



DEPARTMENT OF FORENSIC MEDICINE EULEX-KOSOVO

EULEX/DFM ANNUAL ACTIVITIES REPORT MISSING PERSONS OPERATION

REPORTING PERIOD: 09 DEC. 2009- 08 DEC. 2010 (2011-DFM-010)

Introduction

This report presents the results of the activities undertaken by EULEX and DFM as part of its Missing Persons Operation for the period 09 Dec 2009 to 08 Dec 2010. This report is divided into the following sections:

- Section 1- EULEX/DFM Mandate
- Section 2- Field Operation Results
- Section 3- Forensic Anthropological Results
- Section 4- Unidentified Remains
- Section 5- Addressing Mis-identifications
- Section 6- Wrongly-associated Bones
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- Section 8- Handover of Mortal Remains to Families
- Section 9- Civil Society
- Section 10- Work Plan 2011

EXECUTIVE SUMMARY

In 2010 EULEX and the Department of Forensic Medicine (DFM) conducted 101 field operations and recovered 34 individuals. Fifty-seven (57) missing persons have been identified. 103 remains have been returned to families. An exhaustive analysis of the unidentified remains is continuing. Over 700 files have been reviewed related to commingled, fragmented and burnt cases. 580 bone samples were selected for DNA analysis, resulting in 231 bone re-associations.

For 2011, over 20 cases with potential locations have been identified for field operations. These include large and complex sites such as cemeteries, mines, a well, a large former firing range, etc. Additionally, intensive work will continue on the unidentified remains. Strong outreach activities will take place.

The greatest challenges for 2011 are finding reliable information leading to the location of potential grave sites, determining the identity of the remains held in DFM and having the cooperation of families and Family Associations.

SECTION 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 4th 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 9th 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 09th 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 **1821 (official figures in December 2010)**. This means that **3415 Missing (65%)** have been accounted for in 8 years.

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 65% of the Missing has been found, as of the date of issuance of this document, there remain 1821 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 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 unidentified remains,
- No case will be closed until the Missing Person's fate is determined.

SECTION 2- FIELD OPERATIONS RESULTS

DFM has conducted an intensive field season which has resulted in 101 field operations, resulting in the recovery of 34 individuals. Over 20 new potential grave sites have been ear-marked for further investigation in 2011.

The cooperation of many Family Associations has played a crucial role in achieving the results so far, particularly in the suspected cases of mis-identifications from 1999. The following map and tables 1 and 2 show the geographical distribution of field operations:

