



## DEPARTMENT OF FORENSIC MEDICINE EULEX-KOSOVO

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### EULEX-DFM ANNUAL ACTIVITIES REPORT MISSING PERSONS OPERATION

REPORTING PERIOD: 09 DEC. 2010 - 08 DEC. 2011 (2012-DFM-005)

This report presents the results of the activities undertaken by EULEX-DFM as part of its Missing Persons Operation for the period 09 Dec 2010 to 08 Dec 2011. This report is divided into the following sections:

- Section 1- Field Operation Results
- Section 2- Forensic Anthropological and Identification Results
- Section 3- The Missing: Situation Report
- Section 4- MMA and Local Capacity Building
- Section 5- Work Plan 2012
- Section 6- Recommendations
- Annexes 1-2

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### EXECUTIVE SUMMARY

Missing Persons Operation:

In 2011 EULEX forensic experts working at the Department of Forensic Medicine (EULEX-DFM) conducted 84 field operations and recovered 42 individuals. **Fifty-one (51) missing persons** have been identified. **79 remains have been returned to families**. An exhaustive analysis of the unidentified remains is continuing. 278 bone samples were selected for DNA analysis.

For 2012, over **30 cases** with potential locations have been identified for field operations. Additionally, the case review and inventory of human remains under DFM custody will be concluded. The local exhumations team which EULEX and the MoJ established will be much more active in the field.

As in previous years, the greatest challenges for 2012 will be accessing **reliable information** leading to the location of potential grave sites and determining the identity of the remains held in DFM. EULEX will continue to assist in the development of local forensic capacity.

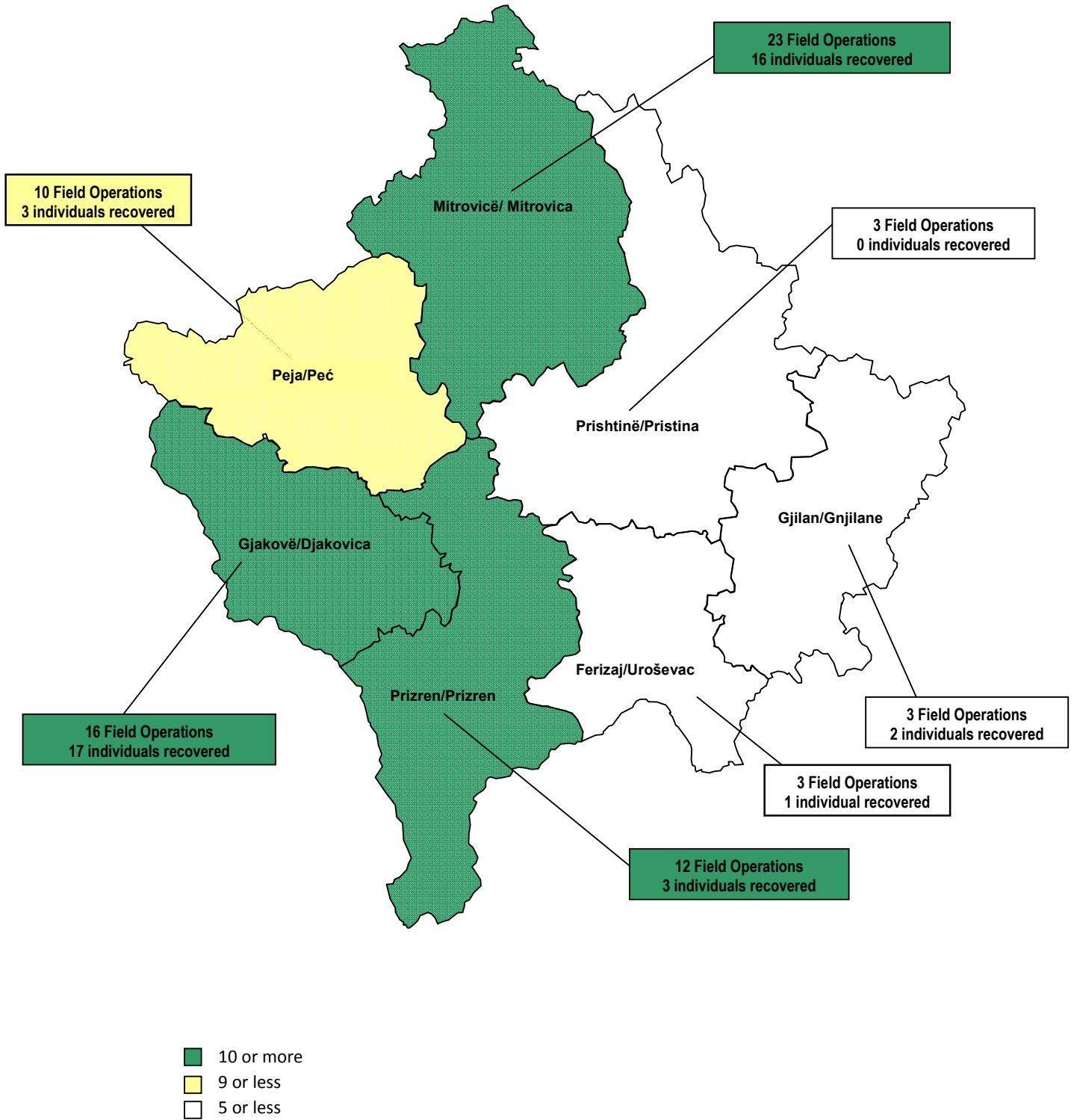
### SECTION 1- MISSING PERSONS OPERATION

#### 1.1 FIELD OPERATIONS RESULTS

EULEX-DFM has conducted an intensive field season which totaled **84 field operations**, resulting in the recovery of **42 individuals**.

The following map and tables show the geographical distribution of the 2011 field operations:

**MAP 1- NUMBER OF FIELD OPEATIONS AND INDIVIDUALS RECOVERED BY REGION**



**Table 1: Field Operations by Region**

Region	Field-operations	Individuals recovered
Mitrovicë/Mitrovica	23	16
Prishtinë/Priština	3	0
Gjilan/Gnjilane	3	2
Pejë/Peć	10	3
Prizren	12	3
Ferizaj/Uroševac	3	1
Gjakovë/Đakovica	16	17
<b>Total</b>	<b>70</b>	<b>42</b>

**Table 2: Field Operations by Municipality**

Municipality	Field-operations	Individuals recovered
Deçan/Dečane	2	0
Gjakovë/Đakovica	9	11
Ferizaj/Uroševac	1	0
Gjilan/Gnjilane	3	2
Istog/Istok	5	1
Kaçanik/Kaçanik	2	1
Klinë/Klina	3	1
Malishevë/Mališevo	1	2
Mitrovicë/Mitrovica	16	12
Podujevë/Podujevo	1	0
Pejë/Peć	2	1
Prishtinë/Priština	2	0
Prizren	9	1
Rahovec/Orahovac	6	6
Skenderaj/Srbica	1	1
Suharekë/Suva Reka	3	0
Vushtrri/Vučitrn	4	3
<b>Total</b>	<b>70</b>	<b>42</b>

EULEX and DFM representatives attended as observers the following site assessment in Serbia:

**Table 3: Site Visited as Observers**

Alleged Site	Date	Status
Medvedja	29 April	Negative

EULEX will continue to ask the Serbian authorities to check potential sites such as Rudnice, in a scientific and systematic way, using the appropriate methodologies and techniques.

