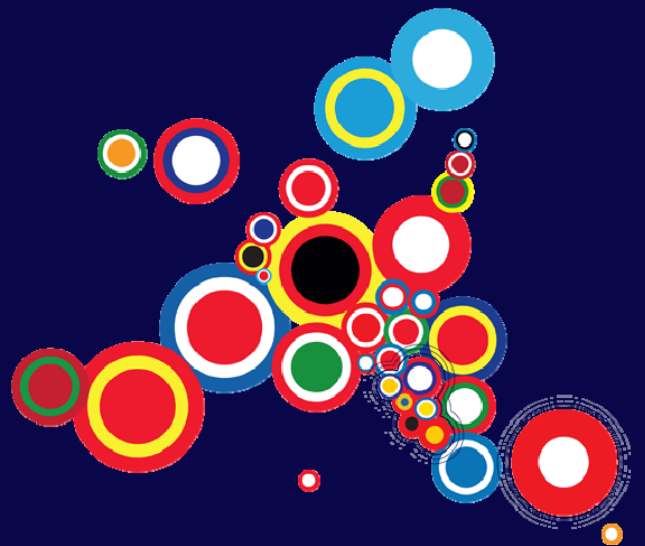




INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

BOSNIA AND HERZEGOVINA

Assistance to BiH to address
the issue of missing persons



Action summary

The overall objective of the Action is to maintain support for Bosnia and Herzegovina's (BiH) effort to address the issue of persons missing as a result of the conflicts of the 1990s. The Action will strengthen the country's forensic capacity (among other things by strengthening legal medicine in BiH), by continuing to provide technical support for locating and excavating clandestine graves; by maintaining access to DNA testing and matching; and by working with domestic stakeholders to complete the review of unidentified remains in mortuaries throughout BiH through a systematic process involving additional blood collection from relatives of the missing in order to identify "NN" (unidentified bodies) cases in mortuary facilities in BiH, raising the identification rate and significantly reducing the number of unidentified remains currently in storage.

The Action is beneficial to the beneficiary as it will allow it to continue providing forensic expertise in accounting for the missing. The benefits to the EU lie in the fact that the Action will help the country deal with its painful past and will contribute to justice, accountability and the rule of law. Furthermore, it will diminish possibilities for political manipulation of the numbers of missing and will contribute to the Assistance to Justice Processes – both local (State Court of BiH) and the International Criminal Tribunal for the former Yugoslavia (ICTY).

Action Identification			
Action Programme Title	Annual Action Programme for Bosnia and Herzegovina for the year 2016		
Action Title	Assistance to BiH to address the issue of missing persons as a result of the conflicts of the 1990s		
Action ID	IPA 2016/039-653.6/Bosnia and Herzegovina/Missing persons		
Sector Information			
IPA II Sector	Rule of Law and Fundamental Rights		
DAC Sector	43082 - Research/scientific institutions		
Budget			
Total cost	EUR 7 400 000 [The 'total' amount includes other donors' potential contributions].		
EU contribution	EUR 3 000 000 (41% of total cost)		
Budget line(s)	22.020101		
Management and Implementation			
Management mode	Direct management		
<i>Direct management:</i> EU Delegation	EU Delegation to Bosnia and Herzegovina		
Location			
Zone benefiting from the action	Bosnia and Herzegovina		
Timeline			
Final date for concluding Financing Agreement(s) with IPA II beneficiary	At the latest by 31 December 2017		
Final date for concluding procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 189(2) of the Financial Regulation		
Final date for operational implementation	6 years following the conclusion of the Financing Agreement		
Final date for implementing the Financing Agreement (date by which this programme should be de-committed and closed)	12 years following the conclusion of the Financing Agreement		
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	x
Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	x	<input type="checkbox"/>
Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>

Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

The International Commission on Missing Persons (ICMP) has 20 years of experience in assisting governments to locate, recover and identify missing persons following armed conflict and violations of human rights. It is the only international organization tasked exclusively to work on the issue of missing persons and as such it has helped governments to build rule-of-law institutions that successfully and impartially search for and identify missing persons. The ICMP has also helped governments to develop legislation to allow families of the missing to assert their rights. The ICMP is perhaps best known for its pioneering use of modern DNA techniques to identify almost 20 000 persons who have gone missing from different locations around the world. The ICMP has developed a forensic data processing system to track and record information on all aspects of the missing person's process. The ICMP also works with civil society organizations, particularly associations of families of the missing, so that they become active participants in the process of clarifying the fate of their loved ones. The majority of people searching for answers regarding their missing relatives are women looking for their husbands and children, or children looking for their fathers. This may be illustrated by the cases of Srebrenica (8 100 missing of whom over 96% are male); and Sanski Most/Prijedor (3 200 missing of whom over 62% are male). As the ICMP supports efforts to strengthen associations of families of missing persons, many of whose leaders and members are women, it is also contributing to empowerment of these individuals.

