

“SUPPORT TO RESOLVING MISSING PERSONS CASES – BREAKING THE IMPASSE”

Kosovo Guide for Families of the Missing: Institutions, Process, and Rights of the Families



An EU funded project managed
by the European Union Office in Kosovo



International Commission on Missing Persons
Implemented by the International Commission
on Missing Persons

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Contents

Introduction	1
Institutions responsible for the issue of missing persons and their roles	2
What other regional institutions are involved in the process	5
Legislation and Reparations	6
What is, and how do I report, a missing person	11
Location and Recovery of Mortal Remains	12
The use of DNA to identify missing persons	17
Civil Society and Memorialization	22
Instructions on the use of ICMP's OIC	23
Annex I: ICMP Policy on Personal Data Processing and Protection	26
Annex II: Directory	29

Introduction

At the end of the Kosovo conflict, 6,049 persons had gone missing as a consequence of hostilities in 1998-1999. According to International Committee of the Red Cross (ICRC) data, of this number, 1,374 people were subsequently found alive. The vast majority of persons found alive were registered in prisons in Serbia. Based on the 14,800 genetic reference samples provided to the International Commission on Missing Persons (ICMP), which represent 4,409 missing persons, ICMP estimates that the number of missing persons at the end of the Kosovo conflict was approximately 4,500¹. Cases of missing persons include Kosovo Albanians, Serbs, Roma and people from other communities.

This Guide was prepared by the ICMP for families of missing persons from the Kosovo conflict.

The Guide explains the rights of families of missing persons, which are protected by the Kosovo Law on Missing Persons, adopted in 2011, and other relevant legislation, including access to social and economic benefits and other forms of reparations.

It explains how to report a missing person, and describes the roles and responsibilities of international and domestic institutions and organizations involved in the process of accounting for missing persons from the Kosovo conflict, as well as the obligations of the authorities and other duty bearers.

The Guide contains information about:

1. Institutions responsible for the missing persons issue and their roles
2. Legislation and reparations
3. What is, and how do I report, a missing person
4. Location and recovery of mortal remains
5. The use of DNA for the purpose of human identification
6. Civil society and memorialization
7. Instructions on the use of ICMP's Online Inquiry Center (OIC)

ICMP hopes that this Guide will help families of the missing to understand the process more fully, giving a clear picture of the roles of the various organizations and institutions involved in the process, and the use of modern technologies and data systems. In this way it will help families to access their rights.

¹Compiling numbers of missing persons as a result of armed conflict and violations of human rights is particularly difficult when numerous actors accumulate information for different purposes, in varying formats, and with different degrees of analytical depth. In the context of the Kosovo conflict, it is undoubtedly a significant achievement on the part of the ICRC to have compiled, through tracing requests from families and other means, a list of 6,049 individuals that reportedly also includes a total of 1,374 persons found alive or visited in prisons. At the time of writing, the number of persons remaining unaccounted for on the ICRC Working Group list is 1,665.

1. Institutions responsible for the issue of missing persons and their roles

Q. What is the role of the police?

A: The Kosovo police fulfill a number of roles. They receive reports of missing persons. They are responsible for investigating missing persons cases under the direction of the Kosovo Special Prosecutor's Office (SPK). When an excavation is conducted they are responsible for securing the site and providing any necessary security arrangements.

Q: What is the Role of the Kosovo Commission on Missing Persons?

A: The Kosovo Commission on Missing Persons (the Kosovo Commission), is a governmental body that leads, supervises, harmonizes and coordinates activities with local and international institutions to resolve the missing persons issue, and cooperates with institutions and international organizations and the other stakeholders regarding clarification of the fate and whereabouts of missing persons as a result of the Kosovo conflict, regardless of their ethnic background, religion, or military or civil status.

The Kosovo Commission comprises a Chairperson, a Vice Chairperson, and members. The Chairperson is nominated by the Prime Minister. The Vice Chairperson should be from one of the non-majority communities. Members of the Kosovo Commission include, but are not limited to, representatives from the Ministry of Internal Affairs, the Ministry of Local Government Administration, the Ministry of Labor and Social Welfare, the Ministry of Foreign Affairs, the Ministry for Kosovo Security Force and the Institute of Forensic Medicine (IFM).

Based on the Kosovo Law on Missing Persons, the mandate of the Kosovo Commission is:

1. To protect the rights and interests of missing persons and their families;
2. To coordinate activities in collecting data relating to missing persons;
3. To establish a Central Register of Missing Persons;
4. To inform family members of missing persons and cooperate with their associations, notifying family members of the fate of missing persons;
5. To raise awareness about and to support initiatives related to missing persons by reporting publicly the outcome of its findings;
6. To undertake other significant activities relating to missing persons; and
7. To cooperate with local and international institutions in the conduct of its duties, as stipulated in Article 11 of the Law on Missing Persons.
8. The Kosovo Commission is responsible for opening and registering cases of missing persons as stipulated in Article 7 of the Law on Missing Persons: “The request for the beginning of procedure for the missing person shall be submitted to the Governmental Commission on Missing Persons. The missing persons request may be submitted by the family member of the missing person, other persons, or competent bodies”.
9. The Kosovo Commission's mandate also includes the obligation to pay burial costs of identified missing persons.

Q: What is the role of the Institute of Forensic Medicine?

A: The IFM is the public authority responsible for providing forensic medicine and medical death investigation expertise, including exhuming human remains related to the armed conflict in Kosovo, and returning the remains to families. Article XV of the Law on Forensic Medicine² states that the Institute is responsible for the performance of the following activities as regards the issue of missing persons:

1. Searching, finding and exhumation and also determination of the fate, identification and handover of human remains of missing persons related to the war in Kosovo;
2. Maintaining contact with families of missing persons and cooperation with local and international institutions and organizations involved in the process of clarifying the fate of missing persons.

Since 2008, when the European Rule of Law Mission (EULEX), was deployed in Kosovo, EULEX staff has assisted the IFM in the field of forensic anthropology and archeology as well as forensic pathology and crime scene investigation. EULEX works with the IFM to ensure that it has trained staff capable of providing forensic expertise consistent with international standards and European best practice.

At the request of the Director of the IFM, EULEX will provide expertise in any type of forensic examination, including autopsies. EULEX nominates a Deputy Director of the IFM, who is responsible for the operational involvement of EULEX staff. EULEX Mission staff members are co-located in the IFM premises.

Q: What is the role of the Kosovo Special Prosecutor's Office?

A: The SPK was established in 2008. Its role is to investigate and prosecute Crimes Against Humanity, War Crimes in Grave Breach of the Geneva Conventions, War Crimes in Serious Violation of Laws and Customs Applicable in International Armed Conflict, War Crimes in Serious Violation of Article 3 Common to the Geneva Conventions, and War Crimes in Serious Violation of Laws and Customs Applicable in Armed Conflict not of an International Character. As such, it is responsible for investigating cases of enforced disappearance of persons. In May 2014, competence for obtaining court orders for the exhumation of missing persons on the territory of Kosovo was transferred from EULEX to the SPK.

Q: Which international organizations are involved in accounting for missing persons and what is their role?

The International Commission on Missing Persons - ICMP

A: The ICMP is an international organization created at the initiative of U.S. President Bill Clinton in 1996 at the G-7 Summit in Lyon, France. In 2014, ICMP became a treaty-based intergovernmental organization. Its headquarters are in The Hague, the Netherlands.

²LAW No. 05/L - 060 ON FORENSIC MEDICINE

ICMP's mandate is to secure the cooperation of governments and others in locating and identifying persons missing from conflict, human rights abuses, disasters, organized crime, irregular migration and other causes. ICMP also supports the work of other organizations, encourages public involvement in its activities and contributes to the development of appropriate expressions of commemoration and tribute to the missing. ICMP receives voluntary donations from governments to assist countries that are faced with serious missing persons issues. It is an independent organization that pursues a modern, law-based approach to the issue of missing and disappeared persons.

ICMP has been working to address the issue of persons missing as a consequence of the Kosovo conflict since 1999. Since 2003, ICMP has been assisting Kosovo through DNA-based identifications, first with the United Nations Interim Administration Mission in Kosovo (UNMIK) and since December 2008 with EULEX. ICMP has also assisted the Government of Serbia since 2001, in locating, recovering and identifying missing persons from the Kosovo conflict. ICMP has empowered associations of families of missing persons to access their right to truth and justice and to lobby the authorities to fulfill their obligations to account for the missing and to deliver social and economic support to families.

As part of its mandate, ICMP encourages the active participation of civil society and in particular the families of the missing. It does this through education, training and grant-making programs aimed at empowering family members and others. ICMP's technical assistance program is a global resource available to governments, and others engaged in addressing the issue of missing persons. Technical assistance is supported by a Standing Capacity to conduct high-throughput DNA identifications, Anthropology and Archeology Division with expert capabilities in the location, recovery and examination of human remains, and a custom-designed Identification Database Management System (iDMS). The iDMS and its associated Online Inquiry Center (OIC) have been designed with data security as the highest priority. The OIC is an interactive missing persons search tool. Families can use it to obtain and provide information.

ICMP's DNA laboratory system is internationally accredited to the highest standard (ISO 17025) in a rigorous continuous process that includes technical inspections and a review of all methods and quality control procedures.

Q: What is the role of the International Committee of the Red Cross - ICRC?

A: The ICRC is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance.

The ICRC has played an active role in tracing persons who disappeared during the armed conflicts in the Balkans since the beginning of the 1990s. The ICRC's approach is based on the families' Right to Know the fate of their missing relatives, as recognized under International Humanitarian Law, and to address the needs of families as persons living in the anguish of uncertainty.

Elucidating the fate and whereabouts of missing persons and delivering an appropriate response to the needs of families has been the ICRC's main focus since the outbreak of the armed conflict in Kosovo. Since then, it has collected information on cases of disappearance directly from families of the missing.

The ICRC has, over the years, asked the authorities in Pristina and Belgrade to provide information that may help to elucidate the fate and whereabouts of missing persons. It has urged the authorities to fulfill their obligation to address families' right to know through the ICRC-chaired Working Group on Missing Persons³.

The ICRC maintains a provisional list of missing persons, agreed upon by the Belgrade and Pristina delegations to the Working Group, and provides updated versions regularly to the relevant authorities in Belgrade and Pristina⁴.

What other regional institutions are involved in the process?

Q: What is the role of the Serbian Government Commission on Missing Persons?