**Table 4- Field Operations Conducted in 2011**

Date	Location	Village	Municipality	Activity Type	Recovered
11-Jan-11	Ibër/Ibar Mosque	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Survey	FRN
17-Jan-11	Ibër/Ibar Mosque	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Visit to FA and site	FRN
18-Jan-11	Tusus	Prizren	Prizren	Field Assessment	FRN
27-Jan-11	Bardoniq/Bardonić	Bardoniq/Bardonić	Gjakovë/Đakovica	Information gathering	FRN
02-Feb-11	Bilushë/Biluša cemetery	Bilushë/Biluša	Prizren	Field Assessment	FRN
09-Mar-11	Firing Range	Lubizhdë/Lubižda	Prizren	Field Assessment	FRN
10-Mar-11	House used as detention centre	Zlash/Zlaše	Prishtinë/Priština	Field Assessment	FRN
15-Mar-11	S Mitrovicë/Mitrovica Mosque	Mitrovicë/Mitrovica S	Mitrovicë/Mitrovica	Field Assessment	FRN
15-Mar-11	Mitrovicë/Mitrovica N Muslim Cemetery	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Field Assessment	FRN
15-Mar-11	Mitrovicë/Mitrovica N Muslim Cemetery	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Field Assessment	FRN
16-Mar-11	Mitrovicë/Mitrovica N Muslim Cemetery	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Field Assessment	FRN
17-Mar-11	Field	Drenovc/Drenovce	Klinë/Klina	Field Excavation	0
18-Mar-11	S Mitrovicë/Mitrovica Mosque	Mitrovicë/Mitrovica S	Mitrovicë/Mitrovica	Field Exhumation	1
22-Mar-11	Field	Trebovic/Trebović	Pejë/Peć	Field Exhumation	1
23-Mar-11	Copse	Doganaj	Kaçanik/Kaçanik	Field Excavation	0
28-Mar-11	Field	Dejne	Rahovec/Orahovac	Field Assessment	0
29-Mar-11	Cemetery	Brekovc/Brekovac	Gjakovë/Đakovica	Sampling	1
31-Mar-11	Orthodox cemetery	Sërbicë e Ultë/Donja Srbica	Prizren	Confirmation of Identity	1
05-Apr-11	Cemetery	Suharekë/Suva Reka	Suharekë/Suva Reka	Field Assessment	0
06-Apr-11	House used as detention centre	Zlash/Zlaše	Prishtinë/Priština	Field Assessment	FRN
07-Apr-11	Martyrs Cemetery	Pastasellë/Pusto Selo	Rahovec/Orahovac	Field Exhumation & Handover	3
12-Apr-11	Mosque	Mitrovicë/Mitrovica S	Mitrovicë/Mitrovica	Field Excavation	0
12-Apr-11	Ibar Mosque	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Field Assessment	FRN
18-Apr-11	Tusus Cemetery	Prizren	Prizren	Field Excavation	0
26-Apr-11	War Cemetery	Vidomiric/Vidomirić	Mitrovicë/Mitrovica	Field Assessment	FRN
27-Apr-11	Martyrs Cemetery	Studime/Sudimlje	Vushtrri/Vučitrn	Field Exhumation	2
05-May-11	Well	Pejë/Peć	Pejë/Peć	Field Assessment	FRN
10-May-11	Lake Dam	Livoç/Livoč	Gjilan/Gnjilane	Field Assessment	0
11-May-11	Lignite Mine	Zhilivodë/Žilivoda	Vushtrri/Vučitrn	Field Excavation	FRN
19-May-11	Cemetery	Grapvc/Grapovc	Klinë/Klina	Field Exhumation	2
24-May-11	Ravine	Budakovë/Budakovo	Suharekë/Suva Reka	Field Assessment	FRN
26-May-11	Martyrs cemetery	Stanovc/Stanovce	Vushtrri/Vučitrn	Field Exhumation and Handover	1
31-May-11	Muslim cemetery Lower	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Confirmation of Identity	1

