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Fact Sheet – ICRC BiH

■ Marianne Gasser

The International Committee of the Red Cross (ICRC) has been present in Bosnia and Herzegovina (BiH) since 1992. The ICRC strives to clarify the fate of missing persons and to address the needs of their families, in particular their right to know. The ICRC advocates for a comprehensive approach to the issue and supports related initiatives in line with the outcome of the ICRC's 2003 International Conference on the Missing.

The ICRC also contributes to strengthening the National Society to enable it to respond to immediate needs and to assume longer-term responsibilities in society.

The ICRC works with the authorities and civil society to promote International Humanitarian Law.

Protection

The issue of missing persons remains one of the most tragic legacies of the conflict in Bosnia and Herzegovina, affecting a large part of the population. Ten years after the Dayton Peace Agreement brought the conflict to an end, the families of the missing continue to suffer. There is little doubt that the missing are dead. However, not knowing for certain what happened to a son, husband, father or brother and not being able to give them a dignified burial or to mourn their passing at a gravesite place are an intolerable burden on these families.

Between 1995 and May 2006, the ICRC has received 21,503 Tracing Requests from families of persons unaccounted for, out of which 7,180 have been resolved, mostly through the identification process. In all, 13,454 people who disappeared during the conflict, and whose relatives have approached the ICRC for assistance in locating them, remain unaccounted for.

The families' right to know the fate of their missing relatives – as recognised by international humanitarian law – must be upheld and respected.

Annex 7, Article 5 of the Dayton Peace Agreement formally recognises the role of the ICRC – as neutral intermediary – in contributing to the clarification of the fate of the missing, and gives also an obligation to the relevant authorities to provide the necessary information through the tracing mechanism of the ICRC on all persons unaccounted for. Set up in 1996, the Working Group on Persons Unaccounted For is a unique multilateral forum which gathers all those involved in

tracing the missing persons, whether as members of observers, under the chairmanship of the ICRC. It serves as a channel through which all tracing requests are submitted to the relevant authorities and through which the answers are received. So far, the Working Group convened 18 full sessions.

In February 2006, the ICRC published the 8th edition of the *Book of Missing Persons on the Territory of Bosnia and Herzegovina*, listing the names of 15,275 persons in two volumes organised by alphabetical order and place of disappearance. The book's main purpose is to provide data for all those engaged in the



⊕ ICRC delegation ⊕ ICRC sub-delegation - - - Inter-Entity Boundary Line



ICRC Delegate contacts his headquarters by radio.

Fotos: ICRC Geneva

tracing process and to solicit additional information that can help to clarify the fate of those unaccounted for.

By the end of 2005, the ante-mortem database managed by the ICRC since 2000 contained 15,247 identities, out of which 7,076 related to the fall of Srebrenica and 8,171 linked to other events. Conducting post-mortem examinations and DNA analysis on bodies that have been underground for many years and collecting ante-mortem data that assist in the identification process, albeit painstaking and painful, remains as necessary as ever.

In addition, the ICRC through national psychologists provides psychological support for members of families of missing persons through psychological support programs to help families of missing persons to deal with the situation of uncertainty and the resulting psychological consequences.

It is primarily the responsibility of the authorities to provide families with the information they need to put these tragedies behind them and move on with their lives. The ICRC remains committed to continue working with the authorities and international bodies, such as the International Commission on Missing Persons, to determine the fate of thousands of missing persons and to draw up legislation on the issue and set up effective tracing mechanisms. The adoption of the Law on Missing Persons in November 2004 was evidence of the commitment of the authorities of BiH to tackling aspects of the issue, including the rights of the families of missing persons. The ICRC is

participating in a working group established by the Ministry of Human Rights and Refugees of BiH and provides technical and legal expertise in the drafting of bylaws required for the full implementation of the Law on Missing Persons.

The Law on Missing Persons, among other provisions, foresees the establishment of a Missing Persons Institute, a sustainable, state-level structure, that will address all aspects related to the issue of missing persons on a political, technical and operational level in the long term. The MPI was officially launched on 30 August 2005 and is expected to start functioning in the course of 2006. The ICRC is contributing to the efficient functioning of the institute, which, together with the full implementation of the Law on Missing Persons, will help to speed up the process of resolving the fate of all remaining persons unaccounted for and to provide effective support to their families.

Detention

The constructive dialogue with the BiH authorities resulted in the ICRC gaining access to detainees sentenced or held on war crimes charges in places of detention under the jurisdictions of the State Court and both entity ministries of Justice, in accordance with its standard working methods. The purpose of the ICRC detention visits is purely humanitarian. The ICRC delegates assess the conditions of detention and the treatment of detained persons. The ICRC conveys its findings and recommendations in a confidential manner solely to the relevant authorities.