A: The Serbian Government Commission on Missing Persons (the Serbian Commission) was formed by a Decision of the Government of the Republic of Serbia on 8 June 2006, with a mandate to resolve the issue of persons who went missing during the armed conflicts on the territory of the former Yugoslavia. The Serbian Commission took over all the activities and obligations of the Commission of the Council of Ministers for Missing Persons of Serbia and Montenegro, formed in 2003, continuing activities of previous governmental bodies, formed since 1991, dealing with the issue of missing persons, imprisoned persons and persons killed in the armed conflicts on the territory of the former Yugoslavia.

The Serbian Commission has a president and members who are representatives of the relevant ministries. The Department for Missing Persons in the Commissariat for Refugees and Migration provides expert and administrative-technical assistance, including coordination of all activities, for the purposes of the Serbian Commission.

The Serbian Commission:

1. Monitors, studies and prepares proposals addressing the issue of missing persons;
2. Collects information and provides notification about persons who went missing during the armed conflicts on the territory of the former Yugoslavia;
3. Fulfills commitments deriving from international agreements and agreements related to the issue of missing persons;
4. Coordinates the work of relevant bodies and organizations in the process of the search for missing persons, exhumation and identification; and
5. Cooperates with the competent authorities, families and associations of missing persons to address the status of missing persons and humanitarian issues affecting families of the missing.

³ <http://familylinks.icrc.org/kosovo/en/Pages/background-information.aspx>

⁴ <https://www.icrc.org/en/document/missing-persons-western-balkans>

Q: What is the role of the Serbian War Crimes Prosecutor's Office?

A: The Office of the War Crimes Prosecutor is competent to prosecute criminal offences as set forth in Chapter XVI of the Basic Penal Code, i.e. criminal offences against humanity and international law, as well as offences recognized by the International Criminal Tribunal for the former Yugoslavia (ICTY) Statute. These include genocide, war crimes against civilians, war crimes against wounded and sick persons, war crimes against prisoners of war, destruction of cultural and historical monuments, and other violations of international humanitarian law. The Office of the War Crimes Prosecutor is in charge of prosecuting perpetrators of criminal offences committed in the territory of the former Socialist Federal Republic of Yugoslavia (SFRY), regardless of the citizenship, nationality, race or religious affiliation of the perpetrator or the victim. The Office of the War Crimes Prosecutor is competent to prosecute cases both at the first instance and acting upon legal remedies. The activities of the War Crimes Prosecutor's Office are based on international legal documents and on national legislation.⁵

Q: What is the role of the Montenegrin Government Commission on Missing Persons?

A: The Government Commission on Missing Persons of the Republic of Montenegro (the Montenegrin Commission) was established by the decision of the Government of Montenegro on 10 February 2011. The purpose of the Montenegrin Commission is to review, follow and make proposals for resolving the issue of missing persons on the territory of Montenegro as a consequence of the armed conflicts in the former Yugoslavia; carry out obligations deriving from international treaties and agreements related to missing persons, coordinate activities of the relevant authorities and organizations in the process of searching for missing persons, exhumations and identifications; cooperate with relevant authorities, individuals and family associations of the missing on resolving the status and human issues of their families. The Montenegrin Commission is composed of members from: the Ministry of Labor and Social Issues, the Ministry of Foreign Affairs and European Integrations, the Ministry of Defense, Ministry of Interior, Institute for Refugees and the Red Cross of Montenegro. The Head of the Montenegrin Commission and the members are appointed by the Government of Montenegro.

2. Legislation and Reparations

Q: What rights do I have under the Kosovo Law on Missing Persons?

A: As a family member of a missing person, the Law on Missing Persons affords you the following rights:

1. You have the right to know the fate of persons who you reported as missing as a consequence of the Kosovo conflict during the period 1 January 1998 – 31 December 2000. This means that you are entitled to effective investigative efforts on the part of the authorities.
2. You should not be punished or exposed to threats, violence or any other form of threat because you want to know the fate or whereabouts of your missing family members
3. As the spouse of a missing person, your civil status does not change until the identification of the mortal remains of your missing relative is conducted and a death certificate is issued, or your missing relative is pronounced dead by the court pursuant to the Law on Non-contested Procedure.

⁵http://www.tuzilastvorz.org.rs/html_trz/o_nama_cir.htm

4. You may ask the Basic Court located in the municipality in which your missing relative resided to authorize temporary administration of property and assets that belong to your missing relative. The court may authorize temporary administration if your request is in the best interest of your missing relative. If your missing relative is pronounced dead thereafter pursuant to provisions of the Law on Non-contested Procedure, you may be appointed as a custodian pursuant to the same Law.
5. Provided you can prove your material dependency on the income of your missing relative, you may apply to the Basic Court of the last residence address of your missing relative to receive payment (daily fee) from the properties of the missing person.
6. You are not obliged to pay the expenses of reburial after the identification of mortal remains of your missing relative. The Kosovo Commission will pay expenses.
7. You have a right of access to information in the Central Register of Missing Persons. This data shall be available pursuant to relevant legislation on personal data protection.
8. You enjoy equal rights and should not be subject to discrimination based on your race, color, sex, language, religion, political opinions or other opinion, your national or social origin, affiliation with any community, property, economic or social condition, sexual orientation, birth, disabilities or any other personal status.

Q: Does the Law on Missing Persons prescribe the creation of a Central Register of Missing Persons in Kosovo, and what is the Central Register?

A: The Law on Missing Persons states that the Kosovo Commission will establish a Central Register of Missing Persons. This is a database that includes data on missing persons collected from available sources to assist in revealing the identity and location as well as circumstances of disappearance of missing persons.

Q: How can I check if information on my family member's disappearance has been included in the Central Register of Missing Persons?

A: Based on Article 14 of the Law on Missing Persons, you – as a family member – have the right to access information available in the Central Register of Missing Persons. Information will also be available to other organizations that have a mandate to search for, locate and identify missing persons. You or your legal representative may submit a request to access data in the Central Register to the Kosovo Commission. The Kosovo Commission will review the application and take a decision within fifteen (15) days of the date of its submission.

Q: What legal rights do I have under Law No.04/L-054 on the Status and Rights of the Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Sexual Violence Victims of the War, Civilian Victims and their Families?

A: As a family member of the missing, you have the following rights and benefits under this law:

1. family pension;
2. free primary and secondary health-care in public health-care institutions;
3. exemption from property tax, if the immediate family is in difficult economic circumstances; and
4. reduced electricity costs for personal use, if the immediate family is in difficult economic circumstances and meets the criteria established in the social assistance system.

If you are a family member of missing KLA soldiers, you can also claim the following rights and benefits:

1. the right to family pension;
2. priority in employment;
3. advantage in registration and admission to public educational institutions;
4. grants for secondary and university education;
5. free accommodation in student dormitories;
6. support for family housing;
7. free tariff and reduced consumption record of electricity for personal use in case of difficult economic circumstances, when full social assistance has also been provided;
8. exemption from payment of court, administrative and public fees;
9. free primary, secondary and tertiary health care in institutions of public health;
10. free accommodation in homes for the elderly; and
11. exemption from administration payments in public university education.

Q: Who can claim rights and benefits under Law No.04/L-054 and Law No. 04/L-172 on Amending and Supplementing Law No. 04/L-054?

A: You can apply for financial support, if you are the spouse, child, parent, stepfather, stepmother, stepchild, adopted child or extramarital partner of a missing person. If you are the spouse of a missing person, you will forfeit the right to financial benefits foreseen under the Law if you remarry. If you are the child of a missing person, you are entitled to financial benefits under the law until you reach the age of eighteen (18), or until the age of twenty-six (26) if you are enrolled in higher education.

Q: What documents do I need to submit when claiming rights and benefits under Law No.04/L-054 and Law No. 04/L-172 on Amending and Supplementing Law No. 04/L-054?

A: When you apply for rights and benefits under Law No.04/L-054, you need to submit:

1. your valid Kosovo ID card;
2. a certificate issued by the Kosovo Commission or a competent municipal authority that your missing relative disappeared between 01.01.1998 and 31.12.2000 (Date and Place of Disappearance);
3. your birth certificate (applicant)
4. the birth certificate of the missing person;
5. a marriage certificate if you are the spouse of the missing person,

6. in the absence of a marriage certificate, the marriage must be verified through administrative or court procedure;
7. if you are a child without parental care, under the age of 18, a decision issued by the Centre for Social Work is required regarding custody;
8. birth certificate(s) of child(ren); and
9. two photographs of yourself (the applicant).

Q: Where can I claim rights and benefits as prescribed by Law No.04/L-054 and Law No. 04/L-172 on Amending and Supplementing Law No. 04/L-054?

A: You can submit an application for financial benefits as prescribed by Law No.04/L-054 at the regional offices of the Department for Families of the Heroes and Disabled Veterans, in the regions of Prishtina/Priština, Pejë/Peć, Mitrovicë/Mitrovica, Prizren/Prizren, Gjakovë/Đakovica, and Ferizaj/Uroševac (see contact details on the last page of the Guide).

Q: What if I have more than one family member missing?

A: There is a progressive increase in the Family Pension for families with more than one missing member.

1. Family Pension basis for family member with two (2) missing persons is increased by 20%.
2. Family Pension basis for family member with three (3) missing persons is increased by 30%.
3. Family Pension basis for family member with four (4) missing persons is increased by 40%.
4. Family Pension basis for family member with five (5) missing persons is increased by 50%.

Q: If I believe that my rights have been violated, how can I submit a legal complaint?

A: If you are not satisfied with the decision of the official of the regional office of the Department for Families of the Heroes and Disabled Veterans, in the regions of Prishtina/Priština, Pejë/Peć, Mitrovicë/Mitrovica, Prizren/Prizren, Gjakovë/Đakovica, and Ferizaj/Uroševac in response to your claim to rights and benefits as prescribed by the Law on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Sexual Violence Victims of the War, Civilian Victims and their Families, you can file a complaint with the Commission for Complaints within the Ministry of Labor and Social Welfare within fifteen (15) days of receiving the decision. If you wish to submit complaints against the decision of the Commission for Complaints, you can initiate an administrative dispute at the department for administrative issues of the basic court in Prishtina/Priština, within thirty (30) days of receiving the decision of the Commission for Complaints of the Ministry of Labor and Social Welfare.

Q: Can I receive free legal aid?