31-May-11	Muslim cemetery Lower	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Field Exhumation	2
01-Jun-11	Muslim cemetery Lower	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Field Exhumation	1
02-Jun-11	Muslim cemetery Upper	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Field Exhumation	4
07-Jun-11	Muslim cemetery Upper	Mitrovicë/Mitrovica N	Mitrovicë/Mitrovica	Field Exhumation	1
14-Jun-11	Martyrs cemetery	Zatriq/Zatrić	Rahovec/Orahovac	Field Exhumation	1
16-Jun-11	Town cemetery	Brekovc/Brekovac	Gjakovë/Đakovica	Field Exhumation	1
16-Jun-11	Town cemetery 01 and 03	Brekovc/Brekovac	Gjakovë/Đakovica	Field Exhumation	2
21-Jun-11	Town cemetery 01 and 02	Brekovc/Brekovac	Gjakovë/Đakovica	Field Exhumation	3
23-Jun-11	Tusus Cemetery	Prizren	Prizren	Field Excavation	0
27-Jun-11	Firing Range	Lubizhdë/Lubižda	Prizren	Field Assessment	FRN
28-Jun-11	Martyrs cemetery	Qabrat/Ćabrat	Gjakovë/Đakovica	Field Assessment	0
30-Jun-11	Yard	Ferizaj/Uroševac	Ferizaj/Uroševac	Field Excavation	0
05-Jul-11	Riverbank	Pogragjë/Pograde	Gjilan/Gnjilane	Field Assessment	1
06-Jul-11	Wood	Capar	Gjilan/Gnjilane	Field Assessment	1
19-Jul-11	Cemetery	Brekovc/Brekovac	Gjakovë/Đakovica	Field Exhumation	1
26-Jul-11	Balkan Factory	Suharekë/Suva Reka	Suharekë/Suva Reka	Field Excavation	0
03-Aug-11	Cemetery	Rakosh/Rakoš	Istog/Istok	Field Exhumation	1
04-Aug-11	Cemetery	Rakosh/Rakoš	Istog/Istok	Field Excavation	0
17-Aug-11	Cemetery	Rakosh/Rakoš	Istog/Istok	Field Excavation	0
18-Aug-11	Cemetery	Rakosh/Rakoš	Istog/Istok	Field Excavation	0
22-Aug-11	Cemetery	Krushë e Vogël/Mala Kruša	Prizren	Field Excavation	0
08-Sep-11	Hillside	Medveđa		Field Excavation	0
09-Sep-11	Hillside	Medveđa		Field Excavation	0
13-Sep-11	Field	Rahovec/Orahovac	Rahovec/Orahovac	Field Excavation	0
13-Sep-11	Vineyard	Rahovec/Orahovac	Rahovec/Orahovac	Field Excavation	0
20-Sep-11	Deforested land	Tërnavë/Ternave	Podujevë/Podujevo	Field Excavation	0
22-Sep-11	Village cemetery	Vërmicë/Vermice	Malishevë/Mališevo	Confirmation of Identity	2
27-Sep-11	Forest	Kosharë/Košare	Deçan/Dečane	Field Assessment	0
04-Oct-11	Martyrs Cemetery	Pastaselë/Pusto Selo	Rahovec/Orahovac	Confirmation of Identity	2
06-Oct-11	Martyrs Cemetery	Acarevë/Acarevo	Skenderaj/Srbica	Confirmation of Identity	1
11-Oct-11	Cemetery	Shupkovc/Supkovac	Mitrovicë/Mitrovica	Confirmation of Identity	2
13-Oct-11	Cemetery	Brekovc/Brekovac	Gjakovë/Đakovica	Field Exhumation	3
19-Oct-11	Roadside	Mitrovicë/Mitrovica S	Mitrovicë/Mitrovica	Field Assessment	FRN
10-Nov-11	Field	Kalavaj	Deçan/Dečane	Field Excavation	0
15-Nov-11	Field	Soponicë/Soponice	Kaçanik/Kaçanik	Confirmation of Identity	1
17-Nov-11	Cemetery	Mlikë/Mlijka	Dragash/Dragaš	Field Assessment	FRN
21-Nov-11	Well	Klinovc/Klinovac	Klinë/Klina	Field Excavation	0

FRN- Further Research Needed

Table 4 presents 70 field operations which led or will lead to an excavation/exhumation. There are 14 additional unlisted field operations which due to their nature cannot be included in this report.

## SECTION 2- FORENSIC ANTHROPOLOGY AND IDENTIFICATION RESULTS

**2.1 Identification:** As a result of the identification work conducted at EULEX-DFM, 79 individuals identified and returned to their families. **51 of these** were on the official ICRC missing persons list.

**2.2 Re-associations:** Forensic Anthropological work resulted in the selection of 278 bone samples for further analysis including genetic profiling conducted by ICMP. Additionally, 219 bone samples were re-associated with the remains of previously identified individuals.

**2.3 Commingled and burnt cases:** A detailed analysis and evaluation of several cases of commingled and burnt remains from several regions in Kosovo was conducted. An identical exercise was conducted with thousands of fragmented body parts from the sites exhumed in Serbia (Bajna Basta, Petrovo Selo and Batajnica). This work was conducted in conjunction with the review of over 700 files.

**2.4 NN Remains:** The identification of the bodies and body parts under DFM custody is of the highest priority and forms an essential component of EULEX-DFM's strategy. To this end, EULEX-DFM has worked intensively in the review of every single case and has made considerable progress. The work has been labour-intensive and highly complex. The case review will be concluded in 2012.

**Table 5: NN by Municipality**

Municipality	Skeletons	Skeletal Parts
Deçan/Deçane	2	9
Gjakovë/Đakovica	25	12
Ferizaj/Uroševac	3	0
Gjilan/Gnjilane	2	1
Drenas/Glogovac	1	1
Istog/Istok	2	17
Kaçanik/Kaçanik	4	1
Kamenicë/Kamenica	2	0
Klinë/Klina	3	0
Lipjan/Lipljan	0	1
Malishevë/Mališevo	3	1
Mitrovicë/Mitrovica	23	8
Podujevë/Podujevo	2	1
Pejë/Peć	22	18
Prizren	32	7
Prishtinë/Priština	82	9
Rahovec/Orahovac	8	2
Skenderaj/Srbica	3	7
Suharekë/Suva Reka	14	2
Vushtrri/Vučitrn	12	2
<b>Total</b>	<b>245</b>	<b>99</b>

**Table 6: NN by Region**

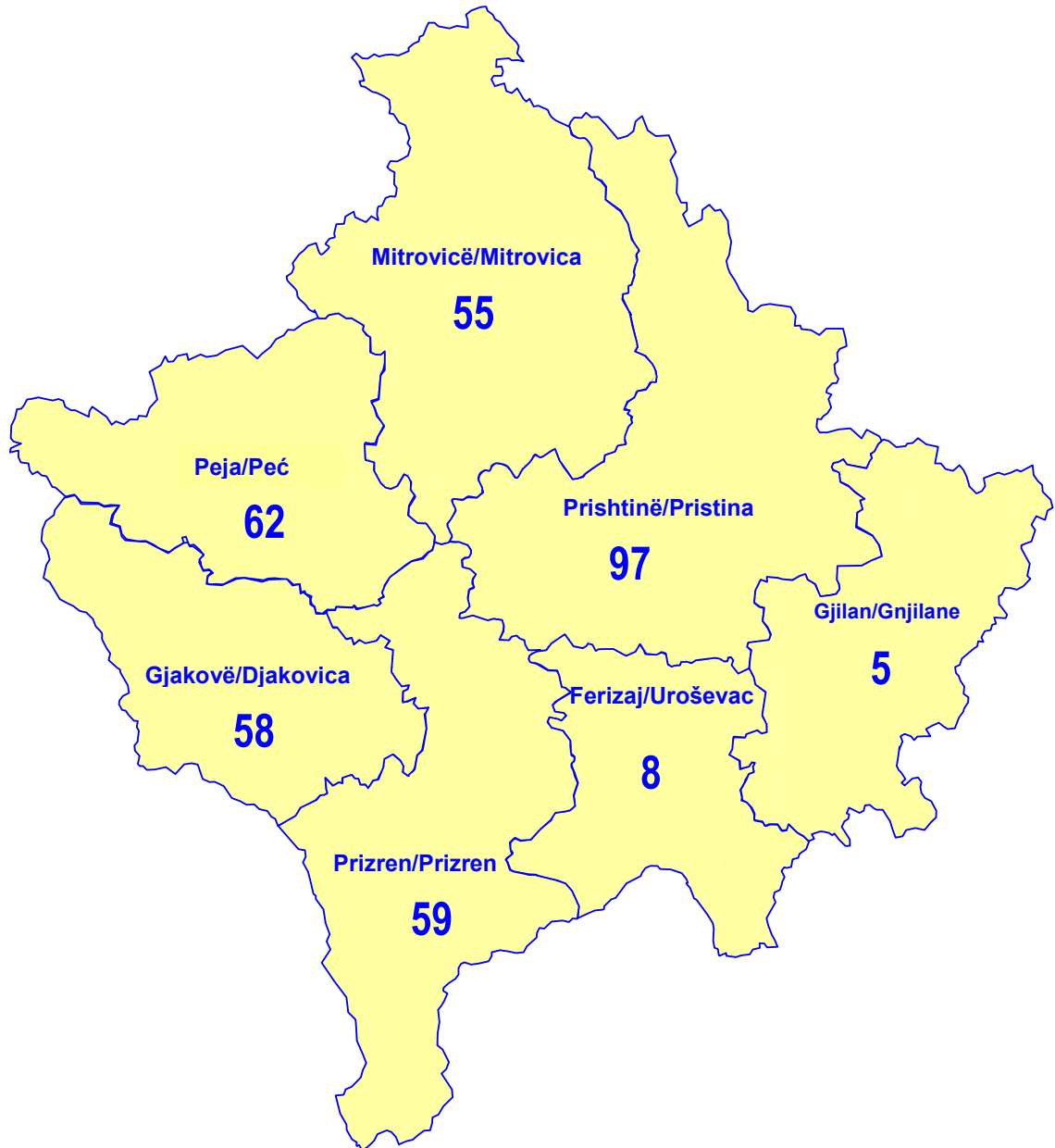
Region	Skeletons	Skeletal Parts
Mitrovicë/Mitrovica	38	17
Prishtinë/Priština	85	12
Gjilan/Gnjilane	4	1
Pejë/Peć	27	35
Prizren	49	10
Ferizaj/Uroševac	7	1
Gjakovë/Đakovica	35	23
<b>Total</b>	<b>245</b>	<b>99</b>