Map 1- NUMBER OF FIELD OPERATIONS AND INDIVIDUALS RECOVERED BY REGION

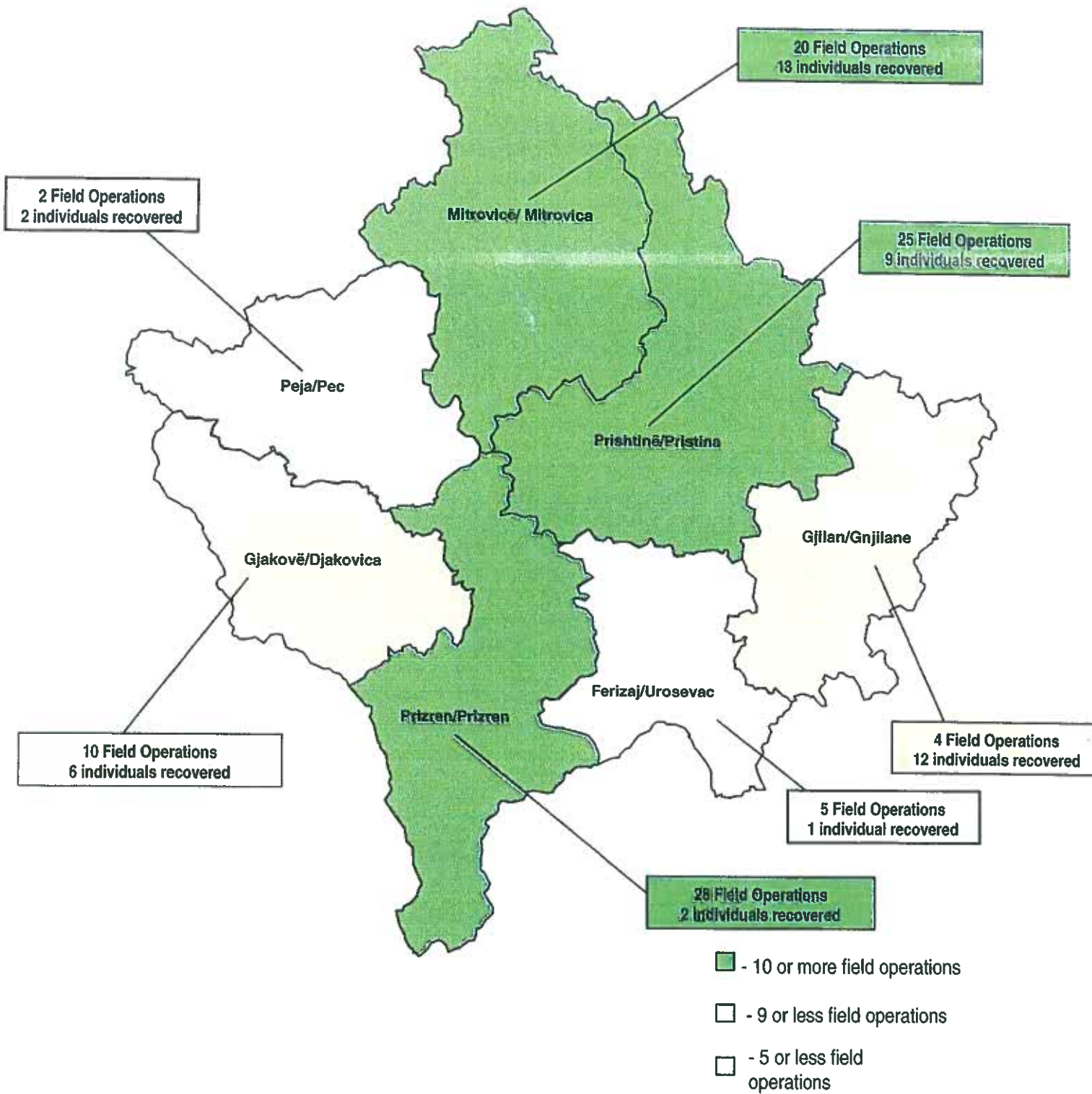


Table 1: Field Operations by Region

Region	Field-operations	Individuals recovered
Mitrovica	20	13
Prishtina	25	9
Gjilan	4	1
Peja	2	2
Prizren	28	2
Ferizaj	5	1
Gjakova	10	6
Total	94	34

Table 2: Field Operations by Municipality

Municipality	Field-operations	Individuals recovered
Deçan	3	0
Gjakova	4	6
Ferizaj	3	1
Gjilan	1	1
Drenas	0	0
Istog	0	0
Kaçanik	2	0
Kamenica	1	0
Klina	0	0
Lipjan	3	2
Malisheva	0	0
Mitrovica	4	1
Podujeva	7	2
Peje	2	2
Prizren	19	1
Prishtina	15	5
Rahovec	3	0
Skenderaj	1	1
Suhareka	9	1
Viti	2	0
Vushtri	14	11
Zubin Potok	1	0
Total	94	34

2.1 SUSPECTED SITES OUTSIDE KOSOVO

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

Table 3: Sites Visited as Observers

Alleged Site	Date	Status
Medvedja	29 April	Pending
Rudnice	25 June	Negative
Rudnice	08 July	Negative
Perucac	09 August	Negative
Rudnice	22 September	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.

An alleged site was excavated jointly by EULEX and the Montenegrin authorities from the 19th to the 27th of July in the town of Andrijevica. The result was negative.

Contacts were made with Macedonian and Albanian authorities concerning potential graves located on their territories.

SECTION 3- FORENSIC ANTHROPOLOGY RESULTS

As a result of the identification work conducted at EULEX/DFM, 103 individuals were positively identified in 2010, 57 of which were missing persons.

Forensic Anthropological work resulted in the selection of 580 bone samples for further analysis including genetic profiling conducted by ICMP. Additionally, 231 bone samples were re-associated to other individuals.

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.

SECTION 4- UNIDENTIFIED REMAINS

4.1 INTRODUCTION

The identification of the bodies and body parts under DFM custody is of the highest priority and forms an essential component of DFM's strategy. To this end, DFM has worked intensively in the review of every single case and has made considerable progress. Additionally, over 580 new bone samples have been sent to ICMP for DNA analysis. For the last 12 months EULEX-DFM continued to work intensively on the issue of the unidentified remains held in the morgue. The work has been labour-intensive and highly complex. The task is not finished since it requires further detailed analysis and the cooperation of Civil Society.