A: Yes, you are entitled to free legal aid under the Kosovo Constitution. Free legal aid is provided through the Kosovo Free Legal Aid Agency, established in 2006, and through a number of NGOs. Contact details of NGOs providing free Legal Aid can be found at the end of this Guide.

Types of Legal Aid:

1. legal information and advice regarding legal proceedings;
2. drafting of documents and provision of technical assistance related to case completion; and
3. representation in civil, criminal, administrative and minor offence proceedings.

Q: Am I eligible for free legal aid?

A: the following categories of people are eligible for free legal aid:

- citizens residing in the territory of Kosovo;
- temporary residents of Kosovo;
- other persons defined by law and by international regulations covering Kosovo; and
- persons to whom legal aid is provided pursuant to the principle of reciprocity.

Q: Are there any other criteria for the provision of free legal aid?

1. Free Legal Aid is provided to all persons who are receiving social assistance or are in an equivalent financial position;
2. Persons whose total family income is lower than the average family income.

Q: Where can I apply?

A: You can submit your application for free Legal Aid at the regional offices of the Kosovo Agency for Free Legal Aid. Addresses of the regional ROFLA's can be found at the end of this Guide.

Q: From which sources can I request funding for the activities of my Family Association on missing persons?

A: If you are a member of a registered Family Association, you can submit a request on behalf of your association to the Kosovo Commission. You can apply for financial support at the Ministry of Labor and Social Welfare for subsidies and grants from the Ministry.

Q: Who can apply for grants and subsidies at the Ministry of Labor and Social Welfare?

A: The following entities can apply for subsidies and grants:

1. An individual who is in need of a cash payment for solving an emergency;
2. Non-governmental organizations (NGOs) and associations that provide services of employment and vocational training for people with disabilities;
3. NGOs and associations that provide services of social welfare for protection of children;
4. NGOs and associations that provide services of social welfare for people with disabilities;
5. NGOs and associations that provide services of social welfare for the elderly;
6. NGOs and associations that provide services for victims of domestic violence and trafficking; and
7. NGOs and associations that provide services for war invalids, martyrs' families, and civilian victims and war veterans.

Q: Which documents does my association need to submit in order to apply for subsidies or grants?

A: When applying for grants, NGOs should submit the following documents:

1. Draft proposal that includes the purpose and project activities;
2. Detailed budget and justification of budgetary lines;
3. Detailed timetable and place of implementation;
4. Detailed description of beneficiaries and participants;
5. Detailed description of managerial capacities of the organization including personnel, equipment and skills for managing the budget for activities;
6. CVs of experts engaged in the project;
7. References;
8. Copies of contracts and memoranda of understanding;
9. Certificate of registration of the NGO, in accordance with applicable laws in Kosovo;
10. Bank account in a bank licensed by Kosovo Central Bank;
11. Certificate of registration and its statute;
12. Fiscal number certificate;
13. Certificate from the commercial court that the NGO is not under investigation; and
14. Tax Administration Certificate.

Q: Where can I obtain a copy of the application form for grants or subsidies?

A: An application form for grants or subsidies is attached to this Guide in Annex 3 or can be downloaded from Kosovo Ministry of Labor and Social Welfare, at <https://mpms.rks-gov.net/sq-al/linqe/shpalljetpublikimet.aspx>

3. What is, and how do I report, a missing person

Q: Who is considered a “missing person”?

A: The Law on Missing Persons defines a missing person as “a person whose whereabouts is unknown to his/her family members, who based on reliable information, went missing during the period 1 January 1998 – 31 December 2000, as a consequence of the war in Kosovo during 1998-1999⁶.” A person is also missing if he/she is presumed dead, but the whereabouts of the mortal remains are unknown.

Q: Who can report a missing person?

A request to register a missing person may be submitted by:

1. a family member of the missing person;
2. other persons who are not related to the missing person; or
3. competent official bodies, such as the police or municipal authorities.

Q: If I am in Kosovo, how do I report a missing person?

A: In Kosovo, you can report a missing person by contacting the Kosovo Commission. You can also initiate a missing persons case by contacting the responsible officials in your municipality or local police (see Annex II: Directory at the end of the Guide). The Kosovo Commission verifies all reports. You may also provide information on a missing person to the ICRC.

Q: What information do I need to provide when reporting a person missing to the Kosovo Commission?

A: In order to report a missing person, you need to provide “minimum data on the missing person” as defined in Article 2 of the Law on Missing Persons. Minimum data about the missing person includes:

1. the first name and parent's name and last name of the missing person;
2. Sex of the missing person;
3. Place and date (or only year) of birth of missing person;
4. Place and date (or only the supposed year) of disappearance and, if known, circumstances of disappearance.

When there is not enough information to verify the identity (and status) of a missing person, the Kosovo Commission will determine whether he or she went missing under conditions defined by the Law on Missing Persons.

Q: What other institutions can I report a missing person to?

A: You can also report a missing person to:

- The Serbian Commission (see Annex II: Directory at the end of the Guide).
- The municipal office of the Red Cross in Serbia, which will pass this information on to the ICRC for inclusion in its provisional list of missing persons (see Annex II: Directory at the end of the Guide).

Q: How can ICMP help?

A: You can report a missing persons case through ICMP's Online Inquiry Center at http://www.icmp.int/fdmsweb/index.php?w=mp_reg&l=en. Details (first name; father's name; surname; date of birth; place of birth; date of disappearance; and place of disappearance) of cases reported to ICMP are conveyed to the responsible authorities.

4. Location and Recovery of Mortal Remains

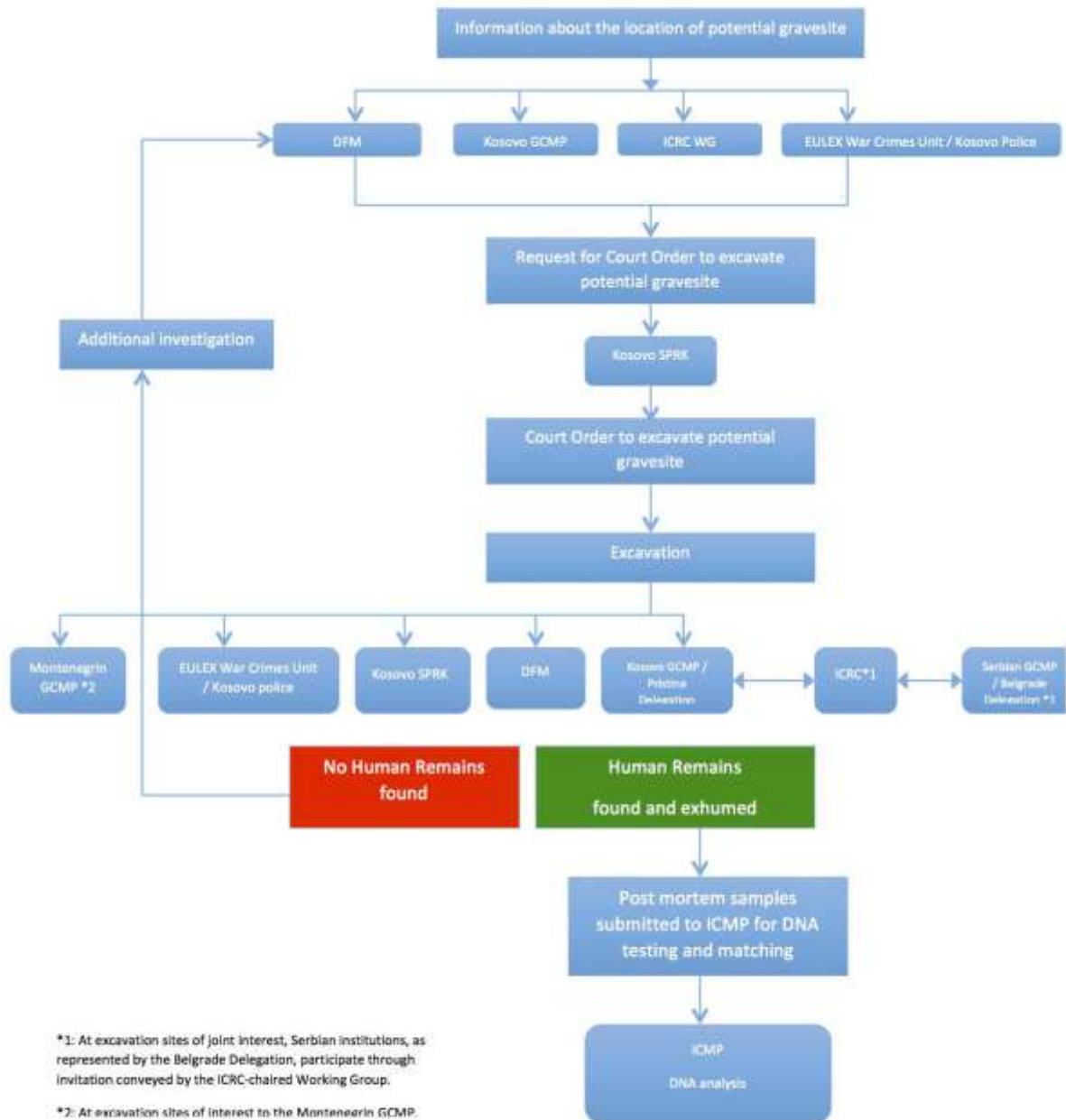
Q: What if I have information about the possible location of a gravesite related to the Kosovo conflict? How can I report it?

A: If you have any information about the location of a gravesite, you can provide this anonymously by contacting the Kosovo Commission or the Serbian Commission (see Annex II: Directory for contact details). These agencies will take your information to the relevant prosecutor's office in order to obtain a court order for an exhumation. You can also give information directly to the SPK in Pristina or the Serbian War Crimes Prosecutor's Office in Belgrade. (See Annex II: Directory for contact details).

Q: What are possible sources of information on the location of hidden graves?

A: There are many types of sources of information on hidden graves, including witnesses, police agencies, intelligence agencies, and military sources in Kosovo and Serbia.

Q: What happens with information on potential gravesites in Kosovo?



Q: Who is in charge of excavation sites in Kosovo and what is the role of the SPK?

A: By law, the SPK is in charge of every excavation site in Kosovo. A court order is required in order to take postmortem samples for genetic analysis (DNA). If an excavation results in the recovery of human remains, IFM staff transport the remains to the Pristina Mortuary for storage and examination. Based on Article 139 of the Kosovo Criminal Procedure Code, a postmortem examination is undertaken by a qualified medical examiner on the order of the SPK.