**Table 7: NN from Serbia's Sites**

Site	Skeletal Parts
Banja Basta	3
Batajnica	6
Batajnica 03	2
Batajnica 05	7
Batajnica 07	5
<b>Total</b>	<b>23</b>

Table 7 displays the number of skeletal parts without a DNA match from the mass graves located in Serbia in 2001, 2002, and 2003. A total of 23 DNA unique profiles (23 individuals) remain to be identified.

**MAP 2- SKELETONS AND SKELETAL PARTS LOCATED BY REGION**



**2.5 Mis-identifications:** research into possible mis-identifications made during 1999 and 2000 was conducted in the following areas (Table 8).

**Table 8: Activities Addressing Mis-identifications**

Activity	Comments
Archival Review	MUP, ICTY, KFOR, MPU, and OMPF documents reviewed for targeted sites (ex. Pastasel and Studime)
General Meetings	10 meetings with family associations
Field Assignments	45 families interviewed and requested to donate blood samples
Field Operations	14 exhumations
Statistical Research	Cross tabulation of relevant data and development of tracking system for all cases exhumed by ICTY in 1999 and 2000

### SECTION 3- THE MISSING: SITUATION REPORT

**Table 9- Number of Missing per Municipality (as of December 2011)**

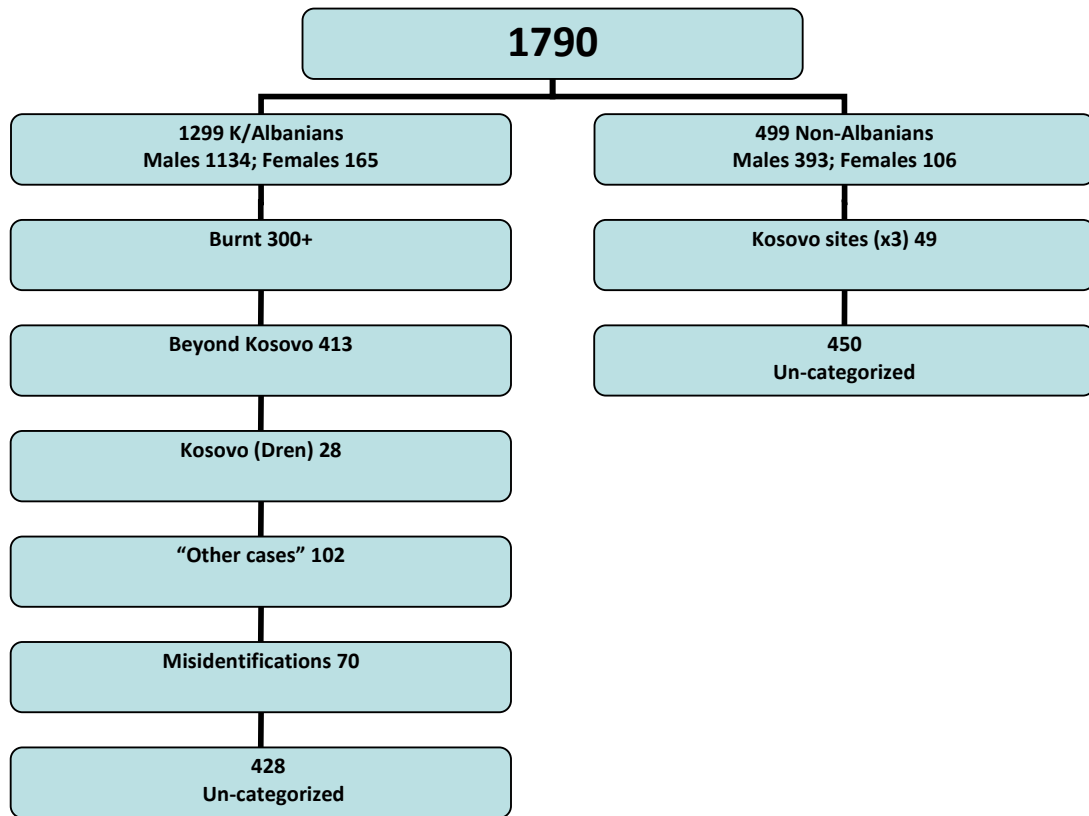
Municipality	# of MP
Deçan/Deçane	114
Gjakovë/Đakovica	211
Ferizaj/Uroševac	34
Gjilan/Gnjilane	32
Fushë Kosovë/Kosov Polje	20
Drenas/Glogovac	65
Istog/Istok	66
Kaçanik/Kaçanik	16
Kamenicë/Kamenica	6
Klinë/Klina	80
Lipjan/Lipljan	16
Novobërdë/Novo Brdo	5
Malishevë/Mališevo	34
Mitrovicë/Mitrovica	71
Obiliq/Obilić	14
Podujevë/Podujevo	37
Pejë/Peć	139
Prizren	176
Prishtinë/Priština	99
Rahovec/Orahovac	143

