International Commission on Missing Persons

Submission by the International Commission on Missing Persons (ICMP)

Western Balkans Program

for the Thematic Report on Enforced Disappearances and Memorialization

Context:

The armed conflicts associated with the dissolution of the former Yugoslavia resulted in the disappearance of approximately 40,000 persons. Accounting for missing persons in this context has been a complex, highly politicized, and long-term process, closely linked to post-conflict justice, reconciliation, and the rule of law.

Since 1996, **ICMP has supported authorities across the Western Balkans** in fulfilling their obligations related to missing persons by strengthening domestic institutional capacity, introducing advanced forensic and data-driven methods (including DNA-based identification), supporting legislation and policy development, facilitating regional cooperation, and ensuring the meaningful participation of families of the missing. ICMP supports associations of families of missing persons, helping to strengthen their capacity to advocate for truth, justice, and dignified remembrance of the missing. Ensuring the meaningful participation of families remains a central element of ICMP's approach.

To date, over 70 percent of persons reported missing in the Western Balkans have been accounted for, representing one of the highest resolution rates globally in a post-conflict setting. This achievement has enabled tens of thousands of families to access the right to truth, dignified burial, and related social and legal rights.

Outstanding Challenges:

Despite significant progress, approximately 11,000 persons in the Western Balkans remain unaccounted for. Continued politicization, institutional capacity gaps, and delays in decision-making risk undermining past achievements and prolonging the suffering of families. These challenges also affect regional cooperation, which remains essential for resolving the remaining cases given the cross-border nature of many disappearances. ICMP's experience demonstrates that accounting for missing persons is fundamental to upholding the rule of law and fulfilling States' obligations under international human rights and humanitarian law, including the rights to truth, justice, and reparations.

ICMP in the Western Balkans remains committed to supporting authorities and families in addressing these challenges and stands ready to contribute further to global discussions and good practices on missing persons.

1. Legal obligations of States in the area of memorialization and enforced disappearances

Bosnia and Herzegovina (BiH) adopted a significant legal framework through the **2004 Law on Missing Persons**, first of its kind in the world, which recognizes the rights of families of the missing and established the Missing Persons Institute (MPI) as a state-level institution responsible for coordinating efforts to account for missing persons. BiH early on shifted its approach to the issue of missing persons from one primarily governed by a humanitarian rationale to a rule-of-law framework in which the resolution of missing persons cases is addressed by the country's rule-of-law institutions, including its criminal justice system.

However, despite this strong legislative foundation, several shortcomings remain in the area of memorialization.

Memorialization initiatives in BiH are often shaped by ethno-political divisions, with different administrative entities and communities prioritizing their own victims. This has led to fragmented commemorative practices and, at times, competing narratives rather than inclusive remembrance.

In addition, BiH lacks a comprehensive state-level law or strategy on memorialization, resulting in largely ad hoc initiatives that may exclude certain groups of victims or fail to ensure consistent recognition across the country.

Associations of families of missing persons play a central role in memorialization activities. However, the absence of systematic state support means that many associations rely on intermittent funding from different actors, which can influence the scope and sustainability of their work.

Finally, some families and associations encounter difficulties in obtaining official recognition of memorialization initiatives, particularly when their efforts challenge dominant political narratives or fall outside existing legal or administrative frameworks.

2. Practical and inclusive approaches to memorialization by States, victims and civil society

Memorialization efforts in BiH demonstrate the importance of collaboration between state institutions, families of the missing, civil society organizations, and international partners.

State institutions contribute to memorialization by supporting official memorial sites, organizing public commemorations, and establishing legal and institutional frameworks that recognize the rights of families. Examples include the work of the Missing Persons Institute and the Srebrenica–Potočari Memorial Centre, which provide institutional recognition and spaces for collective remembrance.

Families of the missing also play a central role in memorialization. Through commemorative events, personal memorials, and advocacy initiatives, they ensure that the identities and stories of missing persons remain visible and remembered.

Civil society organizations complement these efforts by documenting testimonies, organizing educational initiatives, and promoting public awareness about enforced disappearances and their long-term societal consequences.

Successful memorialization initiatives often combine individual and collective dimensions of remembrance. At the individual level, families may establish gravestones, commemorative plaques, or private ceremonies that honor the identity and dignity of missing persons. At the collective level, memorial sites, public commemorations, and youth-focused educational programs contribute to broader societal recognition of enforced disappearances and their impact.

