

## **Families of Persons Missing from Conflicts in the Former Yugoslavia: an Early Portrait**

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For 26 years, the International Commission on Missing Persons (ICMP) has been helping states to fulfill their human rights to investigate missing persons cases and supporting the survivors of conflicts on the territory of the former Yugoslavia, particularly the families of more than 40,000 persons who were reported missing by the end of the wars in Bosnia and Herzegovina and Croatia in 1995 and Kosovo in 1999.

From the vantage point of ICMP's work in the region, it was fascinating to delve into the United Nations Television (UNTV) collection of personal stories and video letters that were recorded in 1994 in Bosnia and Herzegovina, Croatia and Serbia as they depict an incredible cross-cutting image of societies during the war in the region. Owing to my professional background, I was particularly taken by their portrayal of the families of missing persons, who at the time of filming were in the early days of their painful journey to discover the truth about the fate of their relatives, most of them still believing their sons, fathers, brothers were still alive.

Before discussing the UNTV video letters depicting the families of missing persons and their potential for memorialization of this important issue, it would be useful to shortly explore the context in which the video letters were produced.

Looking back, the year of 1994 was a very specific period in the war. There was an absence of major military operations, while politicians spent time in various international negotiations. However, the despair of civilians was enormous. The winter of 1993/1994 was particularly dire in Bosnia and Herzegovina, where the war now included three parties, with the Bosniak-Croat war starting in 1993. Sarajevo under siege was living its most difficult moments, culminating in the first Markale massacre on 5 February 1994. The refugee crisis was at its peak – Bosniaks and Croats were being massively forced out from Serb-controlled territories, and thousands of people were leaving Bosnia every week. Many were fleeing from besieged cities, since the war was

lasting longer than anticipated and all hope for peace was gone. Consequently, Croatia was suffering enormous pressure and hosting more than half a million refugees. A small glimmer of hope was provided by the signing of the Washington Agreement that ended the Bosniak-Croat war.

Three UNTV video letters portray the plight of the families in those early days - they were living in difficult overall circumstances in addition to not knowing the fate of their loved ones. They painfully depict the anguish and uncertainty of those that remain behind, and the essential necessity for answers and resolution. With more than 40,000 persons missing from the conflicts in the former Yugoslavia, the issue has had a direct impact on hundreds of thousands of family members. This constituency includes a large number of women, and many studies have found that the indirect and long-term consequences of armed conflict on survivors has a greater detrimental effect on women. In the period after the end of the conflict, a number of them have become empowered women, civil society leaders and influential advocates for the rights of missing persons' families.

However, this was not only an issue of families' individual pain. The fact that many people had gone missing poses a serious obstacle to peace and reconciliation efforts in post-conflict societies. When large numbers of people are missing, the rule of law is challenged in a fundamental way. Societies cannot embark on the path of recovery when the fates of thousands of its citizens remain concealed. Therefore, finding the missing is about helping survivors, but it is also about upholding the rule of law.

The needs of the families of the missing change over time. At first victims often tend to want merely to know the circumstances of death or disappearance of a relative, and for their mortal remains to be located, recovered and identified so that they can be given a dignified burial. Later, victims often express a desire for justice. In a broader sense they want acknowledgement of their pain, suffering and loss, not only by society but moreover by the authorities; from a narrower perspective they want to see war crime suspects being prosecuted, standing trial, and receiving

a befitting sentence if found guilty. They may also express a legitimate wish for reparation, to repair the harm done to them. This may take various forms, such as financial compensation, restitution of rights or property, psychological and/or social assistance, or other symbolic forms of reparation such as official apologies, the establishment of days of commemoration or the raising of memorials.

