tracing, IHL dissemination, first aid and mine-risk education.

CIVILIANS

Clarifying the fate of missing persons

Thousands of people who had disappeared during the conflict and whose relatives had approached the ICRC for assistance in locating them remained unaccounted for. Their families were still waiting to receive recognition and compensation. Since 1996, the ICRC had collected 22,387 tracing requests and reports of death, of which 9,555 had been resolved, mostly through exhumations, often supplemented by DNA-based identifications organized by the ICMP. Data on missing persons continued to be collected by the ICRC and relayed to the authorities with the request that they provide information regarding the fate of the people in question. The names of those still being sought were published on the ICRC website. Acknowledging the suffering of families, the eighth edition of the *Book of Missing Persons in the Territory of Bosnia and Herzegovina* was published in April.

DNA-based identification, managed by the ICMP, remained the main source of information on the fate of missing persons. To help confirm the identity of human remains, forensic experts were provided with data from the ICRC's ante-mortem database containing 15,592 identities. In November, 18 members of the expert team for exhumations, forensic medicine and identifications (prosecutors, forensic experts, crime technicians and workers) from Tuzla Canton were helped to cope with the stress caused by the nature of their difficult work during a workshop financed by the ICRC.

- ▶ 14,069 names of people still being sought published on the ICRC website (www.familylinks.icrc.org)
- ▶ new tracing requests registered for 40 people (including 11 females and 4 minors at the time of disappearance); 1,214 people located; 12,832 people (including 1,402 females and 715 minors at the time of disappearance) still being sought
- ▶ 96 certificates of various types issued to families

Following the appointment of the steering board of the Missing Persons Institute in June, all governing, managing and supervisory bodies of the Institute were put in place. The adoption of the regulations of the Institute by the Council of Ministers in November created the conditions for the full functioning of the Institute and preparations were made to transfer the ante-mortem database to it.

The Working Group on the Implementation of the Law on Missing Persons established by the Bosnian Ministry for Human Rights and Refugees continued to meet, with the ICRC's participation. The Council of Ministers was urged to resolve the disagreement between the two entities regarding the location of and financial participation in the Fund for Financial Support to the Families of Missing Persons.

The Federal Commission on Missing Persons and Republika Srpska's Office for Tracing Detained and Missing Persons provided regular updates on exhumations and identifications to the authorities with a view to providing families with news of the fate of their missing relatives.

Two regional cooperation meetings on the issue of missing persons, jointly organized by the ICMP and the ICRC, were attended by representatives of Bosnia and Herzegovina, Croatia and Serbia.

Support to families of the missing

The family associations received financial and technical support as needed from the National Society and the ICRC. Families' transport costs were covered so that they could visit exhumation sites and identification centres, where they also received psychological support.

Supported by the ICRC, National Society staff and members of family associations worked together on drafting a regional handbook for non-professionals on how to give psychological support to missing persons' families through a community-based approach. Fifteen members of the National Society's tracing service attended train-the-trainer courses on psychological support to families of missing persons.

The conditions in which families were received during the identification of human remains in the country's 10 identification centres were assessed by the National Society and the ICRC. This led to the improvement of conditions in 5 identification centres through the furnishing of the reception areas.

PEOPLE DEPRIVED OF THEIR FREEDOM

People deprived of their freedom were visited by ICRC delegates, including a doctor, in accordance with the ICRC's mandate. Contacts with the relevant authorities were regular, and access to detainees in places of detention under the jurisdiction of the Ministries of Justice at State and entity levels was unrestricted. The yearly round of detention visits, which took place in May and June, focused on people under investigation or sentenced for war crimes or in the context of the fight against "terrorism". The visits were followed up by confidential reports to the authorities concerned containing the ICRC's findings and recommendations.

In January, 12 detainees on hunger strike received visits from the ICRC, as did another 26 detainees on hunger strike in October. The

penitentiary management and medical staff of the six places of detention concerned were advised by an ICRC doctor on how to deal with hunger strikes humanely in accordance with international provisions. Twelve prison directors, security and medical staff, and two representatives of the Council of Europe took part in a round-table on hunger strikes in prisons with a view to preventing them and reacting humanely to those occurring.

- 98 detainees visited, of whom 87 monitored individually and 25 newly registered, during 20 visits to 12 places of detention
- 1 RCM distributed to 1 detainee
- 789 detention certificates issued to former detainees or their families

AUTHORITIES

Representatives of the international community, including the Office of the High Representative, and the ICRC maintained a dialogue, enabling the ICRC to mobilize support for its activities.