To date, in the Western Balkans the ICMP has assisted the governments in accounting for over 28 000 (or over 70%) of 40 000 who went missing. In BiH alone, of the approximately 30 000 who went missing, two-thirds have been accounted for.

Although BiH is the specific target of this Action, it is important to remember the regional dimension of the conflict, with tens of thousands of relatives of missing persons now living in neighbouring states and with many of those who died having been buried in neighbouring states.

The difficulty of finding persons missing from the conflict is a challenge. Those who disappeared are often missing as a consequence of actions of governments or institutions acting on a government's behalf often in an attempt to eradicate communities based on their national identity. The attempts systematically to hide the mortal remains of persons who were forcibly disappeared and then killed were elaborate and extensive. Over the years, the ICMP has assisted in uncovering over 3 000 mass graves hidden under marked graves in cemeteries in the heart of Sarajevo, in wells, and in caves where heaps of garbage, rubble and even animal carcasses were thrown on top to hide the evidence. Victims have also been found in remote fields surrounded by landmines and Unexploded ordnances (UXO), on mountain tops, in ravines, after being thrown over cliffs, or under the houses and in the backyards of refugees returning to their homes. They have also been found in football fields and abandoned factories and warehouses. An example of the most recent complex mass grave at which the ICMP assisted the Missing Persons Institute (MPI) and local authorities is the Kozluk grave on the banks of the Drina, where bodies related to Srebrenica 1995 were uncovered in December 2015.

The most difficult cases at which the ICMP has assisted over the years relate to persons missing after the fall of Srebrenica in 1995. The bodies of these missing were dispersed from primary graves to secondary or tertiary locations by the perpetrators aiming to conceal the evidence. Today, the ICMP estimates that about 1 000 persons are still unaccounted for from the Srebrenica event.

The requested funds will allow the ICMP to continue to help BiH to account for as many as possible of those who are still unaccounted for, and to strengthen domestic institutions that will ensure the long-term sustainability of the process. The Action will be implemented through the years 2017-2019. Activities envisaged under this programme will have a positive impact on establishing the truth about the conflict and

reinforcing recovery and reconciliation. These activities represent the continuation of a long-term effort that is delivering results. It is therefore essential that the effort is maintained, so that the original objectives can finally be reached.

ICMP's long-term goal in the region has been to ensure the responsibility of states in accounting for missing persons from the conflicts, by building institutions, creating legislation, and providing technical assistance in locating and identifying missing persons. In 2013, when the ICMP proposed its *Assistance and Exit Strategy: Western Balkans Program, January 2014 - December 2016*, it expected to conclude its active engagement in the Western Balkans at the end of 2016. ICMP's disengagement from the Western Balkans was predicated on the establishment of a sustainable process of accounting by national authorities for persons missing as a result of the conflicts of the 1990s, and the ability to provide continued access to ICMP's DNA testing and matching facilities, based on ICMP's reference sample database of more than 90 000 reference samples provided by families of the missing from the Western Balkans.

A sustainable process of accounting by national authorities for persons missing as a result of the conflicts of the 1990s has not been established, however, in large part because of adverse political conditions especially in BiH. The ICMP has concluded that ending its active engagement at the end of 2016 would jeopardize the effort to account for the remaining 12 000 missing, to the extent that the process would come to a halt.

In BiH, where some 8 000 persons are still missing, the political environment is negatively impacting the process of accounting for the missing. BiH State institutions, including the MPI, the Prosecutor's Office of BiH (PO BiH) and the Court of BiH, have been the targets of sustained political attack. The Council of Ministers (CoM) of BiH has not taken steps to assume full managerial responsibility of the MPI fearing that with the departure of ICMP, the MPI will be further weakened and susceptible to political pressure. At the Entity level, there has been resistance to streamlining the MPI's functions, and this has undermined efforts to ensure a sustainable process and to support the institutions that will carry this process forward. The Law on Missing Persons of BiH is yet to be fully implemented. The Fund for the Families of the Missing has not been established and the verification of the CEN (central records) is not yet complete.