4.2 A GUIDE TO UNDERSTANDING THE UNIDENTIFIED REMAINS AT THE DFM- Kosovo Cases

- There are 250 bodies.
- There are 101 body parts.
- There are 168 male bodies vs. 82 female bodies. There are 80 male body parts vs. 21 female body parts.
- All have been profiled by ICMP (all have a DNA "finger print"). However for a large number of cases, these profiles are several years old. We strongly suggest that problem cases are re-profiled using new technology and methods offered by ICMP or other labs.
- In 2009 and 2010, sixteen (16) samples sent in 2002 and 2003 were finally matched to blood. These cases took 7-8 years for a match to be made.
- For the rest of the bodies and body parts, none of them have so far matched the blood data base, so they remain un-identified.
- If relatives have not given blood: their missing person could be at the DFM.
- We know that there are more than 250 incomplete blood samples. There are also 61 cases for which there is no blood at all.
- In total there are 311 cases which cannot be identified because we do not have the blood for comparison.
- Some of the remains buried during and after the conflict were possibly MIS-IDENTIFIED and that they may actually be missing persons, while the remains at DFM are those of persons who were never reported as missing (See Section 5: Addressing Potential Mis-identifications below).

Table 4: By Municipality

Municipality	Bodies	Body parts
Deçan	2	9
Gjakova	27	14
Ferizaj	3	0
Gjilan	2	1
Drenas	1	1
Istog	2	17
Kaçanik	4	1
Kamenica	2	0
Klina	3	0
Lipjan	0	1
Malisheva	3	1
Mitrovica	23	8
Podujeva	2	1
Peje	23	18
Prizren	34	7
Prishtina	82	9
Rahovec	8	2
Skenderaj	3	7
Suhareka	14	2
Vushtrri	12	2
Total	250	101

Table 5: By Region

Region	Bodies	Body parts
Mitrovica	38	17
Prishtina	85	12
Gjilan	4	1
Peja	28	35
Prizren	51	10
Ferizaj	7	1
Gjakova	37	25
Total	250	101

Table 6: Sites from Serbia

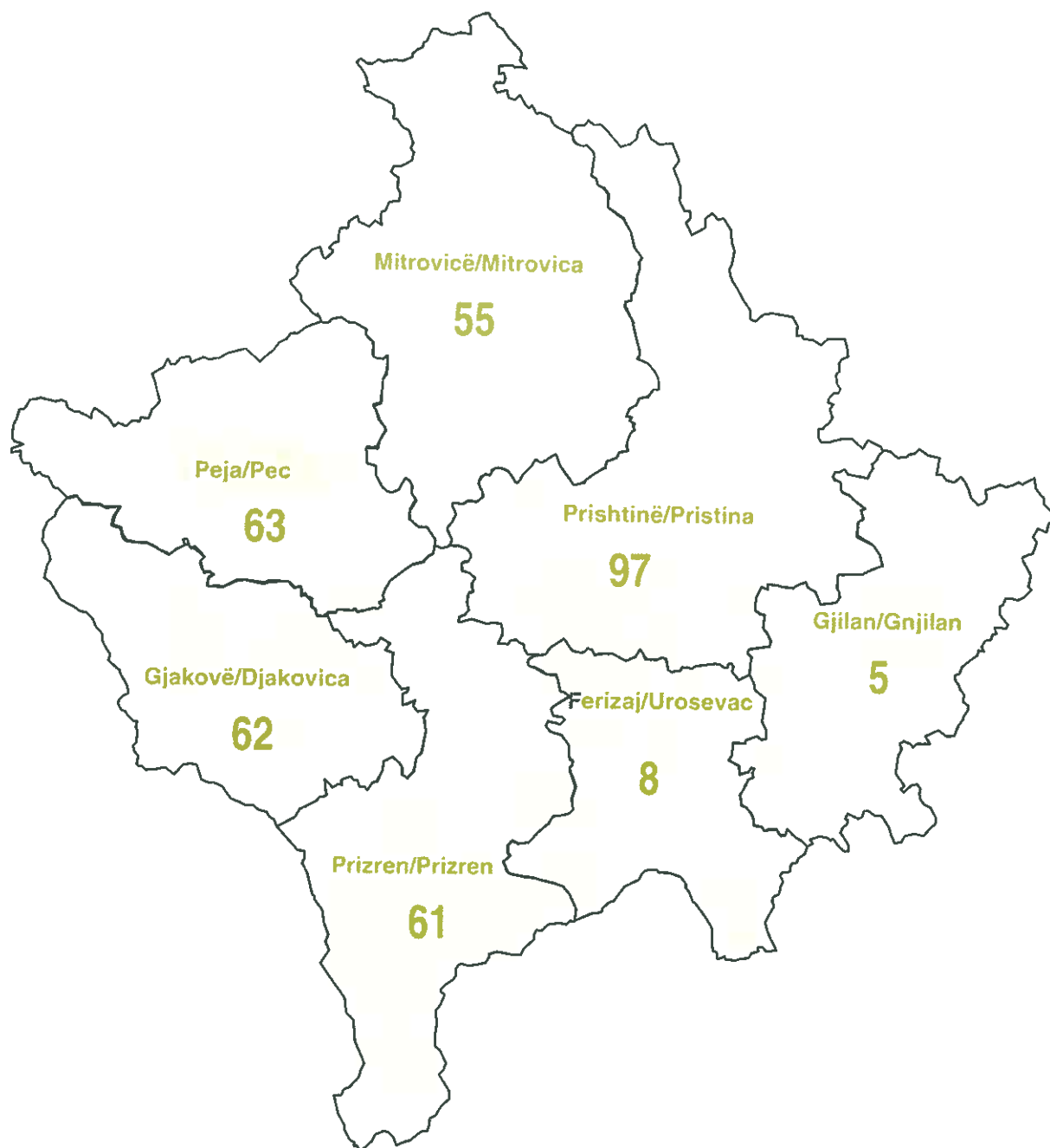
Site	DNA Profiles
Banja Basta	3
Batajnica	6
Batajnica 03	6
Batajnica 05	6
Batajnica 07	5
Total	26

