

WESTERN BALKANS (REGIONAL)

COVERING: Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Kosovo*, Montenegro, Serbia

*UN Security Council Resolution 1244

The ICRC has been working in the countries covered since the early 1990s. The organization strives to respond to the needs remaining from armed conflicts in the region. In particular, it seeks to help clarify the fate of missing persons and to address the needs of their families. Throughout the region, the ICRC visits detainees, works with the authorities and civil society to promote IHL and supports the development of the National Societies.

BUDGET IN KCHF

Protection	2,610
Assistance	158
Prevention	445
Cooperation with National Societies	573
General	79
Total	3,866
<i>Of which: Overheads</i>	<i>236</i>

PERSONNEL

Mobile staff	3
Resident staff (daily workers not included)	39



ICRC regional delegation
----- Inter-entity boundary line

ICRC delegation
* UN Security Council Resolution 1244

MAIN TARGETS FOR 2015

- the region's authorities take action to clarify the fate of missing persons, including by sharing pertinent information, adopting/implementing the relevant legal frameworks and supporting national institutions working on the issue
- families of missing persons in Kosovo and Serbia have their concerns brought to the forefront through a comprehensive qualitative/quantitative assessment of their legal, psychological and socio-economic needs
- family members separated by migration/disasters stay in touch with assistance from the ICRC and the relevant National Societies/Red Cross units, which coordinate their services through a new regional information centre
- detainees held on security-related charges benefit from improvements in their treatment and living conditions made by the detaining authorities based on ICRC recommendations, and restore/maintain contact with their families
- the region's National Societies/Red Cross units develop their institutional and operational capacities, including in assisting the families of missing persons and restoring family links

CONTEXT

The countries of the Western Balkans continue to tackle problems inherited from past conflicts. The thousands of unresolved cases of missing persons remain the most pressing humanitarian challenge in the region. War-crimes proceedings are continuing in Bosnia and Herzegovina, Croatia, Kosovo, Montenegro and Serbia. The dispersal of families in relation to migration or disasters, such as during the floods that hit Bosnia and Herzegovina, Croatia and Serbia in May 2014, is also a concern.

The prime ministers of Kosovo and Serbia continue to engage in discussions facilitated by the European Union (EU), with a view to implementing their 2013 agreement to normalize relations. Negotiations over a Stabilization and Association Agreement between the EU and Kosovo continue.

Serbia has begun formal accession talks with the EU. Bosnia and Herzegovina's inability to establish stable interethnic dialogue continues to hamper its pursuit of EU membership.

HUMANITARIAN RESPONSE

In 2015, helping to clarify the fate of persons missing in relation to past conflicts will remain the priority for the ICRC in the Western Balkans. To this end, it will pursue efforts to ensure that effective and sustainable national mechanisms/institutions are in place to uphold the right of the families of missing persons to know the fate of their relatives.

The ICRC will urge the national authorities concerned to provide all available information on missing persons and potential gravesites, and to adopt or implement the legal frameworks necessary to clarify the fate of missing persons and address the needs of their families. In its capacity as a neutral intermediary, it will seek to enhance cooperation among the authorities concerned – for example, by chairing meetings of the Working Group on Missing Persons and its Sub-Working Group on Forensic Issues in relation to the Kosovo conflict, and by closely monitoring developments as an observer to the Croatia-Serbia Working Group on Missing Persons in connection with the conflict in Croatia. Coordination with other actors and international stakeholders, including the European Rule of Law Mission in Kosovo (EULEX) and the International Commission on Missing Persons (ICMP), will continue.

The ICRC will also enlist the support of the international community and the media in pressing the authorities con-

cerned to fulfil their obligations with regard to pending cases. It will urge the relevant authorities to provide support/resources for national forensic institutions. It will also be ready to provide technical support for these institutions, on an ad hoc basis, with a view to helping them develop sustainable forensic capacities.

The ICRC will also raise awareness of the importance of understanding the needs of the families of missing persons and providing support for addressing them; for its part, it will undertake comprehensive assessments of their legal, psychological and socio-economic needs. Family associations and National Societies/Red Cross units will continue to receive financial/training support from the ICRC to boost their ability to assist the families of the missing and to lobby for their rights.

To help National Societies/Red Cross units in the region further their understanding of the needs of family members separated during migration or disasters, and strengthen their family-links capacities accordingly, the ICRC – in line with the Restoring Family Links Strategy for the Movement – will establish a regional information centre, which will facilitate the consolidation and sharing of tracing data.