At the same time, however, in BiH, the missing person's process has been substantially reinvigorated as a result of:

- i. The enhancement of the policy dialogue on the issue of missing persons with the BiH authorities, namely the Council of Ministers, the Ministry of Human Rights and Refugees (MHRR), and the Joint Committee on Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum and Ethics of the Parliamentary Assembly of BiH;
- ii. Enhanced interagency cooperation and information pooling to locate clandestine gravesites in BiH (State Investigation and Protection Agency (SIPA), PO BiH, MPI, ICTY, ICMP); and
- iii. The substantial implementation of the NN Working Group (NNWG) process, that is, the review of an estimated 3 000 cases of unidentified remains that are stored in mortuary facilities across BiH under the jurisdiction of various prosecutors' offices with the assistance of the ICMP. Importantly, the NNWG process findings have fed into dialogue with the MPI, and the PO BiH, Republic Prosecutor's Office of Republika Srpska, Federal Prosecutor's Office of the Federation of BiH and Brčko District Prosecutor's Office of BiH and with associations of families of missing persons on how the issue of misidentifications made prior to the introduction of DNA technology can be addressed through a win-win approach based on the collection of additional reference samples from family members who previously identified a missing relative(s) by traditional methods of presumptive identification.

OUTLINE OF IPA II ASSISTANCE

The project will result in an inventory of NN cases in BiH, as well as recommendations to relevant prosecutor's offices for further case work which enable the closure of NN cases. The NN Working Group

process will reduce the number of NN cases stored in mortuary facilities through either the identification, or re-association, of cases with already identified cases, or determination of non-conflict status of a case which can thus be closed as per guidelines from the PO BiH. Reduction in the number of NN cases through the NN Working Group Process will provide closure for families of missing persons who are still seeking answers about their missing relatives. It will reduce the scope for politicization of the issue of missing persons and NN cases in particular. It will contribute to broader reconciliation processes in BiH. Finally, the closure of NN cases will lessen the financial burden on BiH in terms of budgetary allocations for storage of NN cases, which amounts to more than EUR 1 million per year.

Identification of complex missing persons' cases through modern scientific methods is critical to reducing the number of missing persons cases in BiH, which currently numbers around 8,000 cases. The identification of complex missing persons' cases not only provides closure for families of the missing, but also provides compelling evidence in war crimes cases before the ICTY and the State Court of BiH. It therefore contributes to justice and accountability and strengthening rule of law.

The project will result in an increase in the timely accessing of critical data as regards the DNA-matching of missing persons' cases by families of missing persons and the processing of post-mortem samples by court appointed pathologists and prosecutors. This will enhance transparency and thus reduce the scope for misinformation or politicization of the issue missing persons. It will also help expedite the legal identification of missing persons' cases, which have been DNA-matched by the ICMP.

The project will result in strengthening forensic capacity in BiH. By establishing a forensic medicine institute in the FBIH, and developing capacities of the existing institute in the RS and state level coordination mechanisms including infrastructure, trained professional capacity and equipment according to international standards and best practice, the project will strengthen capacities to solve the fate of persons missing from the conflict in BiH in the early 90's. From a macro level, by introducing modern forensic capacity to the criminal justice system of BiH, the project will strengthen the rule of law in BiH.

The primary and direct beneficiaries of ICMP's programme are the thousands of families of missing persons and BiH society at large. Thus, the role of civil society and family associations is critical in addressing the issue of missing persons through advocacy, education, data collection, and raising public awareness. Identifying the missing directly benefits the present population and future generations as it promotes a peaceful and cooperative methodology for dealing with the past. This contributes to restoring trust in public institutions and between various communities.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

The IPA II Indicative Strategy Paper foresees further support to the identification of missing persons (section 2.2): "Linked to the war's legacy, further efforts will be undertaken to continue the identification of missing persons and to strengthen the relevant actors in the process."

From the sector perspective, the project design incorporates appropriate Rule of Law considerations. It strengthens the role of the War Crimes Prosecutor in BiH, and is helping the International Criminal Tribunal for the former Yugoslavia (ICTY) in DNA identification. The project is relevant in reducing the pain of families and relatives of the missing thus affecting the pacification process in BiH. From an enlargement perspective, the project addressed the concern raised in the EC Country Report 2015 for BiH which pointed out that the unresolved fate of missing persons from the conflicts in the 1990's is still an issue of concern with approximately 8,000 persons still missing from the conflict.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

As regards financing of the Action, ICMP is mobilising a range of donor states including: the US, Norway, Sweden, Switzerland, the UK, Germany and Turkey. These donors have been long-term supporters of the ICMP. Average contributions from each donor are anticipated in the amount of around EUR 2.2 million over the three-year period of the project thereby securing the total budget.