Table 6 displays the number of DNA profiles without a match from the mass graves located in Serbia in 2001, 2002, and 2003. A total of 26 unique profiles (26 individuals) remain to be identified. They have not been identified yet because they have not yet been matched with blood samples in the blood data base.

4.3 CURRENT ACTIVITIES:

As during 2009, in 2010 EULEX-DFM liaised with family associations throughout Kosovo to find families, which may harbour a doubt about the identity of the remains that they buried without scientific support. We are first focusing on events which had the conditions which usually led to mis-identifications. The strategy however, goes deeper than that: Once potential families have been determined DFM staff approach them and the situation is described and explained in great detail. Cases tend to be unique in their circumstances so that each one merits an individual approach. In many cases, all that is required is a blood sample; in others both a blood and a bone sample is required, whilst in others a full exhumation and autopsy is needed. (See Section 5: Addressing Potential Mis-identifications below).

Map 2- BODIES AND BODY PARTS BY REGION



SECTION 5: ADDRESSING POTENTIAL MIS-IDENTIFICATIONS

Correcting cases of potential mis-identifications from 1999 and 2000 is a lengthy process requiring considerable tact when contacting families, family associations and community leaders, patience and attention to detail in analyzing documents and the situation on the ground, including existing cemeteries and potential burial places.

The DFM's strategy to address the issue of potential mis-identification includes the following actions:

- Exhumation of remains upon request by family members for confirmation of identity with the help of DNA testing
- DNA analysis of spare ICTY samples collected in 2000
- Analysis and review of specific events such as Pastasel/Pusto Selo, Rezalla/Rezala, Makermal/Makrmalj, Bishtrazhin/Bistazin, Studime, Dubrava, etc. Collection of blood and exhumations if required.

5.1 EXHUMATIONS REQUESTED BY FAMILIES

In 2004, DFM (at the time OMPF) started to accept requests from families to exhume the remains of alleged relatives killed during the conflict in order to confirm the identity with DNA analysis. EULEX DFM continues this necessary work. The criteria to accept such requests are the following:

- Event date. The presumed victim was killed during the conflict.
- 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.
- Who claimed to recognise the remains?
- Who buried the remains?
- There are reasonable doubts regarding the identity of the body.
- Included are the cases where families or neighbours that found remains on the surface.

Since 2004, 109 remains were exhumed on the request of families. The DNA profiling is pending for 5 of these cases, 11 of the remaining 109 cases were mis-identified (approx 11%).