Skenderaj/Srbica	118
Zubin Potok	24
Shtimje/Štimlje	16
Shtërpçë/Štrpce	5
Suharekë/Suva Reka	141
Viti/Vitina	5
Vushtrri/Vučitrn	37
Zveçan/Zvečan	3
Others*	63
<b>Total</b>	<b>1790</b>

(\* "Other" refers to unknown or foreign "last-seen" locations)

The following flow-chart provides an approximation to the distribution of missing persons per specific events or case categories. The approximate number of victims per category is subtracted initially from the total number of persons still missing as of December 2011 (ie. 1790). Therefore, 1790 – 300 burnt cases = 1490; 1490 – 300 Raska cases = 1190, and so on until a core number of cases unaccounted for is reached. In this case, 428 for K/Albanians and 450 for Non-Albanians. This gives a total of 878 cases which remain to be categorized.

**Flow Chart 1: Distribution by Case Category**



These 878 cases are very likely to be in the following case categories: Cemeteries in Kosovo; Informal Burials; Clandestine Burials and NN remains held in DFM. Mis-identification cases are not included (see text below for explanation).



Flow Chart 2: Case Categories

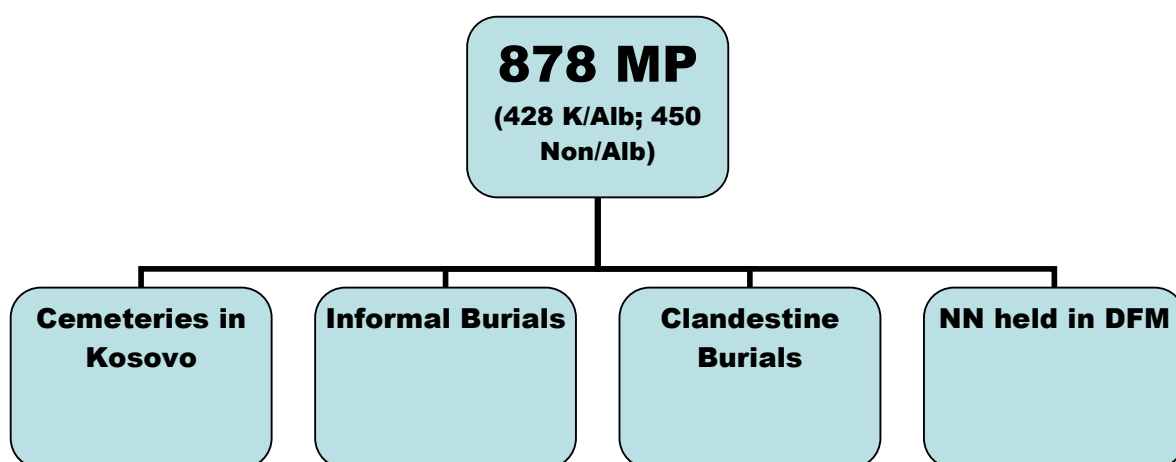


Table 10: Case Categories

Case Category	Investigation Strategy	Main Sources of Information	Example
Cemeteries (there are over 20,000 in Kosovo)	Gathering of all existing data, cross-tabulate and reconstruct event/time line	Serbian and ICTY Maps, Sketches, Photos and Narratives	Brusnik, Novollan/ Nevoljane, N. Mitrovicë/Mitrovica
Informal Burials	Interviews and testimony gathering, reliability tests, field operations	Informants	Zgatar
Clandestine Burials	Interviews and testimony gathering, reliability tests, field operations	Informants, Documentation	Kleçkë/Klečka, Krusha e Madhe/Velika Krusha
NN held in DFM	Case-file review, examination of human remains, event reconstruction, targeted family meetings, field operations, human identification work	ICTY and other documents, Families	Pastasellë/Pusto Selo, Studime/Studimlje , Matiçan/Matiçane

Over 70% of exhumations conducted by EULEX-DFM over the last three years have been in cemeteries in Kosovo. A large proportion of missing persons have been found in NN graves within these cemeteries. Therefore, as the data suggests, it is highly probable that a significant number of Kosovar Albanians still missing are buried in this same context. There are over 20,000 cemeteries in Kosovo. However, the archival research that has been conducted by EULEX-DFM has narrowed down this number considerably.

This phenomenon is not significant with missing non-Albanians. The data indicates that a large proportion of them are probably buried in clandestine graves throughout Kosovo.

## **Mis-identifications- The Scale of the Problem and its Relationship to the Missing Persons issue:**

Since 2003, OMPF (today EULEX-DFM) exhumed a large number of remains which had been previously recognized by families and buried as KNOWN individuals. Many of the subsequent exhumations were conducted at the request of the same families who had doubts on whether they had buried the correct remains.

Initially, the relevant documentation of 1180 cases was examined for possible mis-identifications using the following criteria:

- Event date
- The nature of the event (ambushes, check-points, shelling of villages, etc)
- The number of victims resulting from the event
- The level of decomposition of the remains when they were buried initially
- Who claimed to have recognized the remains and on what basis?
- Who buried the remains?

Additionally, OMPF and then EULEX-DFM exhumed almost 200 cases since 2003 for the purpose of testing the degree of potential errors made in 1999, 2000 and 2001. For this exercise more than seven data sets were cross-tabulated, resulting in a tracking system which traces named victims from 1999 through to the point in which the remains were re-exhumed and scientifically identified.

It has been found that the extent of actual misidentification is smaller than previously expected. The statistical results show that around 9% of the cases checked were originally mis-identified. Within this group, there were "internal" mis-identifications. When "internal" mis-identifications are taken out of the equation, the percentage of mis-identifications which involve missing persons actually goes down to 6.6% (internal mis-identifications refer to instances where for example two brothers who died in the same event were buried under each other's name; but neither of them would have been reported missing; in other words when a family has all its victims accounted for but buried with the wrong names).

Therefore it is not valid to apply this 6.6% to the total number of persons still missing (1790) since, as it shown in the Flow-chart 1, it is known that many victims' remains were either burnt or buried in mass graves to be found both in Kosovo and beyond.

Additionally, when 6.6% is applied to the resulting 420 K/Albanians\* still missing, it projects that only 30 missing persons are buried under the wrong name. When we project 6.6% to all the "identified" cases exhumed by ICTY in 1999 and 2000, (correcting for yearly overlap and the 200 cases already checked) the result is 70 potentially mis-identified individuals. Therefore we project a range of 30 to 70 missing persons possibly buried under the wrong name. The data clearly illustrate that the phenomenon of mis-identification was a limited one and it occurred under specific criteria (outlined above).