Previous IPA programmes have been indispensable in the effort to account for the missing in BiH. In overall terms, since the start of ICMP's DNA-led identification process up to the end of March 2016, a total of 38 182 DNA matching reports were generated, representing 18 081 different individuals in the Western Balkans. Furthermore, as of March 2016, DNA match reports were issued for a total of **6 860** Srebrenica related missing individuals. Thus, an increased number of missing persons were given back their identities which consequently led to an increased number of missing persons' families achieving closure.

ICMP's activities also contribute to the International Community's response to the politically and socially sensitive question of missing persons, covering aspects from identifying victims to economic development.

The lessons learned in ICMP's work in the Western Balkans and in particular in BiH are numerous. Some of the key lessons learned would be:

1. Traditional identification methods are subject to very high rates of error even where mass graves have not been disturbed in an attempt to conceal evidence. DNA has proven to be the only means of accurate identification in the vast majority of cases that have been resolved, and the DNA-led approach has been shown to be uniquely cost effective in large-scale identification programmes.
2. Centralised process – In order to ensure acceptance of the process by the former warring sides and by the families of the missing ICMP's facilities were at one point spread around the country and the region. This was in the period before the acceptance of DNA. If the process was to be repeated in another context it would be better that facilities (with the exception of mortuary facilities) be centralised for efficiency.
3. Processing volume – The very high volume of case and reference sample submission in the first few years of operation led to an assumption that when a bone sample did not yield a match the likely reason was that the reference samples had not yet been received. It was only as volumes started to decrease that laboratory capacity enabled the re-examination of cases where there had not been a "match" generated. In 2009 a review of unmatched samples was undertaken and some samples reanalysed. The result was that matches were made and one of them was the high profile case of Colonel Avdo Palic. Had a clear profile been obtained then the case could have been resolved in 2005. As the rapid pace of identifications based on a solely DNA-led approach has slowed, the ICMP has started to examine ways of studying connections between events and missing persons as an expanded investigatory approach to resolving remaining cases.
4. Institutions – It is critical for Human Rights and the Rule of Law that institutions exist that report to the highest levels of Government. The ICMP led the negotiations on the formation of the Missing Persons Institute (MPI) which is a state-level body. Critically, the creation of the MPI, while still weak, was negotiated rather than imposed by the International Community. This seems to have made attempts to eradicate the Institute less effective and therefore may provide a model for other joint or state-level institutions in BiH.
5. Data collection – ICMP's initial reference sample information forms indicated that the information would be used exclusively for the purposes of identification. However, as the magnitude of the DNA identification work became crucial to ICTY prosecution cases, it became necessary for ICMP to collect waivers on the use of genetic information in court cases. This involved making renewed contacts with the families of the missing and obtaining their permissions. This was a time consuming process especially as in many instances families had moved and additional time and resources were required to locate them. Consequently, the ICMP revised the ante mortem data collection forms to include a waiver granting permission for personal information to be used in support of justice proceedings.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	
To support Bosnia and Herzegovina in its efforts to address the issue of large numbers of persons missing as a result of the 1992-1995 conflict	Number of missing persons identified through scientifically verifiable data	<ol style="list-style-type: none"> 1. ICMP issued DNA reports confirming matches between ante-mortem and post-mortem samples 2. BiH Pathologists' reports on the establishment of identity 	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>To enable ICMP and BiH partners to carry out DNA-assisted identifications of persons missing as a result of armed conflicts in BiH and to provide forensic support.</p> <p>(This includes forensic anthropological and archaeological assistance at sites of excavation, assistance to the NN Working Group Process, DNA assisted identifications and development of a web-based online inquiry centre offering ICMP's domestic partners access to its extensive genetic database.)</p>	Number of missing persons identified through scientifically verifiable data	<ol style="list-style-type: none"> 1. ICMP DNA match reports 2. BiH Pathologists' reports 3. Number of mortuaries inventoried as part of the NN Working Group Process and DNA matches achieved 4. Development of Online Inquiry Centre (OIC) 5. Training of BiH scientists, pathologists and prosecutors on the use of web based matching software 	<p>Cooperation from state/entity/regional authorities</p> <p>Cooperation from families of the missing</p> <p>Sufficient financial resources available</p>
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p>Result 1: Assistance to the NN Working Group Process and Forensic Anthropology and Archaeology Activities ensured</p> <p>Result 2: Continuation of DNA matching and identification of the missing persons ensured</p> <p>Result 3: Usage of ICMP's OIC by individuals and organizations in Bosnia and Herzegovina is significantly increased</p> <p>Result 4: Legal Medicine in BiH is strengthened</p>	<ol style="list-style-type: none"> 1.1. Number of mortuaries inventoried 1.2. Number of NN cases reviewed 1.3. Number of NN cases with recommendations for next steps for closure provided to relevant prosecutors 2.1. Number of reference samples collected 2.2. Number of Missing Persons Represented by Reference Samples 2.3. Number of post-mortem samples received 2.4. Number of DNA profiles obtained from post mortem samples 2.5. Number of DNA match reports issued 2.6. Number of persons represented by DNA match reports 3.1. Number of users of ICMP's OIC 3.2. % of local DNA scientists, pathologists and prosecutors trained in the use of ICMP's OIC 	<ol style="list-style-type: none"> 1. ICMP DNA match reports 2. BiH Pathologists' reports 3. Numbers of mortuaries inventoried as part of the NN Working Group Process and DNA matches achieved 4. Initial and gradual increase in the use of the OIC 5. Training of local scientists, pathologists and prosecutors on the use of web based matching software conducted 	<p>Government of Bosnia and Herzegovina continues excavating mass graves</p> <p>Family members who have not yet done so donate DNA reference samples</p> <p>No political obstruction to the NN Working Group Process</p> <p>ICMP continues to receive bone samples on a regular basis</p> <p>New gravesites detected and excavated</p> <p>Information on new gravesites received – either from</p>