In 2010, on a total of 34 bodies recovered from January until mid November, 12 bodies were exhumed on the request of the families.

Table 7: Mis-identification Data by Year

Years	Total bodies exhumed	Bodies exhumed by family request (% of such cases compared to total number)	Number of mis-identifications (% of mis-id compared with number exhumed on request of family)
2004	121	13 (11%)	0 (0%)
2005	112	0 (0%)	n/a
2006	59	11 (19%)	1 (9%)
2007	73	22 (30%)	2 (9%)
2008	53	16 (30%)	2 (12.5%)
2009	101	35 (35%)	3 (8.6%)
2010	34	12 (30%)	3 (n/a)
Total	553	109 (18.5%)	11 (10.6%)

All remains are autopsied and bone samples are sent with associated presumptive identity for DNA testing.

In average, DFM receives three requests a month and has currently two requests pending exhumations.

5.2 ICTY “SPARE SAMPLES”

In 2000, ICTY collected bone samples for future DNA analysis. At the close of ICTY operation, these samples were handed-over to UNMIK. When OMPF was created in 2002, the samples cut from NN bodies were sent to ICMP for DNA analysis. The samples belonging to bodies already identified and returned to the families in 2000 (referred here below as “spare samples”) were kept at the mortuary.

In 2006, DFM sent a spare sample for DNA analysis on the request of the family who wanted to confirm the identity of a body buried in 2000. The identity was confirmed. Two more spare samples were sent in 2008, again on the request of the families. The identities were again confirmed.

In 2009, DFM started to send spare samples without request from family members. DFM focused on two sites in Skenderaj/Srbica municipality, namely Makermal/Makrmalj and Rezalla/Rezala, where DFM suspected that some mis-identifications might have occurred. Out of 48 spare bone samples sent for DNA analysis, 29 were associated with presumptive identities, the families having agreed to give blood. Out of these 29 samples, 18 results confirmed the initial identification made in 2000, four results were negative and 7 are still pending. The 19 samples sent without presumptive identity have not been matched with any blood references to date.

One negative result was received for Makermal/Makrmalj. The mis-identified body was exhumed and the correct one was returned to the family (see para. 5 below).

DFM is continuing the analysis of Rezalla/Rezala site and additional families will be contacted for blood collection with the hope that the three mis-identifications will be corrected.

Other sites will then be considered for review and analysis and more spare samples might be sent for DNA testing.

5.3 ANALYSIS BY EVENT – 1: PASTASEL/PUSTO SELO (MUNICIPALITY OF RAHOVEC/ORAHOVAC)

Pastasel/Pusto Selo was the first event mentioned in the SWG (in 2006) as a potential test for cases of mis-identifications.

106 bodies were buried by families in 1999. 96 of these bodies were then exhumed by Serbian forensic teams to be autopsied and reburied in various cemeteries in different municipalities. These cemeteries were then re-exhumed either directly by families looking for their missing relatives or by ICTY in 1999. Most of the recovered bodies were identified based on clothing, among them 56 belonged to victims of Pastasel/Pusto Selo event. Between 2000 and 2009, 37 additional bodies were identified with DNA as victims of this event.

At the beginning of 2010, 13 men were still considered missing from Pastasel/Pusto Selo event and DFM had the bones of a minimal number of 28 unidentified males (bodies and body parts) recovered from cemeteries where other Pastasel/Pusto Selo victims had been found (Prizren – Tusus Cemetery, Shiroko/Siroko Cemetery, Serbice e Poshtme/Donja Srbice, etc). The blood profile of the relatives of the 13 missing men did not match the bone profiles of any of the remains at the morgue. The remains of these men have most likely been buried under the wrong identity by other families

Nevertheless, most of the families were opposed to the re-exhumation of their relatives for new autopsy and DNA testing. As a matter of fact, no family from Pastasel/Pusto Selo ever approached DFM with a request for re-exhumation. The best alternative was to collect blood samples from as much families as possible in order to compare these blood profiles with the profiles of the NN bodies under DFM custody. Obviously, this would not clear all cases of mis-identifications, but only those where the correct remains lie at the morgue.

The case of Pastasel/Pusto Selo presents a particular challenge: since victims were buried in different municipalities, along other victims from other places and events, potential mis-identifications are not only internal to the event. There might be occurrences of cross-events mis-identifications.