Using these criteria, EULEX-DFM has targeted specific events and cemeteries linked to events such as Studime and Pastasel. Further information can be found on the DFM 2010 Annual Report.

*(\* The available data strongly suggests that the issue of mis-identification is not significant in non-Albanian cases).*

#### **SECTION 4- MMA AND LOCAL CAPACITY BUILDING AT DFM**

It is of crucial importance that the DFM continues to develop its local forensic capacity in order to continue working to determine the fate of the Missing once EULEX exits Kosovo.

EULEX Forensic Experts have actively mentored and monitored local MoJ/DFM staff in capacity building efforts, including the development of a local exhumations team (see Annex 2) and a separate dedicated team working on the issues of misidentification cases and public outreach.

The local exhumations team was present and actively engaged in more than 30 field operations. The issue of possible misidentifications has been an important aspect in the DFM since the EULEX Mission began, three years ago. In 2011, the EULEX-DFM Team began to MMA the Ministry of Justice Outreach Team in dealing with specific mis-identification cases in the field.

Families have been systematically visited and requested to give additional information as well as blood samples for DNA analysis. Other cases concern the families requesting exhumations and identification through anthropological and DNA analysis, prior to which detailed information should be collected from the family in order for an exhumation to go ahead.

Regular meetings were held in which the Outreach Team was briefed on different cases, progress thus far and investigations still pending. Joint field assignments began in May. Since then, over 60 families have been interviewed in various regions of Kosovo, including Rahovec/Orahovac, Vushtrri/Vucitrn and Skenderaj/Srbica. Twenty of the assignments were carried out independently and successfully by the MoJ Outreach Team.

## SECTION 5- WORK PLAN 2012

EULEX-DFM seeks to completely transfer the Missing Persons Operation to the MoJ once EULEX has been satisfied that the complex tasks required can be conducted in a scientific, impartial and professional manner. The MoJ already manages a large proportion of the work. All the non-sensitive information produced by EULEX-DFM is shared with the local director and relevant staff. However, there is still no fully operational local capacity to deal with case investigation, exhumations and forensic anthropological work. In 2012, EULEX-DFM will continue to strongly encourage the MoJ to develop the necessary local capacity required to responsibly handle the Missing Persons Operation.

### 4.1 Projected Field Operations (n=36):

Location	Municipality	Site Type	MP/SMID	# of Individuals
Qabrat/Ćabrat	Gjakovë/Đakovica	Cemetery	Reassociation	19+
Stupel/Štupelj	Klinë/Klina	Cemetery	SMID	1
Nabergjan/Nabrđane	Pejë/Peć	Cemetery	SMID	1
Pastaselë/Pusto Selo	Rahovec/Orahovac	Cemetery	SMID	56
Makermal/Makramać	Skenderaj/Srbica	Cemetery	SMID	15
Strelc/Strelce	Deçan/Dečane	Cemetery	MP	1
Ramoc	Gjakovë/Đakovica	Not known	MP	3
Koretishtë/Koretište	Gjilan/Gnjilane	Well	MP	2
Vlladovë/Vladovo	Gjilan/Gnjilane	Not known	MP	3
Dobërçan/Dobročane	Gjilan/Gnjilane	Not known	MP	1
Petrovc/Petrovac	Gjilan/Gnjilane	Not known	MP	1
Vllashticë/Vlaštica	Gjilan/Gnjilane	Not known	MP	2
Llugovë/Lugovo	Istog/Istok	Field	MP	3
Bratillovë/Bratilovac	Kamenicë/Kamenica	Field	MP	1
Qabiq/Čabić	Klinë/Klina	Well	MP	1
Dobërdol/Dobri Dol	Klinë/Klina	Cemetery	MP	1
Bicaj/Biće	Klinë/Klina	Field	MP	5
Kamen	Leposaviq/Leposavić	Field	MP	1
Mitrovicë/Mitrovica North	Mitrovicë/Mitrovica	Mosque	MP	1+
Suvodoll/Suvi Do	Mitrovicë/Mitrovica	Cemetery	MP	1
Obiliq/Obilić power plant	Obiliq/Obilić	Field	MP	15
Pejë/Peć	Pejë/Peć	Well	MP	1
Duboçak/Dubočak	Pejë/Peć	Field	MP	1+
LLadovc/Ladovce	Podujevë/Podujevo	Well	MP	2
Gorozub/Goruzuh	Prizren	Open field	MP	24
Firing range	Prizren	Field	MP	circa 80
Mamushë/Mamuša	Prizren	Cemetery	MP	3
Rudnica	Serbia	Quarry	MP	circa 300
Prekazi I Ultë/Epërm Donje/Gor. Prekaze	Skenderaj/Srbica	Cemetery	MP	2
Zhivilodë/Žilivoda	Vushtrri/Vučitrn	Mine	MP	26
Slakovc/Slakovce	Vushtrri/Vučitrn	Field	MP	2
Skroma/Skrovna	Vushtrri/Vučitrn	Riverside	MP	8
Kunovik	Vushtrri/Vučitrn	Roadside	MP	1
Dren	Zubin Potok	Field	MP	26
Vidomiriq/Vidomirić	Zveçan/Zvečan	Field	MP	1
Klinovc/Klinavac	Klinë/Klina	Well	MP	1

1. MP: Missing person case; SMID- Suspected mis-identification case

2. *Not all field operations lead to exhumations.*
3. *Adverse weather conditions may prevent some field operations from taking place.*
4. *New cases may arise and take priority.*

- EULEX will continue to conduct actions aimed at locating and reaching alleged grave sites beyond Kosovo's borders.
- "Burnt House Project" - Many MPs were elderly individuals who remained home during and immediately after the conflict. Many of these homes were destroyed. It is likely that some victims lie buried in the rubble.
- In coordination with the relevant organizations, especially the ICMP, collect as many blood and/or bone samples as possible in order to complete partial DNA profiles.
- Conclude the case review of the NN remains held at DFM.
- Close cases which reached the limits of forensic analysis.
- Advise and mentor the MoJ on implementing a focused and intensive training in the relevant forensic fields (see Annex 2: MMA-ing the Local DFM exhumations Team).