Q: How long does an excavation take?

A: This depends on the size and nature of the site. Simple excavations can be completed in one to a few days, but some graves are very complex and may take several weeks or even months especially if they are in remote locations or where there is a risk of unexploded ordnance in the area. Other considerations such as the size of the grave, the characteristics of the terrain, and the weather conditions may result in a lengthy excavation process.

Q: Who, by law, must be present at an exhumation in Kosovo?

A: When a potential location is found on the basis of an investigation, several institutions are required to be present at the excavation site. These are the Prosecutor from the SPK, War Crimes Unit investigators, Crime Scene Investigators, and IFM staff who are assigned to conduct the exhumation. The Prosecutor may permit other parties to be present at the site, including families of the missing and witnesses.

The Kosovo authorities may invite the Serbian authorities, represented by the Belgrade Delegation, to attend the excavation of a site on the territory of Kosovo through the ICRC Working Group mechanism.

An agreement signed between the Kosovo Commission and the Montenegrin Commission in October 2015 makes provision for the Montenegrin Commission to attend the excavation of sites on the territory of Kosovo when the Montenegrin Commission has an interest in a particular site because it is believed that Montenegrin citizens may be buried there.

Q: Can ICMP also provide assistance at excavations and examinations of mortal remains?

A: ICMP is regularly invited to assist at excavations and examinations by the authorities in Bosnia and Herzegovina, Serbia and Croatia. ICMP maintains a large archeology and anthropology staff. In Kosovo, the UNMIK agreement excluded ICMP from providing assistance at gravesites; however, since 2003 ICMP has been allowed to provide assistance in identifications.

Q: Where are the mortal remains held after an exhumation in Kosovo is completed?

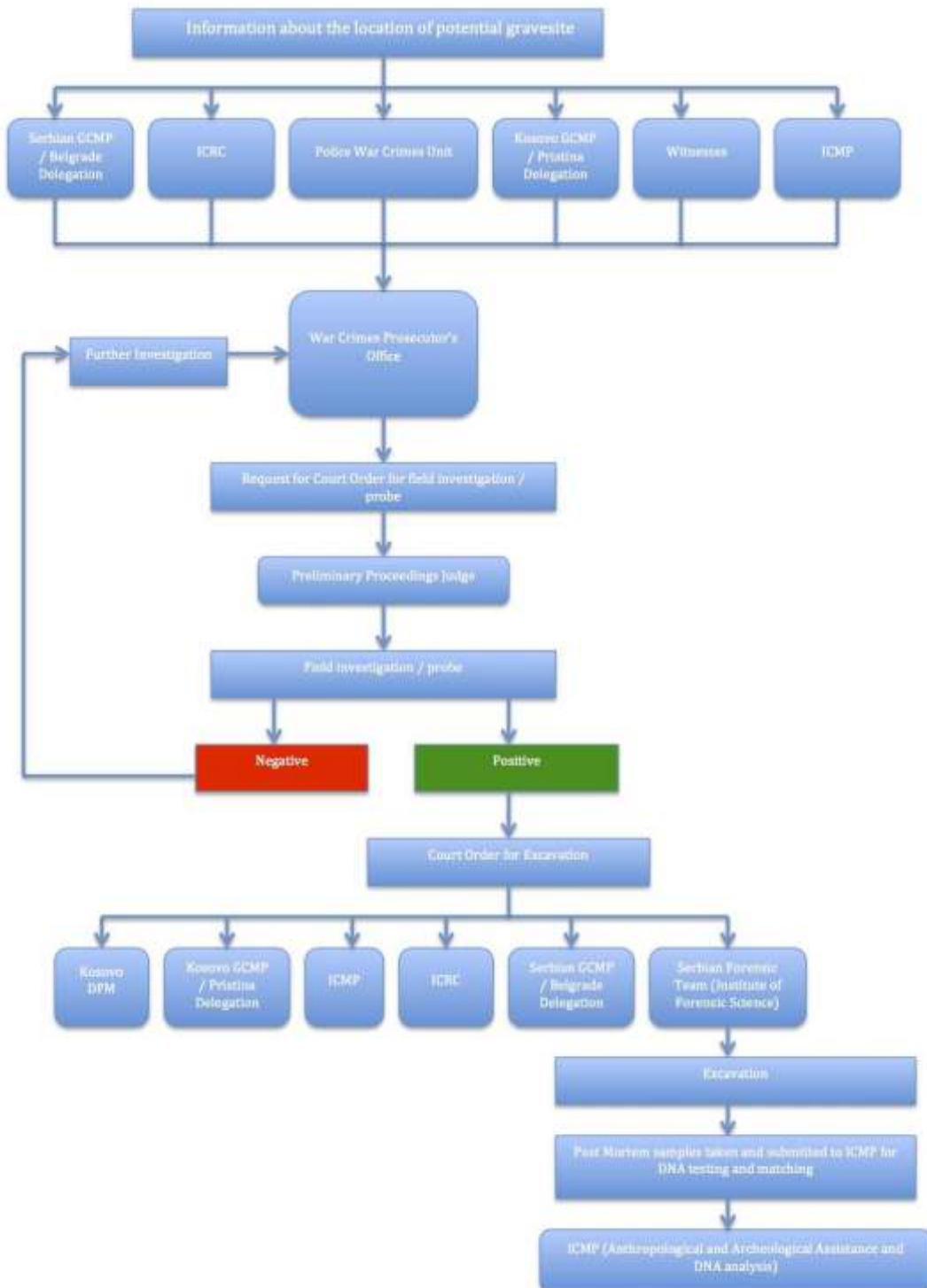
A: All mortal remains exhumed from the gravesites are held at the IFM Pristina Mortuary. At the mortuary, forensic pathologists and anthropologists examine the mortal remains and take a very small sample of bone to submit to ICMP for DNA testing. As part of the examination the police may take documentary evidence and photographs. In combination with the DNA results, a forensic pathologist will review all other available data in order to conclude formal identification and issue a death certificate.

Q: What happens with information on potential gravesites in Serbia?

A: The War Crimes Prosecutor's Office works with the Serbian Commission and the Police Investigation Service for War Crimes to pinpoint the location of clandestine gravesites on the territory of Serbia. When enough evidence has been gathered to determine the potential location of a clandestine gravesite, the War Crimes Prosecutor's Office obtains a court order for investigation in the field. ICMP has helped the Serbian authorities to excavate more than 900 missing persons from clandestine gravesites at Batajnica, Petrovo Selo, Bajina Basta and Raska Rudnica.

If no human remains are found during the field investigation, a report is prepared by the War Crimes Prosecutor's Office and further investigation is conducted and evidence gathered. If on the other hand human remains are found, the site is secured and responsibility for further work at the site, i.e. the full excavation and recovery of the human remains, is passed to a preliminary proceedings Judge.

The site and any recovered human remains are from this point onward under the jurisdiction of the preliminary proceedings judge, who must obtain an order for exhumation. The Serbian authorities liaise with their counterparts in Kosovo through the Working Group mechanism, and with the IFM, to ensure either their presence or their assistance at the excavation.



Q: What happens to mortal remains recovered on the territory of Serbia?

A: Mortal remains recovered in Serbia may be held in secure containers at the site of the excavation or at the premises of the Institute of Pathology and Forensic Medicine in Belgrade, where they will undergo a series of forensic examinations. Bone samples are taken from the remains by a court-appointed pathologist, often with the assistance of ICMP forensic anthropologists, and then sent to ICMP for DNA analysis. If ICMP obtains a match with the DNA reference samples collected by ICMP from missing persons' relatives, the DNA-match report is returned by ICMP to the authority that provided the postmortem sample and the identified remains are sent to Kosovo and held at the mortuary of the IFM until final legal identification and burial. The IFM concludes formal identification, issuing a Death Certificate and the mortal remains are handed over to the family for burial.

Q: What is the procedure in Kosovo for making an identification?

A: If, after conducting a forensic examination of the remains in conjunction with ICMP's DNA results, IFM staff formally identify the missing person, they then inform the responsible Prosecutor and family members. The Family Outreach Division of the IFM and the case worker at the Kosovo Commission inform the family of the results. If the body of the missing person is not complete, the family may decide to bury the identified remains or wait for additional body parts to be identified. The IFM and the Kosovo Commission will inform the families in all cases where additional body parts have been identified. Once a Death Certificate has been issued, the case is considered closed and is registered as such in the Central Register of Missing Persons.

Q: Who is responsible for closing a missing persons case by declaring an identification officially complete?

A: The Law stipulates that the Forensic Pathologist at the IFM in Pristina will make an identification after conducting a forensic examination of the mortal remains in cooperation with other forensic experts.

Q: Can a missing person be declared dead if there is no DNA match and what will happen to the search process if the person is so declared?

A: Yes. If the human remains of your missing relative have not been found, he or she can be declared dead based on the Law on Non-contentious Procedure. However, according to the Law on Missing Persons in Kosovo, the search for a missing person will not be terminated even if a missing person has been declared dead in accordance with the Law on Non-contentious Procedure.

Q: What happens to human remains if they are not identified after the autopsy is carried out and after all other identification procedures are carried out or if there are no family members to claim the human remains?

A: According to Article 8 of the Law on Forensic Medicine, the IFM, based on an order issued by the Court or SPK, will ask the competent authorities to perform the burial ceremony.

Q: If my relative is identified will I have to pay anything for the burial?

A: All costs related to the burial are covered by the Kosovo Commission.

Q: Will every missing person be found?

A: Unfortunately, it is likely that without additional information regarding the location of clandestine gravesites many people will not be found. However, it is the mandate of the Kosovo Commission to investigate every credible report of a location where a person may be buried. The process relies on witnesses reporting what they have seen or found.

Q: Will all remains of the missing be identified?

A: Unfortunately, no. For example, sometimes there are no genetic reference samples for DNA comparison, and sometimes it is not possible to obtain a DNA profile from mortal remains if the DNA in the postmortem sample submitted to ICMP is degraded. ICMP will continue to seek the most advanced ways of extracting DNA but in some cases this is simply not possible.

In addition, it should be noted that ICMP has been current with the identification process since 2005. At the time of writing there are no samples pending DNA analysis in ICMP's laboratories. It is also important to note that ICMP's database lists 1,870 individuals still missing in Kosovo, and has sufficient genetic reference samples to assure the identification of 1,650 persons. However, ICMP has not received postmortem samples that would make it possible to obtain a DNA match.