The dialogue between stakeholders involved in the establishment of a national IHL committee was facilitated by the ICRC.

The judiciary, prosecutors, defence lawyers and interns involved in war-crime prosecution at State and entity levels were provided with IHL expertise at seminars organized by the ICRC. They learned about the organization's mandate, confidential working methods and immunity from being summoned to testify.

- 100 defence lawyers representing or potentially representing people accused of war crimes before the State War Crimes Chamber and entity courts participated in 6 IHL seminars organized in cooperation with the Registry of the State Court
- 25 lawyers and interns from the State War Crimes Chamber and the State Prosecutor's Office participated in an IHL seminar organized by the ICRC
- 42 lawyers and interns from courts and prosecutors' offices in Republika Srpska participated in 2 IHL seminars organized in cooperation with the Centre for Judicial and Prosecutorial Training

ARMED FORCES AND OTHER BEARERS OF WEAPONS

Senior representatives of Bosnian and international armed forces (EUFOR and NATO) maintained contact with the ICRC with a view to further incorporation of IHL into doctrine, education and training. The PSOTC in Sarajevo organized IHL training courses in cooperation with the ICRC and, in November, was recognized as a NATO Partnership for Peace training centre.

- 6 national and international instructors from the PSOTC trained in IHL
- 65 officers from Bosnia and Herzegovina and other countries involved in NATO's Partnership for Peace attended a two-day IHL course at the PSOTC
- 60 officers from Bosnia and Herzegovina, Europe and the United States interacted with the ICRC during Exercise "Blue Beret" organized by the PSOTC
- 30 legal advisers from Bosnia and Herzegovina and EUFOR discussed the ICRC's role in peace-support operations at a conference held by EUFOR

CIVIL SOCIETY

Raising awareness of IHL among the general public

The media ensured broad coverage of ICRC activities, in particular those involving cooperation with the ICMP. A fact sheet on the organization's work in Bosnia and Herzegovina was published and distributed.

Teaching humanitarian values to schoolchildren

The Exploring Humanitarian Law programme continued to develop, with the education authorities agreeing on a common strategy for the official integration of the programme into all secondary school curricula. All secondary schools in Zenica-Doboj Canton and in Brcko District integrated the programme into their curricula.

Programme teachers and teacher trainers continued to receive relevant training supported by the ICRC.

- ▶ 14 coordinators of the Exploring Humanitarian Law programme from the Ministries of Education and 8 teaching institutes attended 2 meetings to prepare the pilot phase and analytical process in both entities

Promoting IHL among students

Three university law faculties (Sarajevo, Mostar Bosniak and Mostar Croat) offered IHL courses with input from the ICRC. Among other IHL literature, the ICRC-published *Compendium of case studies of international humanitarian law* was translated into Bosnian, printed and distributed.

- ▶ 30 students, 4 lecturers and 3 assistants from 7 countries participated in a regional IHL moot court competition
- ▶ 100 students attended IHL training sessions run by the ICRC
- ▶ students and lecturers from the Islamic studies and law faculties of Sarajevo University participated in a one-day conference on Islam and IHL

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.

The National Society received help from the ICRC in developing its working relationship with the Missing Persons Institute and worked closely with the ICRC on gathering information and providing answers and support to missing persons' families.

IHL dissemination training modules were updated. Local branches at entity level set up four university IHL documentation centres with ICRC support. Two additional centres were funded by the Empress Shôken Fund.

With ICRC support, the National Society purchased material for 99 first-aid cabinets and repaired equipment in seven branches.

The National Society continued to provide the Bosnia and Herzegovina Mine Action Centre with data on victims of mines or explosive remnants of war and demining accidents. In October, the National Society, with the technical support of the ICRC, signed an agreement with the Swiss Agency for Development and Cooperation to implement a project on the revision of the National Mine Victims Database. The National Society and the ICRC participated in the definition of the new Mine Action Strategy for 2009–19 in Bosnia and Herzegovina.

- ▶ 25 tracing staff familiarized with the ICRC's ante-mortem database and the ICMP's identification facilities in Tuzla
- ▶ 26 mine-risk education volunteers produced plans of action for 25 communities and started implementing them after approval by the Mine Action Centre
- ▶ 8 mine-risk education workers trained by the Mine Action Centre to inspect community-based National Society programmes