Inclusive participation is supported through several mechanisms. The 2004 Law on Missing Persons establishes that the rights of families must be realized without discrimination based on race, religion, national origin, or social status. The creation of the state-level Missing Persons Institute helped centralize data and promote equal treatment of all missing persons regardless of ethnic background.

International organizations also contribute to inclusive participation. ICMP, for example, supports family associations through technical and financial assistance, enabling them to engage actively in processes related to the accounting for the missing and memorialization initiatives.

Regional cooperation further strengthens inclusiveness. **The Regional Coordination of Associations of Families of Missing Persons from the former Yugoslavia** provides a platform for families from different countries to cooperate, exchange experiences, and participate jointly in regional commemorative activities. In September 2022, in Podgorica, family associations of missing persons from BiH, Kosovo, Montenegro and Serbia together with the MPG jointly commemorated all victims of conflicts on the territory of the former Yugoslavia by laying flowers at the Pobrezje Park memorial, which is dedicated to the civilian victims of the wars fought in the territory of the former Yugoslavia.

Collaboration between authorities, families, and civil society has also been instrumental in establishing key institutional achievements, including the creation of a single unified database of all missing persons in Bosnia and Herzegovina, as mandated by the Law on Missing Persons.

In addition, associations representing families from different ethnic communities have jointly marked occasions such as the International Day of the Disappeared (30 August) and Human Rights Day (10 December), demonstrating that memorialization can serve as a platform for inclusive and non-partisan remembrance.

3. Challenges and legal protection for persons, civil society, memorials, and memorialization initiatives

Despite important progress, memorialization efforts in Bosnia and Herzegovina continue to face various forms of resistance and threats.

Staff members working on memorialization and documentation of wartime crimes have faced intimidation and security concerns. For example, staff at the Srebrenica Memorial Centre have received threats related to their work addressing genocide denial.

Activists and families advocating for memorialization initiatives have also reported threats. In some cases, individuals advocating for memorials marking wartime atrocities have faced physical intimidation or harassment.

Memorialization initiatives that seek to mark previously unrecognized sites of suffering, such as former detention camps or locations of mass atrocities, may encounter resistance from local authorities or communities. In some cases, permits for memorial installations have been denied, and plaques placed by family associations have reportedly been removed shortly after installation.

Individuals and organizations promoting inclusive or cross-ethnic memorialization initiatives may also face targeted criticism or harassment in media and on social networks.

Bosnia and Herzegovina has several legal and institutional mechanisms intended to protect families and civil society actors engaged in memorialization activities. These include the 2004 Law on Missing Persons, criminal law provisions addressing threats and vandalism, and institutions such as the Commission to Preserve National Monuments.

While these mechanisms provide a legal basis for protection, their effectiveness often depends on consistent enforcement, institutional coordination, and the availability of resources. In practice, implementation may be hindered by bureaucratic obstacles, uneven application of laws, and political pressures.

Strengthening the protection of memorialization initiatives may therefore require stronger enforcement of existing legislation, improved institutional coordination, and dedicated resources to support associations of families of the missing. International and regional human rights mechanisms can play an important role by monitoring compliance with international obligations, providing technical guidance, and reinforcing the rights of families to truth, dignity, and remembrance.

In Bosnia and Herzegovina, backlash against memorialization initiatives is sometimes linked to broader patterns of denial of wartime atrocities. In such contexts, memorialization becomes not only an act of remembrance but also an important safeguard against denial and historical revisionism.

Additional resources:

ICMP (2021). *Guide for Families of Missing Persons.* Guide-for-Families-ICMP-EN-1.pdf

ICMP (2014). *Guide to the Application of the Law on Missing Persons of Bosnia and Herzegovina.* https://www.icmp.int/wp-content/uploads/2014/08/guide-application-of-the-law-on-missing-persons.pdf

ICMP (2024). *Regional Cooperation in Accounting for Missing Persons: The Missing Persons Group (MPG).*
https://icmp.int/wp-content/uploads/2024/05/240226_ICMP_MPG-BOOKLET_DEF_EN_DIGITAL-1.pdf

ICMP. *Regional Database of Active Missing Persons Cases in the Western Balkans.*
https://icmp.int/news/regional-database-of-missing-persons-cases-from-the-former-yugoslavia-available-online/