Q: Why are there bodies in the Pristina Mortuary, which are still not identified?

A: There are a number of reasons why human remains stored in the Pristina mortuary cannot be identified:

1. Not enough genetic reference samples have been provided;
2. There are no surviving family members to give reference samples;
3. The body may not be related to the armed conflict and therefore doesn't match any of the genetic reference samples;
4. Misidentifications may have occurred when traditional methods of identification were used prior to the agreement between UNMIK and ICMP in 2003 to incorporate a DNA-led process of identification.

5. The use of DNA to identify missing persons

Q: What is DNA?

A: DNA is a chain-like molecule that makes up the hereditary material found in nearly all the cells of the human body. Half of your DNA is inherited from your mother, the other half from your father. DNA contains the biological information that is used by nature to build and maintain our bodies, and determines many of the distinctive characteristics of an individual.

Q: Is DNA unique?

A: Yes. Except for identical twins, no two people share the same DNA profile.

Q: What is a “DNA profile”?

A: When DNA is tested to identify missing persons, only specific small parts or locations of the DNA are investigated. These different parts are highly variable, and can occur in a huge number of combinations. The characteristics of DNA at these locations can be written down in a numerical designation that is called a DNA profile. Each individual (except identical twins) has a unique DNA profile.

Q: How can DNA indicate the name of an individual?

A: On its own, the DNA profile extracted from mortal remains does not identify a person. DNA can only be used for identification if the DNA obtained from mortal remains is compared to the DNA profiles of family members of the missing. When the DNA profile of the missing person and the DNA profiles of the family members show that there is a relationship, this is called a “DNA match”, or in other words, a DNA-based identification.

Q: What is a “genetic reference sample”?

A: A genetic reference sample can be a few drops of blood or a buccal swab (a swipe of the inside of the mouth to collect cells containing DNA using a q-tip bud), which are provided by close family members of the missing person. DNA is obtained from the reference sample and can then be compared to DNA from the mortal remains in order to find a DNA match.

Q: How does DNA information help to find/identify missing relatives?

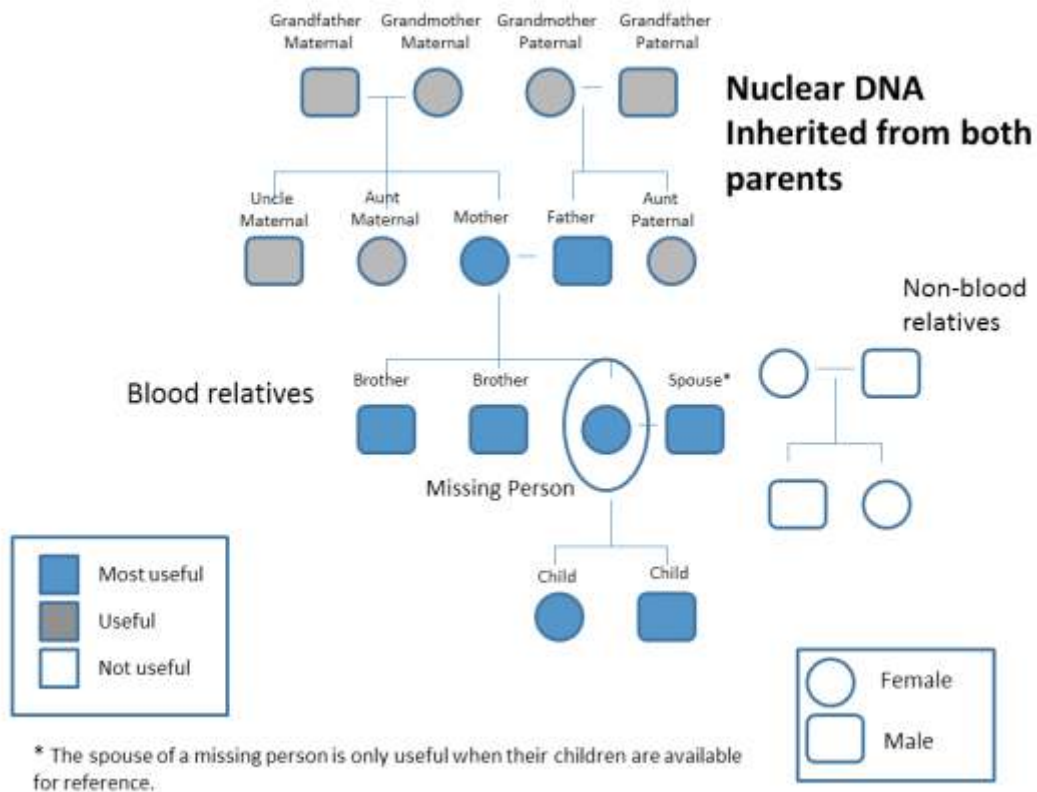
A: Because of the way DNA is inherited, DNA information from living relatives can be matched to the DNA found in mortal remains. For a DNA match to be made, at the very least one family member must provide a genetic reference sample but the more genetic reference samples that are available, the higher the chance of making a match.

Q: What will the genetic reference sample be used for?

A: With the consent of the family member, the sample that he or she provides to ICMP will only be used to assist with the identification process. In addition, personal genetic information might also be used for court purposes in criminal proceedings such as war crimes trials, but only if a family member also specifically consents to that use.

Q: Who should provide a genetic reference sample?

A: If you report a missing person to ICMP you will be asked questions about your family's relationships to the missing person. ICMP staff will then recommend the people in your family who should provide a reference sample. Please see the chart below.



Q: What is a DNA Match?

A: This is the term used when a DNA profile obtained from mortal remains is found to be consistent with the DNA profiles from genetic reference samples. This gives a very high level of certainty that the mortal remains are related to the family

Q: How are DNA Matches obtained?

A: ICMP conducts DNA matching of missing persons on a very large scale. DNA profiles from all genetic reference samples, representing tens of thousands of missing persons, are entered into a computer database. DNA profiles obtained from mortal remains are then compared to every one of the genetic reference samples. DNA matches are found based on shared patterns of DNA that show there is a family relationship.

Q: How many genetic reference samples are needed to make a DNA match?

A: This depends on how closely related the family members are to the missing person, and on the DNA characteristics of the family in question. Sometimes a single parent or child is enough, but usually two or more close relatives are needed. Parents, children, and siblings of the missing person are the most useful, but more distant relatives may also be helpful. ICMP staff will help to explain which family members might help to identify the missing person if they give a genetic reference sample.

Q: Should the spouse of a missing person provide a reference sample?

A: If there is a child of the missing person available to give a genetic reference sample, then the mother or father of that child is very useful as a reference.

Q: How are genetic reference samples provided?

A: DNA can be obtained by ICMP from blood samples or samples taken from the inside of the mouth with a cotton swab. ICMP uses a simple kit that uses buccal swabs or a small needle to prick a finger so that small droplets of blood can be collected.

Q: How do I know that enough reference samples have been provided to permit identification of my missing family member?

A: You can consult ICMP's Online Inquiry Center at www.icmp.int/fdmsweb/index and enter the name of the missing person to find out if enough samples have been provided. The information is up to date, however, remember that a DNA match can only be made if the remains of the missing person have been found and a DNA profile successfully extracted from them.

Q: Does DNA identify missing persons with certainty?

A: The minimum level of certainty of a DNA match that ICMP will accept is 99.95%; however, in most cases, the level of certainty is much higher.

Q: What if I have multiple relatives missing?

A: Your sample can help identify all of them depending on your family relationship to them. However, if multiple siblings are missing, DNA may not be able to tell which sibling is which, unless the missing persons had children who also gave genetic reference samples. If not, then experts will examine the mortal remains to look for evidence of the person's age or height when they died as well as unique features on bones and or teeth and other identifying features such as medical interventions.

Q: When does DNA analysis not work?

A: Various environmental conditions can break down the DNA contained in mortal remains. Sometimes this destroys all the DNA in the bones and a profile cannot be obtained.

If DNA cannot be obtained from the human remains or if no family references are available, it is possible that some cases can be identified based on a combination of such things as circumstantial evidence, clothing and personal effects, and distinctive anthropological or medical characteristics. However, many of these forms of evidence are error prone and not scientifically objective, so they must be used very cautiously and only when the combined evidence can be seen to be certain.

Q: Can a person be identified when ICMP does not have sufficient reference samples?

A: Sometimes useful DNA evidence can be obtained even when there are insufficient reference samples to make a full DNA match. If a single sibling is available as a reference, for example, it could be that the DNA results show a strong likelihood of relationship even if the 99.95% surety of a DNA match is not reached. ICMP has a method for communicating such possible DNA relationships to the authorities responsible for the identification. If the DNA information is consistent with other evidence in the case, a combination of the DNA evidence and non-DNA evidence can be used to complete the identification.

Even if there are not sufficient reference samples provided by living relatives, sometimes missing persons can be identified based on the DNA profiles of their relatives who were also missing and have been identified by DNA. For example, if a mother and sister provide reference samples, their husband/brother can be identified. His DNA profile could then be used to identify his missing son.

Q: Why are some mortal remains sampled multiple times for DNA testing?

A: In cases where there is not enough DNA in the first bone sample, taking another sample can sometimes be successful. ICMP and the court appointed medical expert in charge of the case will try many combinations to maximize the chances of success.

Q: Can DNA information as processed by ICMP tell anything about the ethnic affiliation of a person?

A: DNA information processed by ICMP for human identification purposes does not provide an indication of ethnic affiliation, nor does it reveal age, height, hair color, skin color, eye color or even medical conditions. This is not to say that DNA information generally cannot provide such data today or at some future time. For this reason, ICMP applies strict data protection standards, including rules on how long and in what form DNA information can be kept by ICMP.

Q: Will ICMP share my genetic information with any other parties?

A: ICMP will only use your genetic information for the purposes you have specified and will not share it with any third party without your express consent.

Q: How does ICMP protect genetic information?

A: ICMP considers the genetic profiles of missing persons and their families to be sensitive personal information. This data is stored in secure databases, and many precautions are taken to ensure proper data protection. ICMP benefits from diplomatic privileges and immunities, which protect sensitive personal information in ICMP's possession against seizures, subpoenas and any other legal process. ICMP also retains genetic data and genetic reference samples no longer than is necessary for achieving the purposes for which they were provided. For detailed information please consult ICMP's data protection and retention policies. See: <http://www.icmp.int/?resources=policy-on-personal-data-processing-and-protection>

Q: I gave a genetic reference sample years ago: why is there no DNA match?

