



Recovery and identification of human remains in post-conflict environments: A comparative study of the humanitarian forensic programs in Cyprus and Kosovo



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ABSTRACT

This study follows the humanitarian forensic programs in Cyprus and Kosovo over a ten-year period with an emphasis on the role of local capacity building. It begins by providing an in-depth historical account of forensic activities, followed by a comparison of the rate of excavations, exhumations and identifications. Through this analysis, a repeated pattern emerges whereby forensic activities in Kosovo start with a surge in values, which drop drastically in the first few years of operations, followed by a steadily declining productivity curve. By contrast, in Cyprus, activities begin modestly, with lower values allowing for some modest growth. Close observation of the two programs provides indications as to the factors that may influence the development of forensic programs as well as the elements that need to be set in place to create an environment conducive to greater sustainability through local ownership and responsibility.

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1. Introduction

The armed conflict in Kosovo and the two periods of inter-communal conflict in Cyprus saw the disappearance of approximately 4500 and 2000 persons respectively [1,2]. While many parallels can be drawn between the two examples, including the flood of international aid and the presence of international agencies to maintain ceasefires, contrasts exist between the economic circumstances and political environments that succeeded the conflicts, as well as between the different trajectories followed by the programmes aiming to clarify the fate and whereabouts of missing persons.

Ever since the 1970's, investigations into missing persons' issues have become a central feature in societies emerging from conflict. However, such programs tend to be guided by legal and retributive objectives, seeking acknowledgement of the truth and the attribution of responsibility [3]. This study focuses exclusively on programs with purely humanitarian objectives, where the sole purpose is the identification of human remains and their return to the family for proper burial.

The two European examples of Kosovo and Cyprus were selected for this study primarily because of the humanitarian objectives of their respective forensic programs but also because of similarities in context, including the scale of the missing population. In the case of Cyprus, where the population was approximately 600,000 in the 1960s and 1970s, approximately 2000 persons went missing during the two waves of violence [4]. In the case of Kosovo, where the population was approximately 2 million in the late 1990s and early 2000s, approximately 4500 individuals went missing following the break-up of the former Yugoslavia [1]. These two examples further serve this study because there is an abundance of recorded data on systematic exhumations and identifications. Additionally, differences in the two cases' development allow for a comparison of the program results followed by an exploration of local capacity building's relationship with long-term programs of recovery, identification, and return of remains.

For the purposes of this analysis, the study begins with a short historical overview of the conflicts in Cyprus and Kosovo, followed by an extensive account of forensic activities in the respective contexts, shedding light on some previously unexplored aspects influencing their forensic programs. In what follows, the study compares their trajectories based on a systematic collection of data, allowing for a better informed interpretation of their output. To fully explore their development, the study then builds on the

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role of local capacity building and draws conclusions that may help inform future forensic programs with humanitarian objectives.

1.1. Recovery and identification efforts in Kosovo

As wars were being waged in Slovenia, Croatia, and Bosnia-Herzegovina, the situation in Kosovo, a politically autonomous province of Serbia, steadily worsened. In 1998, the conflict between forces of the Federal Republic of Yugoslavia (FRY) and Kosovo Liberation Army (KLA), intensified leading to the deaths and disappearances of civilians as well as KLA and FRY forces [5]. In early 1999, the parties to the conflict agreed to convene urgent negotiations under international mediation to discuss a proposed peace agreement. Its rejection by the Serbian authorities, led to the NATO bombings on 24 March 1999, which ended on 10 June 1999, following the UNGA Resolution 1244 [6]. The resolution gave the United Nations Mission in Kosovo (UNMIK) the authority to administrate Kosovo and forced the Serbian government to withdraw its military and police forces [7].

Forensic activities in Kosovo began immediately following the cessation of hostilities, when more than a dozen international forensic teams, known as *Gratis Teams*, swept into Kosovo and launched a large scale war crime investigation operation on behalf of the International Criminal Tribunal for the former Yugoslavia (ICTY)—which by 1998 had already extended its territorial and temporal jurisdiction beyond Croatia and Bosnia and Herzegovina to cover Kosovo [6,7]. Within five months of investigation, the Tribunal received reports of 11,334 bodies within 529 gravesites, from 195 of which 2108 bodies were exhumed [7].