In February 2010, DFM started to systematically contact families. A number of families refused to give blood but the contacts of those who accepted were sent to ICMP. So far, blood references have been collected from 18 families and DFM has already received DNA result showing mis-identification in three cases as the blood profiles of the relatives match the profile of unidentified bones under DFM custody.

- Name withheld (DNA match with previously NN body HP35-001B)
- Name withheld (DNA match with previously NN body YMI12-001B)
- Name withheld (DNA match with previously NN body KRO01-001B)

The remains wrongly buried under these three (withheld) identities will be exhumed in the coming weeks and the correct remains will be handed-over to the families. DFM hopes these three cases will encourage other families to give blood or even request the re-exhumation of the remains buried under their relatives name to check the identity with DNA analysis.

5.4. ANALYSIS BY EVENT – 2: STUDIME, MUNICIPALITY OF VUSHTRRI/VUCITRN

In the case of Studime Cemetery, the mis-identifications are mostly internal, i.e. within the group of 96 victims killed on the 02 May 1999, but might also include some other war victims buried in the same cemetery.

All remains present in the cemetery were buried by villagers, and some of them were exhumed in 1999 by ICTY and reburied after autopsies in the same cemetery. The graves of two victims of the 02 May event could not be located and the families reported them missing. In addition, ICTY reports mention the presence of few NN bodies, some of them might have been identified by family members later on.

In 2002 and 2003, OMPF/DFM exhumed three unidentified bodies from the cemetery (these bodies are still unidentified). In the following years, DFM exhumed six more bodies on the request of the families, but the identities of only two of them could be confirmed. A third body was recently identified as a victims killed after the 02 May 1999. As a result of these successive exhumations, DFM had 6 unidentified bodies and 6 persons reported missing, but no match between blood and bone profiles.

Some discrepancies and permutations were also noticed between the initial burial sketch drawn by the villagers and the ICTY reports on the exhumations done in 1999. In addition, the layout of the cemetery was drastically modified between 2004 and 2010. The remains were initially buried in 15 parallel lines, closely spaced and each line containing between 4 and 7 bodies. In 2004, families started to build grave, but without taking into account the initial burials lay-out. The concrete frames and graves were only approximately placed over the initial burial area. It became impossible to locate any remains with certainty.

In order to identify the 6 unidentified remains, DFM started to contact families from Studime event to advise them to give blood. The families were chosen on the basis of the location of the graves of their dead relatives. A substantial number refused to give blood, the contacts of those who have accepted were forwarded to ICMP. In parallel, DFM also decided to exhume graves in order to collect samples for DNA analysis with the aim to locate the remains of the current 6 missing persons.

So far, two samples were sent and the exhumations are on-going.

5.5 ANALYSIS BY EVENT: OTHER CASES

In addition to Pastasel/Pusto Selo and Studime, DFM works on the following events: Bishtazhin/Bistazin, Rezalla/Rezala and Makermal/Makrmalj. We plan to start soon the analysis of Dubrava event.

5.5.1 Bishtazhin/Bistazin, Municipality of Gjakova/Djakovica

A number of unidentified bodies and body parts exhumed by ICTY in Gjakova/Djakovica cemetery are still unidentified (site code CZ). In 2008, DFM started to contact families of victims from Bishtazhin/Bistazin event in order to advise them to give blood. So far relatives have given blood references for 16 victims. Six remains were exhumed, the identities of five of them were confirmed and one identification is pending. DFM will continue to contact families for blood collection.

5.5.2 Rezalla/Rezala, Municipality of Skenderaj/Srbica

(See para 2 above) DFM will send more spare samples and additional families will be contacted for blood collection.

5.5.3 Makermal/Makrmalj, Municipality of Skenderaj/Srbica

(See para 2 above) In 2007, OMPF/DFM exhumed the remains buried under the name of (withheld) to confirm the identity. The identification was negative and DFM started to contact families from Makermal/Makrmalj event to advise them to give blood. As the cemetery was exhumed by ICTY in 2000 (site code ZF and RY), DFM had spare samples and could send six of them without exhuming remains. Three identifications were confirmed, two are pending and one was negative, but was later on identified as the body initially buried under someone else's name.

5.5.4 Mis-identification Chain

Research on mis-identifications has revealed a previously unknown level of complexity. In 2010 a chain of mis-identifications was discovered. This is explained below (real names have been omitted):

A body believed to be Victim "A" was buried by Family "A" in Suha Reka in 1999.