International Humanitarian Law (IHL)

The ICRC cooperates with the State authorities to encourage them to undertake activities leading to the ratification/accession of IHL treaties to which BiH is not a Party, to implement those treaties to which it is a Party, and to establish a National IHL Committee as pledged at the 28th International Conference of the Red Cross and Red Crescent.

The Criminal Defence Section of the Court Registry of BiH invited the ICRC to take part in training sessions for defence lawyers organized in Sarajevo and Banja Luka. ICRC presentation focused on key IHL concepts, ICRC's visiting procedures to persons detained, as well as its confidential working methods and privilege/immunity in court proceedings. The ICRC donated IHL reference libraries to the Criminal Defence Section of the Registry and to the Republika Srpska Bar Association.

Exploring Humanitarian Law (EHL)

The ICRC continued the training of teachers on *Exploring Humanitarian Law* throughout BiH. The objective of the programme that was developed by the ICRC is to introduce adolescents to the basic rules and principles of international humanitarian law (IHL). Designed to be implemented by Ministries of Education, the EHL Program, totalling 30 hours of activity, is to provide educators with learning materials that may be integrated into secondary curricula as a subject on its own.

In Brcko District, the program entered its third year and 145 secondary-school teachers have already been trained by the ICRC. In 2005, 4,260 secondary-schools students attended EHL lessons.

ICRC Trucks on a relief operation passing through a checkpoint.



All ten cantonal ministries of education as well as the Ministry of Education of the Federation of BiH decided to run an EHL pilot project in 2005. Training was completed for 28 teachers from 22 schools and some 900 students attended EHL experimental lessons. Following the pilot phase, all Ministries recommended to integrate EHL within their mandatory curriculum.

In Mostar a separate agreement was signed, with the city's "Gymnasium", according to which each student will attend 20 EHL lessons over four years.

In the Republika Srpska (RS), the ICRC and RS Pedagogical Institute trained 80 teachers, who are currently implementing EHL program in 40 secondary-schools. The RS pedagogical institute took ownership of the program and training of teachers.

Cooperation with Armed Forces

The ICRC cooperates with the BiH Armed Forces and supports the mobile IHL training teams of the armed forces. A five-day workshop was held jointly with both entity teams in March 2005, and 13 IHL instructors were trained. Within the Peace Support Operations Training Centre (PSOTC), the ICRC gave three-day IHL courses to BiH officers, with the support of BiH IHL instructors, who gave lectures on Law of Armed Conflict (LoAC). The ICRC also sponsored the participation of two officers of the armed forces of Bosnia and Herzegovina in a course on IHL at the International Institute of Humanitarian Law in San Remo, Italy.

With the ongoing reform of the armed forces, the ICRC took contact with the Ministry of Defence of BiH to initiate the process of integrating IHL into the doctrine, education and training of the armed forces countrywide.

Cooperation with the Red Cross Society of Bosnia and Herzegovina

During its Constitutive Assembly, held in December 2000, the Red Cross Society of Bosnia and Herzegovina (RCSBiH) constituted its statutory and legal structure, with two entity Red Cross organizations – the Red Cross of the Federation of Bosnia and Herzegovina and the Red Cross of Republika Srpska – under a common National Assembly and Presidency. In 2001, the RCSBiH was finally recognized as a full member of the International Movement of the Red Cross and Red Crescent and admitted as a member of the International Federation.

The BiH Parliament adopted the Law on the Red Cross Society of Bosnia and Herzegovina in November 2004. The ICRC, in close coordination with the International Federation of the Red Cross and Red Crescent, continues to provide financial and technical support to strengthen the RCSBiH legal, statutory, governance and management foundation. In April 2006, the RCSBiH's General Assembly adopted the National Society's Statutes that implies practical positioning of one President, two Vice Presidents and a Secretary General.

The aim of the ICRC cooperation is to strengthen the capacity of National Society in providing services that meet identified needs in areas where the ICRC can offer its expertise and support, such

as the re-establishment of family links, mine risk education and the promotion of International Humanitarian Law and Fundamental Principles.

The ICRC assists the RCSBiH in building its capacity to restore Family Links and to respond to needs arisen from armed conflict, internal tensions, natural disasters or other identified national needs. Technical expertise and support is also provided to strengthen capacities to coordinate and implement tracing activities in BiH, as part of the Red Cross and Red Crescent International Tracing Network.

Mine Risk Education/Awareness

The goal of Mine Risk Education (MRE) program is to reduce the number of mine/explosive remnants of war (ERWs) related incidents among high-risk population in BiH through a comprehensive and integrated approach. The ultimate goal is to eliminate injury and death caused by landmines and ERWs in mine affected areas. The ICRC strongly supports the RCSBiH to develop a sustainable Mine Action program, integrated in the national Mine Action Strategy and implemented in highly affected communities. The RCSBiH also contributes to the collection of data related to the mines/ERWs incidents in order to better streamline assistance to victims and to define and adapt MRE messages and activities to the field realities. ■