## **SECTION 6- RECOMMENDATIONS:**

EULEX-DFM takes this opportunity to respectfully make the following recommendations to the main stake-holders in the issue of the Missing:

To the Kosovo Office of the Prime Minister:

1. Strengthen the Government Commission on Missing Persons. There have been significant changes but much more needs to be done to enable it to fulfill its mandate. An evaluation of its activities, human resources, organizational structure and budgetary needs is required.
2. Collect information regarding burial site locations of non-Albanian missing. Make this information available to the International Committee of the Red Cross.
3. Embark on genuine reconciliation efforts. It is well established that effective reconciliation initiatives lead directly to the location of burials and therefore, missing persons.
4. Embark on memorialization projects for the missing together with specially designated areas for the burial of unidentified remains.
5. To ensure that the Battalion of Engineers of the Kosovo Security Force lend logistical and operational support for **the final** (pre-forensic) stage of the excavation in Zhilivoda.

To the Kosovo Ministry of Justice:

1. Support the Department of Forensic Medicine. The Department has urgent logistical, administrative and human resources needs. It cannot be expected to deliver results if it is not in a position to work for them.
2. Contribute to the development of local forensic capacity: Kosovo needs local forensic anthropologists and forensic archaeologists. EULEX cannot do this training in isolation.
3. Every year, many archaeological human remains are discovered in Kosovo. Appropriate legislation must be drafted to ethically deal with human remains that are not of forensic relevance.

To the MoJ/Department of Forensic Medicine:

1. Increase support to the Identification Team and the Outreach Unit. They are understaffed and cannot fulfill their duties in a timely fashion.
2. Formally establish and support the Exhumations Team. This team will be crucial once EULEX hands over all responsibilities.
3. Improve communication between units through regular coordination meetings and evaluation of action plans.

To the Government of Serbia:

1. Increase efforts to release MUP and former Yugoslav Armed Forces documents from 1998 and 1999 about burial sites and events related to the conflict in Kosovo. These documents are of vital importance to solve several missing person cases.
2. Conduct the assessment of the alleged mass grave site in Rudnice (Raska) without further delay.
3. Embark on genuine Reconciliation efforts. It is well established that effective reconciliation initiatives lead directly to the location of missing persons.

To Family Associations:

1. Re-focus your interventions. Maintain pressure on both governments to solve the issue.
2. Keep the issue of the Missing in the public mind. Raise awareness.
3. Conduct multi-ethnic activities. These are more likely to be effective.
4. Support the ICRC Working Group on Missing Persons. Insist that both THE Pristina and Belgrade Delegations provide reliable information.

To KFOR Command:

1. Make aerial imagery available to DFM as well as other SitReps related to the discovery of graves in 1999 onwards. This can be an invaluable tool for our operations.

To the EU Member States:

1. Actively encourage Belgrade and Pristina to increase their efforts to determine the fate of the Missing. The EU, through its forensic experts at the DFM, is fully engaged and committed to this issue. These efforts should be reciprocated.

## ANNEX 1- EULEX/DFM MANDATE

EULEX is the European Rule of Law Mission in Kosovo, established by the Council Joint Action 2008/124/CFSP on the 4<sup>th</sup> of February, 2008. The Mission was approved by the Kosovo Government and the 27 Member States of the European Union with a mandate to assist the Kosovo judicial authorities and law enforcement agencies in their progress towards sustainability and accountability. The Mission became operational on the 9<sup>th</sup> December 2008.

In June 2010, pursuant to the adoption of Law No. 03/L-137 issued by the Assembly of the Republic of Kosovo, OMPF was transformed into the "Department of Forensic Medicine" under the Kosovar Ministry of Justice. The DFM was established "as the competent public authority responsible for providing forensic medicine and medical death investigation expertise, including exhuming the human remains related to the armed conflict in Kosovo and returning the remains to the families".

The Department of Forensic Medicine (DFM) is the scientific institution of the Ministry of Justice specializing in a diverse range of forensic fields. Its principal objectives are:

- To determine the fate of the Missing as a result of the conflict in Kosovo and its aftermath,
- To strengthen the Rule of Law in Kosovo by providing scientifically sound physical evidence which may aid in the search for justice,
- To be at the forefront of forensic related developments in Kosovo and the Balkan Region.

EULEX forensic experts work in partnership with MoJ experts in DFM to assist in the search for the Missing and to develop a sustainable and effective forensic medicine system. As of 09<sup>th</sup> December 2008, EULEX assumed its monitoring, mentoring, advising and executive functions within DFM. To carry out their mandate, EULEX experts work in close coordination with their Ministry of Justice/DFM counterparts.

The DFM has the following dual mandate:

1) To clarify the fate of missing persons:

- Assess and exhume suspected graves,
- Perform autopsies of unidentified remains in order to determine cause of death whenever possible and complete identification in a professional manner, using DNA analysis whenever necessary,
- Keep the families of the Missing informed on the progress and return the identified remains to their families in a timely and respectful manner,
- Keep up-to-date records and statistics on missing persons in Kosovo.

2) To provide a medico-legal system in Kosovo of European standards, including but not exclusively limited to the following specialties:

- Medical examinations of victims of sexual/physical offences,
- Autopsies in cases of suspected non-natural death,
- Cases of medical malpractice,
- Toxicological analysis,
- Histo-pathological analysis,
- Medico-legal analysis of crime scenes.

DFM has established a coherent system of working procedures and protocols on exhumations, autopsy, identifications, returns of remains, and mortuary work, which respects the requirements of the judiciary system and the needs of families.

Resolving the fate of missing persons in Kosovo is an extremely lengthy and complex task exacerbated by the particularly sensitive social and political context. Through the systematic audit of the records, the closure of cases of persons no longer missing, the continuous search and exhumations of graves, the identification and return of remains, the number of missing persons has been reduced from 5236 (figures in June 2002) to 1790 (**official figures in December 2011**).

### **1.1 EULEX-DFM POLICY ON THE ISSUE OF THE MISSING:**

The investigation and resolution of the issue of the Missing as a result of the conflict in Kosovo and its aftermath is of the utmost priority for EULEX and DFM. The difficult problems surrounding cases of missing persons demand a prompt, uniform and continuous response. Investigations, together with public outreach activities are and will be timely and comprehensive.

Whilst over 66% of the Missing has been found, as of the date of issuance of this document, there remain 1790 persons unaccounted for in Kosovo. Investigations are commonly faced with cases that generally lack significant investigative leads. The investigative problems are compounded by the passage of time: a decade since most disappearances occurred. The investigative complexities make it necessary to actively interact with and involve relevant civil society actors in an effort to create new avenues of enquiry.

It is EULEX-DFM's Policy to ensure:

- That all reports are fully investigated,
- A full case-record is created and updated as new information becomes available,
- Every appropriate tool available to DFM be used to assist in the investigation,
- Every relevant coordination is made with other departments and relevant units,
- Families of the Missing must be kept duly informed of the status of investigations. All efforts are to be made to re-assure families that investigative and available forensic methods are being utilized,
- Information be made available to Families and Family Associations,
- Appropriate and accurate media relations are maintained regarding the Missing and un-identified remains,
- No case will be closed until the Missing Person's fate is determined.