	<p>3.3. FBiH Institute of Legal Medicine established (pending adoption of relevant legislation by the FBiH Government)</p> <p>3.4. Number of pathologists of the RS Institute for legal medicine trained</p>		<p>witnesses testimony or aerial imagery analysis</p> <p>Local DNA scientists, pathologists and prosecutors selected for training</p>
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(*) All indicators should be formulated as measurement, without specifying targets in the Logical Framework Matrix. The targets should be included in the performance measurement table in section 4. More detailed guidance on indicators is provided in Section 4 on performance measurement.

DESCRIPTION OF ACTIVITIES

Activities to achieve Result 1:

1. Review and analysis of mortuaries across BiH and examination of cases stored there
2. Extraction of DNA profiles of cases not previously sampled
3. DNA matching for reviewed cases
4. Excavation and examination of mortal remains from clandestine graves
5. Sampling and extraction of DNA profiles from excavated cases
6. DNA matching of ante-mortem and post-mortem samples

In the first half of 2017, the ICMP will help prosecutors' offices to complete inventory and DNA sampling from each of the mortuaries, and where possible complete a follow-up phase that acts on the results of DNA testing to re-associate dissociated skeletal elements and conduct additional sampling as needed to resolve previous miss-associations that have come to light. The ICMP will help the prosecutors' offices and the MPI to implement recommendations on the management of cases from the NN work to date, so that on-going efforts to resolve NN cases in BiH can be successfully undertaken. This includes active investigations on cases as indicated by the recommendations for case resolution, and a process of tracking case activities and documentation of actions taken.

The ICMP will maintain sufficient capacity to conduct a high volume of anticipated DNA testing according to ISO17025 accreditation and an advanced quality management system. The standing capacity of the laboratory will be able to accommodate samples from the NNWG process.

Activities to achieve Result 2:

1. Collection of ante-mortem samples from relatives of the missing
2. Post-mortem sample profiling and DNA extraction
3. Generating DNA profiles of ante-mortem and post-mortem samples
4. DNA matching of ante-mortem and post-mortem samples
5. Re-association of cases

In 2017-2019, ICMP will maintain a low-throughput ICMP DNA identification system in the Western Balkans allowing for the possibility that there will continue to be a requirement for DNA testing.

In this low-throughput ICMP DNA identification option, ICMP's existing DNA identification system would be scaled down, but the same fundamental structure would be maintained. With a low-throughput capacity ICMP will be able to process up to 500 post-mortem samples annually.

The ICMP will DNA test up to 400 genetic reference samples obtained from the families of the missing each year.

Activities to achieve Result 3:

1. Development of web-based matching software
2. Training to local DNA scientists, pathologists and prosecutors

ICMP is developing its Online Inquiry Center (OIC) as 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, such as practitioners and experts. In the Inquiries section families of the missing and others will be able to submit a missing person report by providing details, for example, name, date of birth, place where the missing person was last seen. Practitioners and experts will have opportunity to see exactly where in the DNA process any particular post-mortem sample that they submitted to ICMP for testing is, and the results of such testing.