A: A DNA match can only be obtained if ICMP has a sufficient number of DNA profiles from genetic reference samples and a corresponding DNA profile which it has isolated from postmortem samples (tooth or bone). If ICMP has sufficient genetic reference samples in order to be able to match a DNA profile from tooth or bone, and there is no match, this means that ICMP has either been unable to obtain a profile from the post mortem samples or it has not received a postmortem sample from the human remains of the missing person being searched for.

Q: I gave a genetic reference sample already; do I need to provide an additional sample?

A: There is no need for an additional sample from any family member who has already given a genetic reference sample, though it may be helpful to check the ICMP Online Inquiry Center to confirm that a sufficient number of genetic reference samples have been provided.

Q: Will my missing relative be identified if I provide a genetic reference sample?

A: A DNA identification can only happen if: 1) a DNA profile can be obtained from a postmortem sample, that is, a sample of tooth or bone, and 2) there are sufficient DNA references which have been provided by surviving family members.

6. Civil Society and Memorialization

Q: What are Family Associations?

A: Family Associations are non-governmental civil society organizations that gather and represent the interests of families of the missing. They are informal support networks of affected individuals. They often lobby the authorities to fulfill their obligations to investigate missing persons cases, to locate clandestine gravesites, and to recover and identify the missing. Many are also involved in memorialization activities.

Q: Which Family Associations of missing persons are actively engaged in supporting families of missing persons and representing their interests?

A: Several associations of families of missing persons are actively involved in lobbying the authorities to keep the issue high on the agenda so that clandestine gravesites are located and excavated, and human remains recovered and identified. A list of associations of families of missing persons in both Serbia and Kosovo can be found at the end of the Guide.

Q: What is memorialization?

A: Memorialization includes physical and virtual memorials, commemorations and days of remembrance that seek to pay tribute to victims, including missing persons, while encouraging societal debate on dealing with legacies of the past, impunity and accountability.

Q: Who is involved in memorialization of victims of the Kosovo conflict?

A: Family Associations of missing persons are actively engaged in memorializing missing persons. In addition, NGOs such as the Youth Initiative for Human Rights and the Regional Coordination of Associations of Families of Missing Persons from the former Yugoslavia are particularly active in memorializing the missing on the International Day of the Disappeared each year on 30 August.

Q: Can I mark/raise memorials at the location from which the mortal remains of my missing relative/s were recovered?

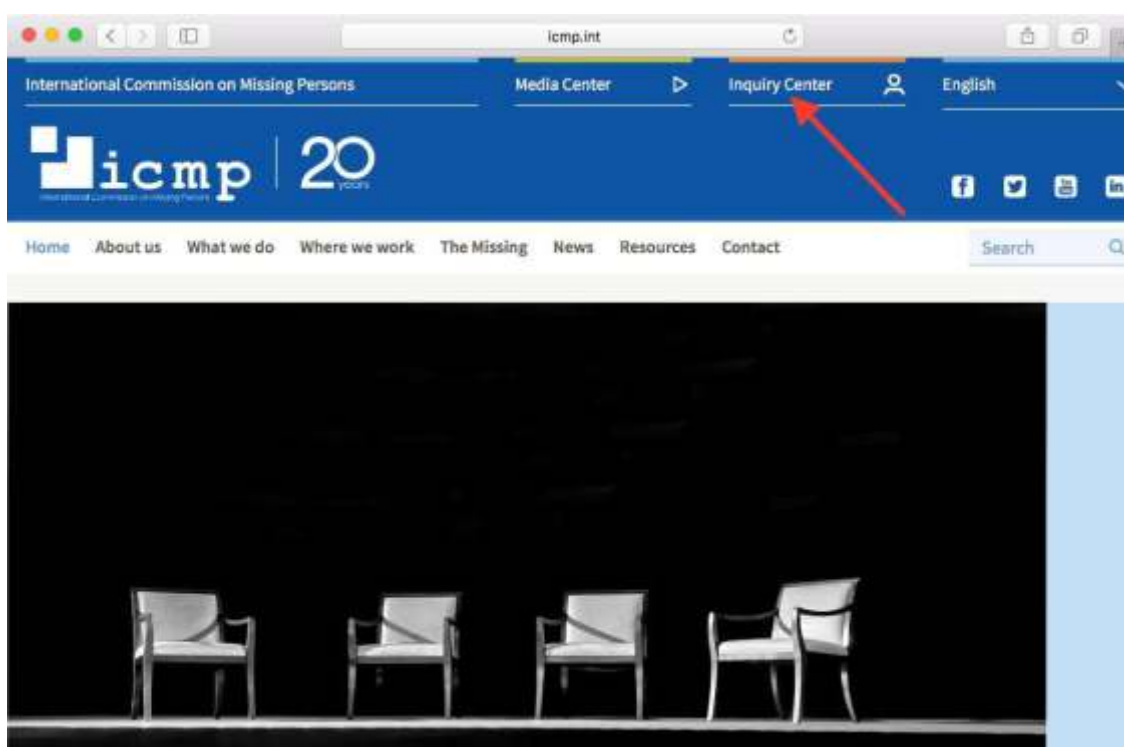
A: Yes, you can mark and raise memorials based on the Law on Missing Persons in Kosovo. The Kosovo Commission coordinates activities with international and local institutions and other stakeholders relating to construction of monuments and other initiatives that honor missing persons.

7. Instructions on the use of ICMP's OIC

ICMP's Online Inquiry Center (OIC) is a tool to provide information or obtain information about a missing person. It is an online resource that can be accessed by families of the missing and others. Developed on the basis of ICMP's long-standing [record of helping governments](#), families of the missing and others, the OIC is a place where concrete and usable information is collected and stored so that it can be utilized when it is needed in the search for missing persons.

ICMP will only share this information with others if you agree. Personal data will be treated as confidential and used only for purposes for which it was provided. For further information, please see [ICMP's data protection policy](#).

To access the OIC, go to ICMP's webpage and click here.



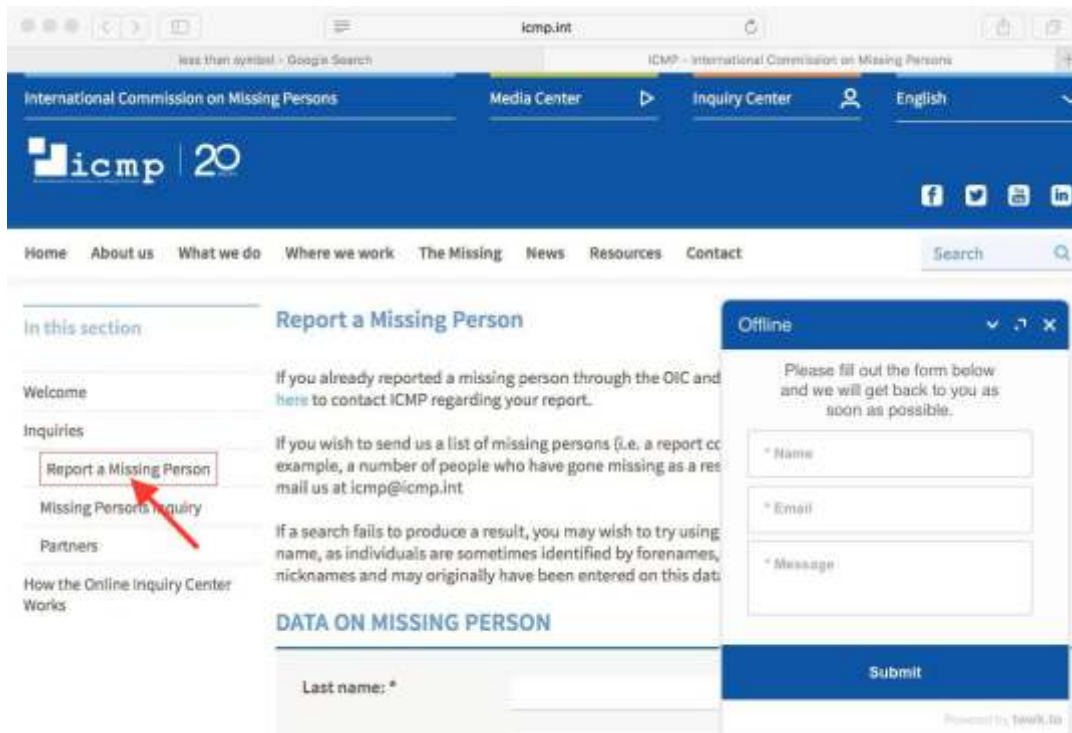
Inquiries

In the [Inquiries](#) section you can do three different things:

1. You can submit a missing person report by providing details, for example, name, date of birth, place where the missing person was last seen;
2. You can submit additional information about a missing person who is already registered in the OIC; and
3. You can check the status of a missing persons case to see if your missing relative have been DNA matched.

Q: What should I do if I want to report a missing person using the OIC?

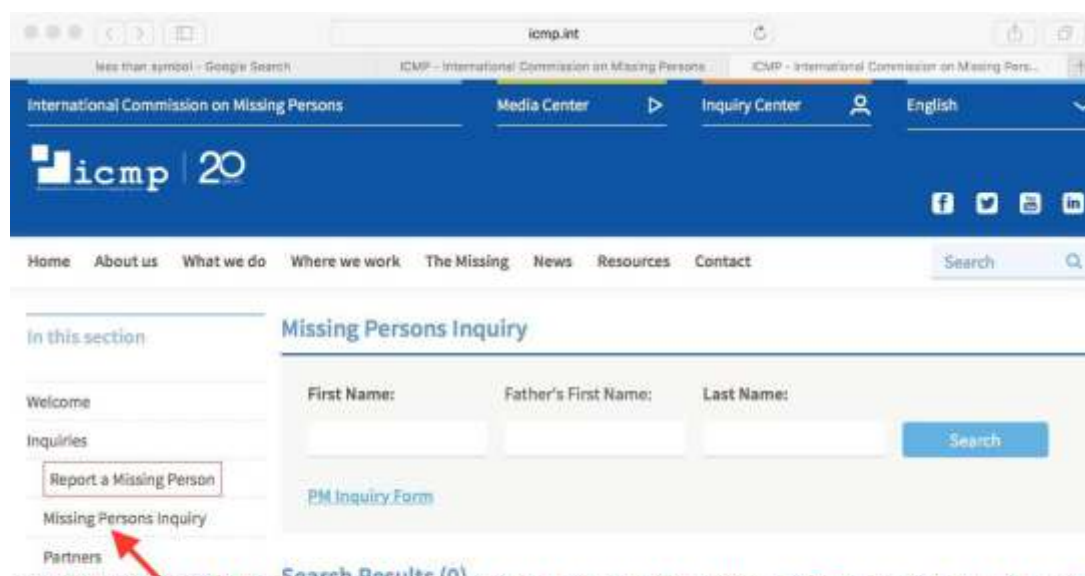
A: If you want to report a missing person, please click here.