The ICRC will continue to visit people detained on security-related charges to monitor their treatment and living conditions; afterwards, it will communicate its findings and recommendations confidentially to the authorities. It will continue to enable families to restore/maintain contact with relatives detained either domestically or abroad, and to check on former internees resettled in the region.

With a view to sustaining the authorities' commitment to integrating IHL in domestic legislation, the ICRC will remain prepared to provide legal/technical guidance for ratifying/implementing IHL treaties, focusing on those relating to missing persons, weapons, suppression of IHL violations and protection of the emblem.

In coordination with other Movement partners in the wider European region, the ICRC will support the National Societies' efforts to strengthen their family-links services, and raise awareness among the authorities and other stakeholders of the key role they can play in this area. It will continue working with the National Societies to develop their institutional and operational capacities, particularly with regard to IHL promotion, families of missing persons, weapon contamination and emergency preparedness/response.

HUMANITARIAN ISSUES AND ICRC OBJECTIVES

CIVILIANS

Ascertaining the fate of missing persons remains the most serious humanitarian challenge in the Western Balkans. Of the 34,800 people whose relatives have approached the pertinent National Society/Red Cross unit or the ICRC for assistance in locating them, 11,175 remain unaccounted for. Of these, 7,282 went missing during the 1992–95 conflict in Bosnia and Herzegovina, 2,183 during the 1991–95 conflicts in Croatia and 1,710 during the 1999 Kosovo conflict. Very little progress is being made in establishing the fate of the missing, because of the lack of new information, particularly on the location of gravesites, and the difficulty of identifying over 4,400 sets of human remains recovered and stored in morgues throughout the region.

In Bosnia and Herzegovina and Kosovo, international actors such as EULEX and the ICMP carry out forensic work, either partially or fully. The national institutions are working towards assuming the lead role in resolving the issue of missing persons.

The families of missing persons often face legal, psychological and socio-economic problems. Family associations require support for their efforts to address the families' needs and to press the authorities for answers.

In Eastern and South-Eastern Europe, the need to help migrants restore/maintain contact with their families is increasing.

Objective

Families of missing persons are informed of the fate and whereabouts of their relatives; if those persons are dead, their remains are handed over to the families for burial. The families' legal and psychological concerns are addressed. Separated family members, including migrants, re-establish/maintain contact and are reunited, if they so wish.

Plan of action and indicators

Protection

Restoring family links

- ▶ work with international stakeholders such as the EU to enhance cooperation among the national authorities concerned and to secure their commitment to answer families' questions about the fate of their missing relatives; to this end:
 - as a neutral intermediary, continue to chair meetings of the Working Group on Missing Persons and the Sub-Working Group on Forensic Issues in relation to the Kosovo conflict, and to serve as an observer at meetings of the Croatia-Serbia Working Group on Missing Persons; through technical support, enhance the capacities of these bodies, as well as those of the national mechanisms on missing persons in Bosnia and Herzegovina, Croatia, Kosovo and Serbia, to manage information on missing persons, including through their central registers of active cases, and share this information with the families
 - urge the authorities to provide all available information, including from State archives, on gravesites or other data that may help in solving the cases of missing persons and in exhuming/repatriating human remains

- ▶ with the relevant National Society/Red Cross units, raise awareness of the legal, psychological and socio-economic concerns of the families of missing persons, including through comprehensive qualitative/quantitative needs assessments in Kosovo and Serbia; support the authorities in adopting/implementing legal frameworks to address the issue of missing persons and the needs of their families; provide financial and training support to family associations and National Societies/Red Cross units for assisting the families of missing persons
- ▶ to help the region's National Societies/Red Cross units strengthen their capacities to deliver family-links services to family members separated by conflict/violence, migration or disasters, in line with the Movement's Restoring Family Links Strategy:
 - facilitate/streamline coordination and sharing of expertise among National Societies/Red Cross units and further their understanding of beneficiaries' needs, including through the establishment of a regional information centre; provide technical advice on handling beneficiaries' information in accordance with personal data-protection principles
 - provide training in emergency preparedness/response to help prevent family separation during migration or disasters
 - promote these services among authorities and potential beneficiaries (see *Red Cross and Red Crescent Movement*)

PEOPLE DEPRIVED OF THEIR FREEDOM

Detainees in the Western Balkans include people held on security-related charges. Some detainees fear that their safety is at risk in the event that they are involuntarily repatriated.

Some families in Bosnia and Herzegovina have relatives who are being held at the US internment facility at Guantanamo Bay Naval Station in Cuba; a number of former internees have resettled in the region.

Objective

People deprived of their freedom in relation to armed conflict or other situations of violence are afforded treatment and living conditions, including respect for their judicial guarantees, that meet internationally recognized standards, and are able to maintain family links.