However, OMPF found and identified the real Victim "A" in 2007 in Serbica I Ulet. OMPF then informed the family and the bodies were exchanged.

The exhumed body was transferred to the OMPF mortuary where it was recently identified in 2010 as Victim B from Pastasel.

However, a body believed to be Victim "B" was buried by Family "B" in Suha Reka in 1999.

DFM has arranged for this new exchange of bodies. Once exhumed, the body wrongly identified as Victim "B" will be autopsied by DFM and bone samples will be sent for DNA analysis.

Both bodies were initially buried in the same cemetery in Suha Reka in the Spring 1999. They were only a few meters away from each other. The cemetery was exhumed by ICTY in Summer 1999 and the remains were returned to presumptive families. Victims A and B were therefore never reported missing.

However, the son of the real Victim "A", who was reported missing in 2001, was eventually found in Tusus cemetery in 2004 and identified in 2009. The identification of both Victim "A" and his son was only possible because there were blood references available for DNA matching.

This is why it is important for families to donate blood samples when DFM requests them, even if they do not have missing relatives.

5.6 CONCLUSION

Mis-identifications might concern up to 11% of the remains buried by families in 1999 and 2000 without scientific identification. Almost none of these victims was reported missing and the families did not give blood. Mis-identifications are not frequent enough to justify systematic re-exhumations of all the remains buried in 1999, a process that could cause unnecessary trauma and pain for the families concerned. On the other hand, their number is not negligible and the remains wrongly buried might belong to a person reported missing while in turn the correct body might lie among the unidentified remains currently at DFM mortuary. Each case of potential mis-identification merits an individual approach and strategy.

In most of the cases, the first step consists of collecting blood sample and Ante-Mortem information and available spare samples are sent for DNA analysis. Exhumations are only performed when necessary or if requested by family members.

SECTION 6- WRONGLY ASSOCIATED BONES

The case review conducted by EULEX has shown that in some cases, some bones were wrongly associated to some bodies. This happened in particular with cases of mass graves which had many mixed bodies and body parts. The case which is worst affected is the Perucac Lake mass grave (aka Bajna Basta) in Serbia. The issue is described below:

6.1 THE PERUCAC LAKE CASE:

Once the mass grave was located, the bodies and body parts were exhumed and autopsied by the Serbian authorities. As the autopsy and identification work was finished remains were transferred to Kosovo on different dates. In Kosovo, international experts from OMPF determined that further forensic work was needed. Forensic inspections were conducted. It was found that mistakes had been made in the original autopsies, mainly in determining the cause of death and in determining how many victims were present. The table below shows the difference in number of victims:

Table 8: Perucac Lake Case- Transfers from Serbia to Kosovo

Transfer #	Date	Number of Victims claimed to be handed over by Serbia	Real number of victims determined by OMPF
1	16 December 2004	12	15
2	07 September 2005	8	10
3	25 November 2005	3	5
4	30 June 2006	18	20

The Serbian authorities also handed over several body bags with mixed bones from several unidentified persons. However, the DNA technology available to ICMP at the time restricted the type of samples that could be sent for profiling.

When EULEX began work at the DFM in December 2008 it chose many more types of bones for the demineralization technique. Given that there are a number of missing persons from the events linked to this mass grave, it became necessary to sample a large number of bones (200 samples in 2009 and 200 in 2010).

Of the 400 samples sent for further analysis, 4 new identifications were made. Over 320 samples resulted in re-associations to individuals already identified while 50 samples failed. Around 26 samples are pending a result.

EULEX research has shown that the Serbian authorities re-associated bones without DNA analysis. These bodies were handed over to Kosovo and since there was no possibility to detect the problem at the time, bodies were handed over to the families with a few bones that did not belong to them. EULEX has so far determined 15 cases like this.

6.2 WHAT MUST BE DONE

The bones which were wrongly associated must be recovered and tested with DNA. EULEX believes that while it is likely that most of the bones will result in re-associations, we are hopeful that new identifications may be made.

Graves will be opened. The bones which were wrongly associated will be taken from the remains in the grave (meaning that no exhumation will take place). Samples for new DNA analysis will be taken from arm, leg and head bones.

Any new re-associations will be re-united and any new identification would be processed as normal (See Section 10: Work Plan 2011).