To fulfill those needs, relatives of missing persons initially gathered in informal groups offering encouragement, solidarity and assistance, which is visible in the UNTV clip depicting the wall of the missing in Zagreb. In those days, similar gathering points, later turned memorials, could be found across the region. Later, they started organising into formal associations of citizens. Since the end of the conflict, associations of families have been at the centre of efforts to investigate the fate of missing persons. They were, and still are, crucial in registering missing persons, providing ante-mortem data, and reference samples for the DNA-led identification process established by ICMP. They also play an important role in advocating for a rule of law-based approach to investigations of missing persons cases that goes beyond a purely humanitarian effort to locate remains, but requires accountability and due judicial process where disappearances are the result of war crimes. Families have followed this approach since the early days of the process in the Western Balkans, asserting the principle that investigations of missing persons cases need to be conducted by states, based on the rule of law, which is crucial for the fight against impunity.

Watching the UNTV video letters recorded by the mothers whose sons went missing reminds us of a traumatizing journey all families experienced to accept the painful fact their relatives are dead. In the former Yugoslavia, this started with the discovery of the first mass graves and the recovery of victims' remains. Later, secondary mass graves were discovered – an attempt by the perpetrators to conceal their crimes by removing skeletal remains from the initial burial sites, transporting and reburying them at other locations. Early attempts to identify those remains exposed families of the missing to a traumatizing process of identification of remains by visual recognition of objects, artefacts and clothing, which delivered only limited results, and caused an

impasse once mass graves containing mingled remains of hundreds of victims were discovered. This led to the introduction of a large-scale DNA-led identification of missing persons, the first such effort ever conducted in the world, which for many brought a science-backed realisation that their loved ones had been killed in the war.

In this context, the UNTV collection can serve as a great and universal memorial to the issue of missing persons, as it helps us recall the early days and reminisce about the survivors' struggle to discover truth and attain justice.

ICMP intensively worked with the families on the modes of memorialization. In 2012, after a number of roundtables and conferences, ICMP issued a report [\*Memorializing missing persons in the Western Balkans\*](#). The report underlines the important role memorialization has in terms of paying tribute to the victims, fostering a culture of human rights and a climate in which the crimes committed in the past will not be repeated. Indeed, the potential for proper memorialization to assist and strengthen the process of accounting for missing persons cannot be overstated. Moreover, memorialization based on historical records and court-established facts reduces the scope for revisionism and genocide denial.

Discussion of memorials and the memorialization of victims, including missing persons, in the Western Balkans has always been overshadowed by considerations such as the location of a physical memorial, who should be memorialized (civilian victims vs. combatants), ethnic and religious identity of victims etc. Therefore, the UNTV collection has the capacity to serve as a non-divisive, victim-oriented memorial, existing in virtual space and accessible everywhere.

To conclude, at the end of the conflict the prospects for a sustained and effective effort to account for the tens of thousands of missing persons seemed remote. There were approximately 40,000 people missing, presumed dead, and there was little willingness among the authorities to devote resources to this issue in an objective, non-partisan way. Two decades on, the region has become a showcase of an efficient, sustainable and non-discriminatory approach to investigate

war-time disappearances, locate remains, and identify missing persons. This is owed to a model that combines dedicated domestic institutions and legislation to address the issue of the missing, a rule-of-law based approach, engagement of the families of the missing, and modern scientific methods, resulting in more than 70 per cent of all reported missing persons accounted for, a result that has not been matched anywhere in the world.

## **About ICMP**

ICMP is a treaty-based intergovernmental organisation with Headquarters in The Hague, The Netherlands. Its mandate is to secure the cooperation of governments and other authorities in locating persons missing as a result of conflict, human rights abuses, natural and man-made disasters and other involuntary reasons and to assist them in doing so. ICMP also supports the work of other organisations in their efforts, encourages public involvement in its activities and contributes to the development of appropriate expressions of commemoration and tribute to the missing.

As the only intergovernmental organisation tasked exclusively to work on the issue of missing persons, ICMP helps governments to develop institutional and legislative capacities, promotes the rule of law and human rights, fosters social cohesion and the direct engagement of civil society, and develops and provides technical expertise to locate the missing. ICMP helps to build and support processes that are sustainable, impartial, credible and transparent and that secure the rights of surviving families of the missing.