Activities to achieve Result 4:

1. Advocate, and assist the Federal Ministry of Justice and the Federal Government, to prepare and adopt a legal framework for the establishment of the Federal Institute for Legal Medicine

2. Strengthen technical capacities of the Republika Srpska Institute for Legal Medicine by provision of training.

The ICMP will carry out advocacy activities at the House of Representatives and House of Peoples of the Parliament of the Federation of BiH to adopt legislation that prescribes the establishment of the Institute of Legal Medicine of the Federation of BiH without delay as an independent Entity-level institution. The ICMP has already donated its DNA laboratory in Banja Luka to the Institute for Legal Medicine of Republika Srpska and has offered to provide necessary training and advice on ISO certification of the Institute. Over the course of the programme, the ICMP will aim to transfer its forensic staff who are BiH nationals to the FBiH Institute of Legal Medicine of the Federation of BiH, and provide ongoing technical support to this institution, including training, technical assistance and institutional capacity development. The ICMP will also work with the government of the Federation of BiH to ensure that the necessary financial resources are allocated from the budget to provide for the running of the Institute of Legal Medicine of the Federation of BiH. The objective will be to develop balanced capacities in the area of legal medicine in BiH, ensure the timely provision of services to police agencies and judicial bodies, develop a cost effective, functional structure that will house different legal medicine specialists, ensure retention of knowledge and prevention of outflow of funds from BiH, ensure application of the highest professional standards in the area of legal medicine in BiH, and ensure continuous educational and training opportunities for forensic professionals from BiH.

RISKS

Main assumptions for this Action include:

- 1) Government of Bosnia and Herzegovina continues excavating mass graves
- 2) Family members who have not yet done so donate DNA reference samples
- 3) No political obstruction to the NN Working Group Process
- 4) ICMP continues to receive bone samples on a regular basis
- 5) New gravesites detected and excavated
- 6) Information on new gravesites received – either from witnesses’ testimony or aerial imagery analysis
- 7) Local DNA scientists, pathologists and prosecutors selected for training

CONDITIONS FOR IMPLEMENTATION

Funding

Securing the necessary co-funding for the programme is one of the main conditions for effective and timely implementation. ICMP is mobilising a range of donors to allocate co-funding to support the programme. Potential donors include: US Government, French Government, UK Government, Turkey Government, Swedish Government and the Norwegian Government.

Access to mortuary facilities in the Republika Srpska

Based on previous experience, obtaining access to mortuary facilities in the Republika Srpska will be critical to the effective and timely implementation of the project.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

In BiH the ICMP operates on the basis of a contract with the BiH state, signed between the ICMP and the Ministry of Foreign Affairs of BiH (ICMP Headquarters (HQ) Agreement). This agreement covers all ICMP activities as well as cooperation with all BiH institutions (therefore there is no need for additional agreements with specific ministries or institutions). In addition to the HQ Agreement which regulates ICMP’s status, the organization has also signed an Agreement on Assuming the Role of Co-Founders of the BiH Missing

Persons Institute with the Council of Ministers with the goal of establishing the BiH Missing Persons Institute (MPI).

Furthermore, the ICMP intensively cooperates with the following institutions:

- BiH Missing Persons Institute
- Ministry of Human Rights and Refugees
- Ministry of Foreign Affairs
- BiH Parliamentary Assembly (Joint Commission for Human Rights, Youth, Immigration, Refugees, Asylum and Ethics of the BIH Parliamentary Assembly)
- BiH Council of Ministers
- State Prosecutor's Office (War Crimes Department) and Cantonal/District Prosecutors' offices

The ICMP also cooperates with other institutions in accordance with their needs (RS or Federation of BiH Ministry of Health).

The ICMP is funded by sponsoring governments and is mandated to support International Community efforts towards improving security and the chances of post conflict reconciliation by contributing to the resolution of one of the most divisive wartime issues. ICMP's Science and Technology and Data Systems use cutting edge forensic archaeology, anthropology and DNA techniques in order to assist governments in the recovery, examination and identification of mortal remains.

The ICMP has the following structures:

- A Chairman elected by the Board of Commissioners
- A Board of Commissioners (former Government office holders)
- A Director-General
- A Board of Directors
- Staff

The ICMP also has an independent Scientific Steering Committee comprised of some of the world's leading experts in forensic sciences. The Committee reports to the Chairman and Commissioners.

The ICMP has about 130 staff members, including directors, all of whom have been involved in the successful implementation of ICMP programmes over nearly 20 years. Limitations are primarily related to funding resources as funding is voluntary.

IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING

The Action will be directly managed by the EU Delegation. It will be implemented by the ICMP following a direct grant awarded by the EU Delegation, on the basis of ICMP's expertise on the missing persons issue. No sub-granting will be done as part of this Action.

This method of management and implementation is selected since no other organization could fulfil the role that the ICMP does in terms of assistance with excavation of clandestine gravesites, examination of recovered remains, and high-throughput DNA testing and matching.

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING (AND EVALUATION)

The European Commission may carry out a mid-term, a final or an ex-post evaluation for this Action or its components via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the European Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In addition, the Action might be subject to external monitoring in line with the European Commission rules and procedures set in the Financing Agreement.