Plan of action and indicators

Protection

- ▶ visit detainees in accordance with standard ICRC procedures, including those being held on security-related charges; monitor their treatment and living conditions, including respect for judicial guarantees and, in the case of those about to be repatriated, respect for the principle of *non-refoulement*; share findings and recommendations confidentially with authorities
- ▶ enable families in Bosnia and Herzegovina to contact their relatives at the Guantanamo Bay internment facility through RCMs, short oral messages and video calls (see *Washington*)
- ▶ check on the situation of former Guantanamo Bay internees; bring their needs to the attention of the authorities concerned and provide them with family-links services, if requested; provide support for family visits to a former internee resettled in France

- ▶ while remaining available to provide technical expertise, encourage the authorities to support national forensic institutions, including by allocating the necessary financial resources, with a view to:
 - helping them build sustainable forensic capacities in Bosnia and Herzegovina and in Kosovo
 - assisting them in addressing forensic issues relating to unidentified human remains and the slowing pace of exhumation/identification

ACTORS OF INFLUENCE

IHL is relatively well-integrated in domestic legislation in the region. All the countries of the Western Balkans have signed the Arms Trade Treaty; Albania, Croatia and the former Yugoslav Republic of Macedonia (hereafter FYR Macedonia) have ratified it. Bosnia and Herzegovina and Kosovo are reviewing/implementing domestic legislation and measures relating to missing persons.

Information pertinent to the search for missing persons may come up during war-crimes proceedings, which are still in progress in Bosnia and Herzegovina, Croatia, Kosovo, Montenegro and Serbia. Media coverage of events involving the families of the missing has contributed to public awareness of their plight.

The national IHL committees of Croatia, FYR Macedonia and Serbia continue to guide IHL implementation in their countries. Bosnia and Herzegovina has yet to establish a national IHL committee.

Objective

The region's governments take measures to address the issue of missing persons, implement IHL treaties to which their countries are already party and accede to other major humanitarian instruments. The media helps foster awareness of humanitarian issues among key decision-makers and the wider public, thus achieving greater respect for human dignity. All actors understand the ICRC's mandate, recognize it as a reference on IHL and support its work.

Plan of action and indicators

Prevention

With the relevant National Society:

- ▶ to encourage the national authorities to fulfil their obligations to missing persons and their families:
 - provide support for adopting/implementing the relevant legal frameworks (see *Civilians*)
 - keep the issue on the agenda of national and international authorities through a combination of confidential dialogue and public communication on: ICRC activities and concerns regarding pending cases of missing persons; and the action required from the authorities concerned
 - enlist the support of the media and civil society in relaying key messages to decision-makers and the

- public – including the need for more information to clarify the fate of missing persons
- ▶ encourage the judicial/prosecuting authorities involved in war-crimes proceedings to fulfil their obligations to apply IHL and to help resolve cases of missing persons; organize a regional conference to follow up the one held in 2014
- ▶ provide technical expertise and advisory support to encourage the national authorities, including national IHL committees where established, to accede to IHL treaties – including the Convention on Enforced Disappearance, the Convention on Certain Conventional Weapons and the Convention on Cluster Munitions – as applicable, and to enact implementing legislation, focusing on treaties relating to missing persons, weapons, suppression of IHL violations and protection of the emblem

RED CROSS AND RED CRESCENT MOVEMENT

Most of the region's National Societies/Red Cross units have developed their institutional and operational capacities, but some still require external support. They conduct activities in connection with missing persons and IHL promotion, and run vitally important programmes dealing with weapon contamination. The family-links services of the National Societies of Bosnia and Herzegovina, Croatia and Serbia were used by families dispersed by floods in May 2014.

In Kosovo, the existence of two Red Cross units remains problematic, for coordinating activities and in light of the Fundamental Principle of unity.

Objective

All National Societies have a strong legal basis for independent action. They carry out their core activities effectively. The activities of all components of the Movement are coordinated.

Plan of action and indicators

Cooperation

- ▶ provide the National Societies/Red Cross units with targeted technical, training and financial support for:
 - working with Movement partners to adapt their activities to evolving humanitarian needs and to operate effectively in sensitive environments using the Safer Access Framework
 - building their capacities, including in fundraising, to ensure the sustainability of their activities, particularly those relating to IHL promotion, emergency preparedness/response and weapon contamination
 - positioning themselves as key humanitarian players with regard to the authorities and other parties concerned, particularly on the issue of missing persons and in restoring family links for people separated from one another during migration or disasters (see *Civilians*)