You will be asked to provide basic information about the missing person, the circumstance of disappearance, and whether you agree to share this information with other relevant international and national agencies. Please see ICMP's policy on personal data processing and protection for detailed information on how personal data is processed and protected by ICMP in Annex I.

Q: How do I check the status of a missing person who is registered in the OIC?

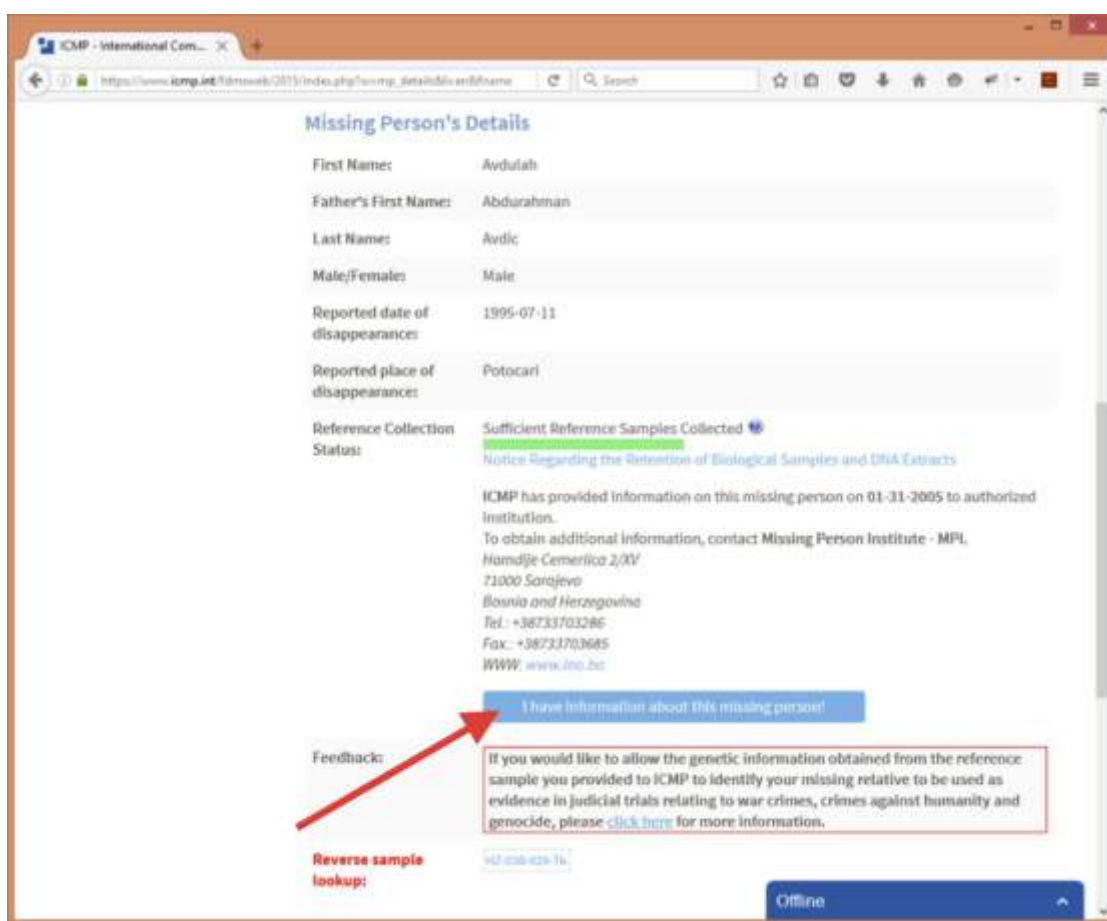
A: If you want to inquire about the status of a missing persons case click here.



You will be asked to enter the name of the missing person. Since different people may have identical or similar names, you will be asked to include the name of the missing person's father, if available. This will make the search more specific. If your inquiry fails to produce a result, you should consider the possibility that the person has been reported under a different name or that his or her name has been spelled differently.

Q: What should I do if I want to provide additional information about a missing persons case that is already registered in the OIC?

A: If you wish to provide additional information regarding a missing person, please click here



You will first need to inquire about the missing person and then provide the additional information.

Relatives of a missing person can help in the search for persons already reported to ICMP as missing, by providing additional information. Basic information about the missing person – name, physical description and so on – may help to locate and identify that person. In addition, where a mass DNA program has been launched in order to identify missing persons, contact details of family members of the missing are invaluable in order to request reference samples for DNA identification.

Q: What should I do if I want to provide additional information about a missing persons case that is already registered in the OIC?

Annex I: ICMP POLICY ON PERSONAL DATA PROCESSING AND PROTECTION

1. Definitions

BIOLOGICAL SAMPLE refers to any sample of biological material (for example blood and bone cells) in which nucleic acids are present and which contains the characteristic genetic make-up of a data subject.

CONSENT refers to the informed and free affirmation of the wish of a data subject to allow his or her personal data to be used for the specific purpose for which data is intended according to information provided at the time the personal data is given.

COLLECTING DATA refers to asking a data subject to provide personal data and recording such data.

DATA PROCESSING refers to any operation or set of operations to which personal data is subjected, including data collection or receiving data, registration, recording, storing, arrangement, transformation, utilization, transfer, transmission and dissemination, “freezing” or deletion.

DATA PROCESSING SYSTEM refers to a structured body of personal data records, and data management tools that permit data processing, including storage, access and analysis of the data records.

DATA RECIPIENT refers to a natural or a legal person to whom personal data is disclosed or provided.

DATA SUBJECT refers to a natural person who may be directly or indirectly identified by personal data.

MEMBER OF STAFF refers to anyone who holds a full or part-time office for wages, salary, or other remuneration with ICMP, as well as interns.

PERSONAL DATA refers to any information relating to a natural person.

RECORD refers to any document, correspondence, original paper, map, drawing, chart, index, plan, memoranda, sound recordings, microfilm, motion-picture or other photographic records or materials in the possession or under the control of ICMP including electronic or computer generated records, databases and data processing systems for defining, creating, manipulating, controlling, managing, and using databases and the system that controls the creation, organization, and modification of a database and access to the data stored within it.

SENSITIVE PERSONAL DATA refers to personal data that indicate race, ethnic origin, religious, philosophical or political convictions of a data subject, or the health or sexual life of a data subject, as well as data on the characteristic genetic make-up of a data subject, or data relative to criminal prosecution and convictions.

THIRD PARTY refers to anyone, including legal persons, other than data subjects and ICMP.

2. Applicability

1. This Policy applies to members of ICMP staff and others specifically referred to hereunder.
2. Biological samples and data derived from such samples shall be regarded as sensitive personal data.

3. Policy

3.1. It is ICMP policy to protect personal data from unauthorized processing.

3.2. Personal data, other than sensitive personal data, may be processed, provided such processing is mandated by ICMP's purposes and functions, there are no contrary stipulations under agreements or other binding commitments that ICMP has undertaken in the exercise of its purposes and functions, and at least one of the following conditions is met:

- a) The data subject concerned has given his or her express or implied consent;
- b) The data processing conforms to a substantial public interest, is not excessive in relation to purpose for which it is performed, and respects the rights of data subjects concerned;
- c) Data processing is necessary for the needs of scientific or statistical research and respects the rights of data subjects concerned, including the right to privacy;
- d) The data is in the public domain.

3.3. Processing sensitive personal data is permitted under the conditions set forth in paragraph 2 of this section, if at least one of the following conditions is met:

- a) The data subject has provided his or her informed, free and express consent for the processing of his or her sensitive personal data. In lieu of expressing consent in writing, a data subject may provide a fingerprint to a Reference Donor Statement (ICMP.FSD.18.doc) and DNA Genetic Testing and Processing Information Sheet (ICMP.FSD.DNA.299.doc) read to the data subject and signed by a witness;
- b) The processing is necessary to avert an imminent threat to the life or health of the data subject or another person, and the data subject is not legally or physically able to express consent;
- c) The processing is necessary as part of scientific or statistical research performed by ICMP, or the validation of such research or its outcomes, provided the processing dissociates (i.e. anonymizes) the sensitive personal data from other personal data that would permit identifying the data subject concerned;
- d) The processing is applied to sensitive personal data, which at the time of processing is not associated to, and cannot be associated with, other personal data identifying the data subject concerned, directly or indirectly;
- e) Where consent may be replaced by legal proceedings under law, such as by order of a Court of Law, ICMP may accept such proceedings in lieu of consent by the data subject concerned, provided ICMP can reliably ascertain that such proceedings conform to a substantial public interest, that the processing of data is not excessive in relation to purpose for which it is to be performed, and that such legal proceedings and the processing of data are commensurate with the rights of data subjects.

3.4 When receiving data from a data subject, the data subject shall be provided with the address and other coordinates of the recipients, as well as information on the purpose for the data processing. The data subject shall also be given information on his or her right to gain access to, to amend and to withdraw personal data.

1. Data shall be processed in a manner that ensures that personal data is accurate, updated, rectified or erased in a timely manner. Data processing shall be performed solely on a need-to-know basis and provide for commensurate confidentiality levels.
2. Personal data, including sensitive personal data, provided to ICMP not by data subjects concerned by such data, but by a third party may be accepted and processed by ICMP, provided the following conditions are met:
 - a) The third party is mandated under public law, whether domestic or international, to process the personal data concerned;
 - b) The third party and ICMP have concluded an instrument constituting an agreement between them providing for appropriate measures to ensure the effective application of the provisions of this policy;
 - c) In the event that the third party is, or considers itself, legally precluded from implementing the provisions of this policy, the third party shall undertake measures as necessary to assign the implementation of the provisions concerned to ICMP or another entity that is prepared to implement these provisions.
3. Any transfer of records containing personal data by ICMP shall be conducted in a manner protecting the integrity of the data. In particular, electronic transfer of personal data shall employ adequate protective encryption or similar measures and shall respect the provisions of this policy, in particular paragraph 5 above.