ICMP has an internal Quality Management System (QMS) which oversees the quality of the testing anchored by its international accreditation to ISO 17025 standard by the German national accreditation body Deutsche Akkreditierungsstelle GmbH (Dakks).

As a part of its accreditation the ICMP takes part in external DNA proficiency testing administered by the German DNA Profiling Group (GEDNAP) and International Society for Forensic Genetics (ISFG). The former relates to DNA profile recovery from forensic samples, and the latter relates to drawing conclusions of kinship from challenging relationship testing cases. In each case the results of the laboratory are evaluated and compared to the expected results, as well as the results from other laboratories throughout Europe.

This evaluation of ICMP forensic techniques is an ongoing process that has been operating since the start of the DNA identification process.

Financial Evaluation

The ICMP prepares financial statements in accordance with International Accounting Standards. The ICMP also commissions an annual external audit from an international audit firm, currently KPMG. Accounting is in USD but audit reports may also be issued in EURO. Furthermore, the ICMP welcomes visits from financial and programme auditors that donor country representatives send.

INDICATOR MEASUREMENT

Indicator	Baseline (value + year)	Target 2020	Final Target (year)	Source of information
Impact indicator: Number of missing persons identified through scientifically verifiable data (DNA)	13 518 (2011)	15 450		ICMP reports
Number of mortuaries inventoried	0 (2011)	10	10	ICMP reports
Number of NN cases reviewed	0 (2011)	>3 000	>3 000	ICMP reports
Number of NN cases with recommendations for next steps for closure provided to relevant prosecutors	0 (2011)	>3 000	>3 000	ICMP reports
Number of reference samples collected	70 266 (2011)	73 200	73 200	ICMP reports
Number of Missing Persons Represented by Reference Samples	23 314 (2011)	24 400	24 400	ICMP reports
Number of post mortem samples received	43 432 (2011)	50 800	50 800	ICMP reports
Number of DNA profiles obtained from post mortem samples	30 489 (2011)	35 870	35 870	ICMP reports
Number of DNA match reports issued	27 381 (2011)	33 000	33 000	ICMP reports
Number of persons represented by DNA match reports	13 518 (2011)	15 226	15 226	ICMP reports
Number of users of ICMP's OIC	0 (2011)	2 00	2 00	ICMP reports
% of local DNA scientists, pathologists and prosecutors trained in the use of ICMP's OIC	0 % (2011)	70%	70%	ICMP reports
FBiH Institute of Legal Medicine established (pending adoption of relevant legislation by the FBiH Government)	0 (2011)	1	1	FBiH Official Gazette
Number of pathologists of the RS Institute for legal medicine trained	0 (2011)	5	5	ICMP reports

5. SECTOR APPROACH ASSESSMENT

The current Action is developed under the sector Rule of law and fundamental rights. This stand-alone Action will support the identification of missing persons and strengthen the relevant actors in the process of prosecution of war crimes and contribute to the Rule of Law and protection of fundamental rights in Bosnia and Herzegovina.

The relevant strategy for the sub-sector Justice Reform is the Justice Sector Reform Strategy (JSRS) 2014-2018 and its accompanying Action Plan which is not yet adopted. The National War Crime Strategy is the most significant strategy regarding criminal justice.

The main donors in the rule of law area include, in addition to the EU, Sweden, Norway, US, UN, OSCE, Council of Europe, Switzerland and the United Kingdom. The international community frequently coordinates its activities through coordination fora dedicated to justice sector dialogue and anti-corruption activities. In addition, a coordination mechanism chaired by the Ministry of Justice of Bosnia and Herzegovina follows the progress in the implementation of the JSRS.

Regarding institutional capacities, the ICMP is an international organization exclusively tasked with working on the issue of missing persons and assisting governments to locate, recover and identify missing persons following armed conflict and violations of human rights. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina is responsible for the supervision of the implementation of the Law on missing persons. In accordance with this law the Missing Persons Institute of Bosnia and Herzegovina (MPI) has been established as a unique, independent, autonomous and professional institution of public interest. The Institute has been founded by the Council of Ministers and the ICMP in order to: improve the process of searching for missing persons; efficient identification of remains of missing persons; accelerate the process of discovering the truth about the fate of missing persons to / from Bosnia and Herzegovina; establishment of the Central Registry of Missing Persons in Bosnia and Herzegovina, and to strengthen cooperation and coordination with other governmental institutions.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

When faced with the disappearance of a missing loved one, who are predominantly male, in addition to emotional pain and the psychological anguish of not knowing the fate of a missing relative, women have to deal with the social, economic, legal and familial implications of these disappearances – and deal with these issues in circumstances that are often highly discriminatory.