SECTION 7- ARCHIVAL INVESTIGATIONS

DFM has achieved considerable progress in the analysis of the 85,000 pages of ICTY reports. These documents include reports on death scene investigations, exhumations and autopsies of identified and unidentified victims conducted by the tribunal in 1999 and 2000. They do not consistently provide information on the location of where victim's bodies were last buried or who they were handed over to, but they provide new leads of investigation which EULEX/DFM is following in its efforts to locate gravesites. This type of data is combined with several other sources of partial data to build the most complete information possible. During 2010, many ICTY cases were screened for their usefulness; the ones with the most potential were prioritized for further action, which in some cases included site assessments and exhumations. The exhumations conducted at Novollan, Obrançë and Matiçan (where a total of 9 bodies and 3 body parts were recovered) resulted from the analysis of ICTY and OMPF documents, together with several field assessments. This work will continue in 2011.

Additionally, ICTY data is important in helping address the investigations into possible mis-identifications from 1999 and 2000.

SECTION 8- HANDOVER OF REMAINS TO FAMILIES

As soon as identification is made and certified by DFM, relevant family members are informed in person. In cases where only body parts are identified, DFM advises families to delay the hand-over and burial date until all possible body parts are identified or a case is closed. This prevents unnecessary grief and expense to families. However, the final choice is always with the relatives. Some families decide to bury bones as soon as they are identified. In some cases additional bones are identified after the burial, DFM offers to re-open the grave in order to re-associate the bones if the family wishes.

DFM handed 103 identified remains to families in 2010.

SECTION 9- CIVIL SOCIETY

The participation of civil society, particularly Family Associations, in the process of the search for the missing is of vital importance to achieve results. Throughout 2010, DFM has fostered the exchange of information with Family Associations throughout Kosovo and beyond. We have found that members of civil society have important information which has provided us with new leads to alleged grave sites and specific details which have moved forward some of our investigations.

EULEX/DFM met with families, Family Associations and other stake-holders on over 70 occasions in 2010.

It is necessary to continue this level of communication with all family associations in 2011. EULEX/DFM will be proactive in this respect and it is hoped that families will choose to work with us. This is particularly important to achieve progress on the following:

1. Locations of potential grave sites,
2. Coordination with non-members who need to give blood samples for DNA analysis,
3. Persuade families to provide blood for DNA analysis,
4. Gathering of information on specific cases,
5. Information exchange and general coordination,
6. Support systematic cemetery surveys and similar projects.

The greatest challenges for 2011 are finding reliable information leading to the location of potential grave sites, determining the identity of the remains held in DFM and having the cooperation of families and Family Associations.

We encourage all those who may have information to approach us. All information provided is treated with the utmost confidentiality. EULEX/DFM will respond in a timely manner to all information provided.

SECTION 10- WORK PLAN 2011

EULEX 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 is shared with the local director and relevant staff. However, there is still no local capacity to deal with case investigation, exhumations and forensic anthropological work. In 2011, EULEX will continue to strongly encourage the MoJ to develop the necessary local capacity required to responsibly handle the Missing Persons Operation.

In 2011 EULEX and DFM will continue to work together to determine the fate of the missing. The work plans will consolidate on the work initiated in 2010. The priorities are the following:

- Targeted exhumation campaign. The main challenge for locating the missing remains the absence of reliable information. Around 18 sites have been ear-marked for assessment in 2011. These include working in some large cemeteries, and the search for at least two mass graves in Kosovo.
- EULEX will continue to conduct actions aimed at locating and reaching alleged grave sites beyond Kosovo's borders.
- Implementation of a satellite imagery project to search for particular types of graves in close coordination with other EULEX units.
- Re-association and identification work related to the Batajnica and Bajna Basta cases will be concluded.
- In coordination with the relevant organizations, collect as much blood or bone samples as possible in order to complete partial blood samples.

- In coordination with family associations and relevant organizations, design a policy for burial of identified extra body parts, unidentifiable remains (burnt or fragmented bones, etc) and identified remains refused by their family.
- Continuing efforts to identify the remains and close cases held at DFM.
- Close cases which reached the limits of forensic analysis (burnt cases – close cases of missing persons on the basis of circumstantial evidences whenever possible).
- Exhaust the possibilities of taking bone samples from all cases.
- Address the issue of wrong re-associations or re-association after hand-over in general.
- Monitor, mentor and advise MoJ on implementing a focused and intensive training: 2 local forensic trainees for exhumations and autopsies. It is imperative that the MoJ cooperates with EULEX in developing local sustainability.