## Annex 2: MMA LOCAL DFM EXHUMATIONS TEAM

At the beginning of 2011 the DFM Archaeologist was tasked with providing basic training (under the EULEX MMA mandate) to the four Identification Officers of the local Department of Forensic Medicine (DFM).

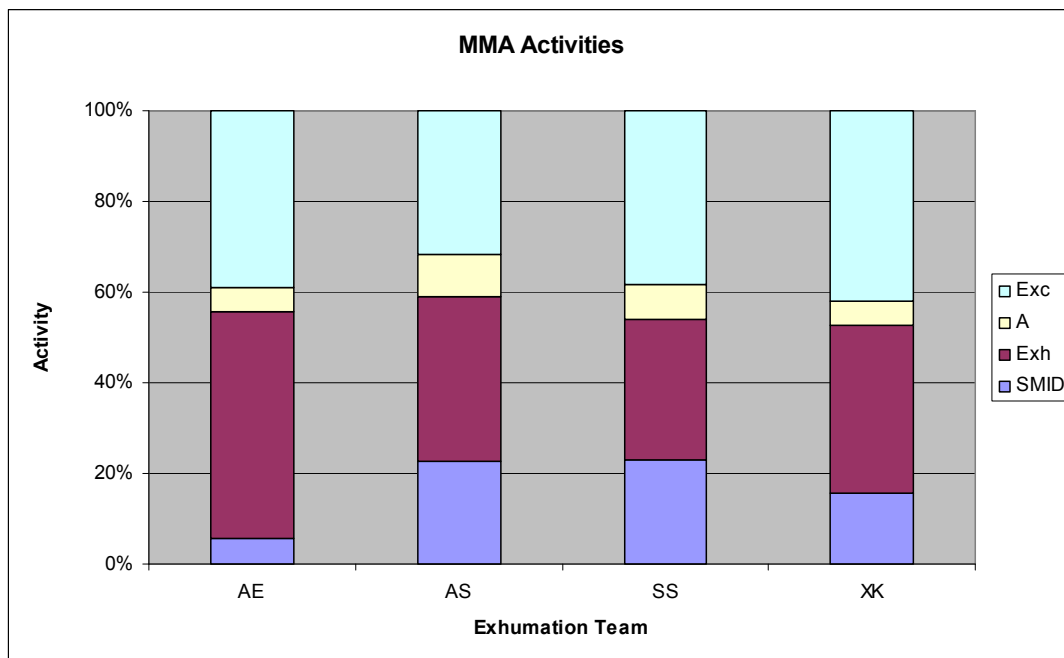
The aim was and continues to be to provide the Exhumations team with appropriate skills in order to approach the recovery of human remains in a standardised and professional manner based upon internationally acknowledged methodologies.

Training started on April 7<sup>th</sup> 2011 by the presence of all four personnel attending a combined exhumation and hand-over of human remains from Pastasellë/Pusto Selo Martyrs cemetery in the Municipality of Rahovec/Orahovac.

### Collective experience gained:

From April to December 2011 members of the Exhumations team have been present on 36 days of activities including:

- Suspected mis-identification cases (6)
- Other exhumations (13)
- Field Assessments Surface (3)
- Field Assessments Excavation (14)



Exc.- Excavation  
A.- Assessment  
Exh.- Exhumation  
SMID- Suspected mis-identification

On these occasions the DFM Archaeologist provided training and mentoring to the team members in the exhumation of human remains from both formal cemetery locations as well as informal war-related burials in both cemetery and non-cemetery locations.

Collectively and individually they have been present at a wide-range of site locations having different case backgrounds and therefore to a variety of site-recovery strategies. As a result they have had a good introduction to unique site characteristics and associated logistical issues.

### Collective training

There are some basic methods and approaches that are applicable to all situations and it is these that the DFM Archaeologist is providing training and mentoring with primarily including excavation and recording. The following points were listed in the original Basic Training Proposal:

<b>Search</b>	Surface assessment
<b>Location</b>	Excavation (trenches/area), basic soil interpretation
<b>Recovery</b>	Excavation and recovery of remains
<b>Recording</b>	Photographs; mapping; site form
<b>Reporting</b>	Final official report

Training/MMA has been implemented predominantly through on-site training supplemented by short and basic information documents and *pro-formas* that can be used as action points/memory joggers/templates for field notes/maps etc. Training/MMA is still ongoing.

### Certification

EULEX/DFM is unable to provide formal certification of training or any form of accreditation and it is therefore proposed to provide the ID Unit with concentrated relevant forensic training through a series of workshops from experts from/associated with an academic institution.

The aim of training workshops is to:

***Provide intensive training and basic accreditation with a formal Certificate***

### The Workshops

A combination of informal lectures and outdoor scene simulations given by recognized UK institutions, probably over a week/10 days and tailored specifically towards the ID unit. This will allow for external independent assessment by high-level practitioners. This can be supplemented by Kosovo-specific KPS/Kosovo Prosecutors/(EULEX) lectures on Kosovo Police Structure/Rule of Evidence procedures/court orders/existing legislation on human remains (if any and if any relevant) and potentially a short lecture on the Law of Missing Persons to provide a more comprehensive package.

### Elements for evaluation towards Certification

Certification can apply to both field and mortuary activities undertaken by the Identification Unit.

<b>Subject</b>	<b>Main elements</b>	<b>Trainers</b>	<b>Medium</b>
<b><i>Excavation</i></b>	Awareness of soil changes (natural and disturbed soils); features (cuts and edges); excavation of human remains and associated artefacts	Dundee University	Lecture(s) Scene simulation
<b><i>Survey</i></b>	Site Sketch (broad site overview); Taking measurements – triangulation and off-setting; Scale drawing and mapping	Dundee University	Scene simulation

<b><i>Physical Anthropology</i></b>	Awareness of human skeletal elements; animal v human; basic on-site inventory	Dundee University CAHID	Lectures Scene simulation
<b><i>Crime Scene</i></b>	Levels of site integrity and approach; on-site procedures and photography; Chain of Custody	Dundee University	Lecture Scene simulation
<b><i>Legal factors</i></b>	Court Order and Investigation; Rules of disclosure and evidence; local and International Police Structure	Kosovo Pros/KP/EULEX	Lectures
<b><i>Communication Skills</i></b>	On-site communication and teamwork; Site report; Expert Witness	Dundee University	Lecture ?Role Play
<b><i>Personal development</i></b>	Health and Safety	Dundee University	Lecture