3.8 Personal data shall at all times be treated as confidential and shall be processed in accordance with the ICMP Policy on Confidentiality (ICMP.POL.FSD.05.doc). Strict confidentiality shall at all times apply to sensitive personal data.

1. Disciplinary measure in line with the Personnel Policies for ICMP Staff Members (ICMP.POL.AF.14.doc) applies to violations of this policy.

Annex II: Directory

Regional Offices and contact details of the officials in charge of applications for the family pensions for missing persons

Regional Office in Mitrovicë/Mitrovica

Contact Person: Mr. Zenel Hajdari
Address: Building of the Pensions and Social Centre
Str; “Afrim Zhitia”, n.n.
Phone: 028 537195
Mitrovica/Mitrovicë

Regional Office in Pejë/Peć

Contact Person: Mr. Emrush Aliqkaj
Address: Building of the Department for the Families of Heroes and Disabled Veterans,
Phone: 039 423550
Pejë/Peć

Regional Office in Gjakovë/Đakovica

Contact Person: Mr. Beqir Zeneli
Address: Pensions Building III Floor, Office nr. 18, Str. “Beqir Kastrati”,
Phone: 0390 328005
Gjakovë/Đakovica

Regional Office in Prizren/Prizren

Contact Person: Mr. Enver Musaj
Address: Building of the Families of the Heroes and Disabled Veterans (DFHI) II Floor, Office nr. 6
Str. “Remzi Ademi” n.n
Phone: 029 232837
Prizren/Prizren

Regional Office in Ferizaj/Uroševac

Contact Person: Mr. Isa Syla
Address: Building of the Department for the Families of Heroes, Disabled Veterans and Social cases
Str. “Vëllezërit Gërvalla” n.n.
Phone: 0290 324611
Ferizaj/Uroševac

Regional Office in Gjilan/Gnjilane

Contact Person: Mr. Xhevdet Mehmeti
Address: Building of the Department for the Families of Heroes, Disabled Veterans, Missing and Abused Persons,
Str: “Fehmi Lladrovci” n.n
Phone: 0280 323-142
Gjilan/Gnjilane

FREE LEGAL AID

Kosovo Agency for Free Legal Aid

Main Office of the Agency for Free Legal Aid (AFLA)

Address: Str. “Zenel Salihu” nr.30;

Phone: 038 200 18 942

<http://www.knj-rks.org/index.php?lang=sq>

10 000 Prishtinë/Pristina

www.knj-rks.org/index.php?lang=sq

Regional Offices for Free Legal Aid (ROFLA)

ROFLA Prishtinë/Pristina:

Address: Str. “Zenel Salihu” nr.30;

Phone: 038 200 18 945

ROFLA Prizren/Prizren:

Address: Str. “Marin Barleti” nr.11 ;

Phone: 029 230 554

ROFLA Pejë/Peć

Address: Str. “Bukureshës” nr.8;

Phone: 039 423 698

ROFLA Mitrovicë/Mitrovica

Address: Str. “Vëllëzrit Dragaj” nr.16;

Phone: 028 534 477

ROFLA Gjilan/Gnjilane

Address: Str. “Mulla Idrizi” nr. 41

Phone: 0280 321 134

ROFLA Ferizaj/Uroševac

Address: Str. “Dëshmorët e Kombit” kati I II-të

Phone: 0290 323 406

ROFLA Graçanicë/Gračanica

Address: Str. “Glavna” n.n.

Phone: 038 725 805

ROFLA Dragash/Dragaš

Address: Str. “Dëshmorëve” nr. 480, Shtëpia e Kulturës-kati III

Phone: 029 281 998

ROFLA Gjakovë/Djakovica

Address: Str. “UÇK”- Bankos Building, II floor nr.8

Phone: 0390 320 270

ROFLA Mitrovicë/Mitrovica

Address: Kosovo Police Building
Phone: 045 448 591

ROFLA Skënderaj/Srbica

Address: Str. “Osman Geci” Kosovo Red Cross Building
Phone: 028 582 930

ROFLA Klinë/Klina

Address: Str. “Lidhja e Prizrenit” n.n., “Mujë Krasniqi” square, IV floor;
Phone: 039/470 850

ROFLA Kllokot/Klokot: Str. “Bajë e vjetër”, n.n.

NGO’s OFFERING FREE LEGAL AID

LAWYERS’ ASSOCIATION NORMA

Address: Rr. "Afrim Vitia" 3/1
10000 Prishtinë/Priština, Kosovo
E-mail: info@norma-ks.org
<http://www.norma-ks.org/?page=2,4>

NGO CENTER FOR LEGAL AID AND REGIONAL DEVELOPMENT - CLARD

Address: Str. Fazli Grajqevci, No. 7,
10000 Prishtinë/Priština, Kosovo
Phone: +381 (0) 38 223 759
E-mail: clardkosovo@gmail.com

CLARD Regional Offices for Free Legal Aid

Legal Clinic Gjilan/Gnjilane

Address: Str. Idriz Seferi, Premises of the office of the Municipal Election Commission in the Building of the Municipality

Every Monday from 11:00 to 13:00

Legal Clinic Klinë/Klina

Address: Str. Mother Teresa str. Premises of the Municipality Building, Office number 16 ground floor

Every Tuesday from 11:00 to 13:00

Legal Clinic Skënderaj/Srbica

Address: Str. Ali Gashi, Premises of Centre for Social Work

Every Monday from 12:00 to 14:00

Legal Clinic Malishevë/Mališevo

Address: Premises of the Municipal Employment Office
Transit Street
Every Thursday from 12:00 to 14:00

Legal Clinic Vushtrri/Vučitrn

Address: Premises of Centre for Social Work
Every Friday from 12:00 to 14:00

Legal Clinic Graçanicë/Gračanica

Address: Laplje Selo/Llapllasellë, Premises of Centre for Social Work
Every Tuesday from 11:00 to 13:00

Legal Clinic Prishtinë/Priština

Address: Str. Fazli Grajqevci No. 7, Opposite the Red Cross.
Every working day from 09:00 to 15:00

Legal Clinic Ferizaj/Uroševac

Address: Premises of Center for Social Work
Every Wednesday from 11:00 to 13:00

Legal Clinic Glllogoc/Glogovac

Address: Premises of Center for Social Work
Every Tuesday from 11:00 to 13:00

Legal Clinic Fushë Kosovë/Kosovo Polje

Address: Premises of NGO Health for All
Every last Friday of the month from 11:00 to 13:00

Legal Clinic Shtërpçë/Štrpce

Address: Premises of Municipality
Every second Friday from 11:00 to 13:00
www.clardkosovo.org

Kosovo Commission on Missing Persons

SECRETARIAT

Address: Government Building, Mother Theresa str. Nr. 14
Phone: 0800 08 401, +381/38 200 14672
E-mail: njesia.kqpzh@rks-gov.net
10 000 Prishtinë/Pristina

Municipal Officials in charge of missing persons issue

Municipality of Junik/Junik

Contact Person: Muhamet Gacaferi
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Municipality of Mitrovicë/Mitrovica

Contact Person: Murat Isufi
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Municipality of Skënderaj/Srbica

Contact Person: Feriz Rexhepi
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Municipality of Suharekë/Suva Reka

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Municipality of Istog/Istok

Contact Person: Skender Hasangjekaj
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Municipality of Kamenicë/Kamenica

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Municipality of Kaçanik/Kaçanik

Contact Person: Hafide Kuka
Phone: +377(0)45 248 687
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Municipality of Deçan/Deçane

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Municipality of Rahovec/Orahovac

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Municipality of Fushë Kosovë/Kosovo Polje

Contact Person: Lindita Dervisholli
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Municipality of Novobërdë/Novobrdë

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Municipality of Ferizaj/Uroševac

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Municipality of Lipjan/Lipljane

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Municipality of Glogoc/Glogovac

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Municipality of Pejë/Peć

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Municipality of Prishtina/Priština

Contact Person: Premtime Preniqi
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Municipality of Mamush/Mamuša

Contact Person: Ajet Sadiku
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Municipality of Prizren/Prizren

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Municipality of Hani i Elezit/Đeneral Janković

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Municipality of Shtime/Štimlje

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Municipality of Shtërpçë/Štrpce

Contact Person: Tihomit Durlevic
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Institute of Forensic Medicine (IFM)

Address: Skopje Highway (University Clinical Center Compound)
Phone: +381 38 200 18 558
10 000 Prishtinë/Pristina

EULEX

EULEX Kosovo Headquarters
Address: St. Muharrem Fejza,
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10000 Prishtina/Priština, Kosovo
Phone: +381 (0) 38 78 2000
E-mail: info@eulex-kosovo.eu

Kosovo Special Prosecutors Office

Address: Kosovo Special Prosecutors Office, Str. Fehmi Agani nn. PTC Building, Prishtinë/Pristina
Administrator: Faton Mecinaj Tel: 038/200 18 906
Email: faton.mcinaj@rks-psh.org
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Government Commission on Missing Persons of Republic of Serbia

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ICRC Mission in Kosovo

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ICRC Delegation in Serbia

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Red Cross of Kosovo

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Kosovo
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RCKM

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Red Cross of Serbia

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11000 Belgrade, Serbia
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Fax: +381 11 263 43 48
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Family Associations of Missing Persons

Kosovo Coordination Council of the Family Associations of Missing Persons

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FA Hope

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FA 27th of April 1999 Meje

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FA Office for Detainees and Missing Persons

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FA Hope and Memory

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FA Association for Missing Persons in Kosovo

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FA "Krusha e Madhe"

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FA Beam of Hope

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FA Memory

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FA "Përkor"

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FA Association of Prisoners and Missing

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FA "Anxiety" Kamenica

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FA Mothers' Tears

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FA War Martyrs

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FA Mother's appeal

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FA "26 Mars 1999" Krusha e Vogel

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FA Association of Kidnapped and Missing Persons in Kosovo – Gracanica)

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An EU funded project managed
by the European Union Office in Kosovo



Implemented by the International Commission
on Missing Persons