There are vast ramifications for women survivors, their children, and society as a whole. For example, women are generally at the forefront of the search for the truth about the disappeared, which puts them at greater risk of abuse, extortion and manipulation. When the male breadwinner of the family is disappeared, wives are often forced to enter the workforce, sometimes for the first time. Also, women who live with the repercussions of a disappeared loved-one are more likely to experience serious physical and mental health problems due to unequal access to healthcare.

Taking all of the above into consideration, for nearly 20 years, ICMP has been working with civil society groups, mainly composed of and led by women, with a focus on education in legal rights and empowerment to become actively engaged as advocates in demanding answers from the authorities. In partnership with these groups, ICMP has been able to help governments to create domestic rule of law institutions solely tasked with the search for missing persons and to develop legislation tailored to meet the multiple legal challenges faced by the female surviving family members. Therefore, this Action, which will be implemented by the ICMP, will directly address the above issues affecting women.

EQUAL OPPORTUNITIES

The ICMP is an equal opportunity employer and organization that does not discriminate on any basis amongst its applicants, partners or stakeholders.

MINORITIES AND VULNERABLE GROUPS

ICMP's approach to assisting states to address the issue of missing persons is based on non-discrimination, inclusion and impartiality. These guiding principles are central to building public trust in the ICMP and the assistance which it offers states. Of critical importance to public trust in ICMP's processes is the "blind" process of received ante-mortem and post-mortem samples ensuring that the sample origin or ethnic affiliation are not visible and thus eliminating the potential for bias or for compromised genetic privacy.

In Bosnia and Herzegovina ICMP's assistance are not only of benefit to the state, but also to families of missing persons, which are among one of the country's most vulnerable groups.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

In addition to providing technical assistance to the process of search and identification of missing persons, the ICMP also works with civil society organizations, particularly associations of families of the missing, so that they become active participants in the process of clarifying the fate of their loved ones, and are empowered and less prone to political manipulation. Over the years the ICMP has also assisted the Family Associations in their fundraising activities to ensure they are capable of securing funds on their own and are not entirely dependent on ICMP funding.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

The ICMP seeks to minimise its impact on the environment through certain specific measures:

- When mass graves are exhumed an advance assessment of mines is undertaken and, if necessary, mine clearance experts are brought in to clear the site and provide access to it. This results in more of Bosnia and Herzegovina's mined land being cleared of mines which are both dangerous to humans and animals and toxic to plant life.
- The ICMP has sought to reduce the impact of DNA processes by replacing the use of certain chemicals (such as those containing phenols) with more benign alternatives.

7. SUSTAINABILITY

An innovative component that can be modelled elsewhere is ICMP's Identification Database Management System (iDMS) which, as explained in previous sections, is a specialized software solution for managing large scale missing persons' programmes. Creating the online version of the iDMS further enhances the sustainability of the project and ensures that ICMP stakeholders can access the organization's database of genetic material without ICMP having to turn sensitive data over.

Additional multiplier effects include ICMP's support for the establishment of the Law on Missing Persons in Bosnia and Herzegovina, and, together with the ICMP, the authorities of Bosnia and Herzegovina have established the Missing Persons Institute, a unified institution at the level of the state, responsible for addressing cases of missing persons regardless of ethnicity, religious affiliation, or gender. Furthermore, throughout the region, the ICMP has actively supported the development of cross-border networking of associations of families of missing persons.

8. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be the responsibility of the beneficiary, and shall be funded from the amounts allocated to the Action.

All necessary measures will be taken to publicise the fact that the Action has received funding from the EU in line with the Communication and Visibility Manual for EU External Actions. Additional Visibility Guidelines developed by the European Commission (DG NEAR) will have to be followed.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives and the accession process. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.

It is the responsibility of the beneficiary to keep the EU Delegation fully informed of the planning and implementation of the specific visibility and communication activities.

The beneficiary shall report on its visibility and communication actions in the report submitted to the IPA monitoring committee and the sectoral monitoring committees.

Information about all of ICMP's donors is posted on the organization's website, which is regularly updated. In addition, the ICMP, in coordination with its donors, issues a press release following the signing of any grant agreement.

All other required visibility actions are coordinated and agreed with donors. The ICMP ensures the visibility of EU funded actions by a number of activities/means. Previous EU-funded projects were announced by means of a press conference conducted in accordance and in cooperation with the Delegation of the EU to BiH in Sarajevo. The press conference was followed by a press release announcing new EU funding support to the ICMP.