The *Gratis Teams* came from 14 different countries (mainly NATO Member States) and had no documentation guidelines, with each team following their own standards of practise [7–9]. The main goal of these teams was to conduct autopsies to establish the cause of death and to carry out “categorical identifications.” In contrast to “personal identifications” which aim at assigning a name to unidentified human remains, “categorical identifications” established the victim’s ethnicity, religion, race, or manner of death [10]. Estimations of age and sex were also included in the analyses by the forensic teams to detect non-combatant victims such as women, sub-adults or adults of advanced age. As highlighted by Baraybar et al., ICTY’s emphasis at the time in Kosovo was primarily on “numbers” as it sought to demonstrate that crimes were systematic and widespread. This was implemented through a strategy of performing autopsies on as many bodies as possible [9].

Between 1999 and 2000, operations by the ICTY resulted in the exhumation of over 4000 bodies out of which around 2000 were identified by traditional methods (non-DNA identification) [1,9]. Where possible “traditional” identifications relied on primary identifiers such as fingerprints, radiography, distinctive medical conditions and permanent prostheses; however, it was often the case that traditional identifications were based on less reliable criteria such as visual recognition of remains or personal effects, comparison of general biological profile and circumstantial information [1]. Of those bodies that could not be identified through traditional means, most were reburied in undocumented or badly documented locations, some of which were later retraced through a rigorous archival research program implemented by the International Committee of the Red Cross (ICRC), while others are still unknown [9].

Following the withdrawal of the *Gratis Teams* in the year 2000, the ICTY formed a forensic team composed of international experts from different disciplines. This time, the ICTY teams worked in a unified manner using the same standards, procedures and languages to conduct investigations, exhumations and autopsies of around 1800 victims (Personal communication with

Patrice Gagnon, former UNMIK Police and ICRC Researcher). The purpose of these exhumations remained the same as those of 1999, namely to collect evidence for the ICTY’s judicial proceedings with basic attention given to the identification of the victims.

A year later, in 2001, the mandate to investigate, exhume and autopsy the victims of the Kosovo conflict was given to UNMIK Police, which was assisted by one permanent forensic anthropologist appointed by the Organization for Security and Cooperation in Europe (OSCE).

The shift to a more systematic and consolidated approach with purely humanitarian objectives began in 2002 when UNMIK established the Office on Missing Persons and Forensics (OMPF). The mandate gave the OMPF the exclusive authority to search, exhume, autopsy, identify the victims of the conflict and return them to their families for proper burial. To effectively perform its work, the OMPF needed to centralise all available data on the missing, including all ICTY records from the years 1999–2000. In addition, the Office was tasked with restructuring Kosovo’s Medico-Legal Services.

The OMPF was small comprising of three permanent staff, only one of whom was a forensic specialist. The team was working in a post-conflict environment with latent surges of violence, dealing with a forensic system that had collapsed. It was divided into two components: the outreach component, which ran communication campaigns and supported the families of the missing; and the forensic component, which was further divided into a morgue department for the autopsies of suspected cases of unnatural deaths and a missing person’s department, on which this study focuses.

In the first few years of setting up the OMPF unused funding from other projects and fundraising from the head of the Office allowed for the recruitment of forensic archaeologists and anthropologists, as UN contractors on short term contracts. Work was seasonal due to harsh winters, resulting in sudden surges of international forensic staff in the spring and summer, when they would intensively perform exhumations and anthropological analyses in order to finish the caseloads within the working season.

In parallel, as part of the efforts by the UN to normalise relations between Serbia and Kosovo, a Working Group on missing persons in connection to the Kosovo conflict was set up in 2003. By agreement of the parties, the Working Group was to be chaired by the ICRC, whose involvement helped strengthen the Working Group’s humanitarian character and encouraged the former belligerents to participate in earnest [11]. Relying on the ICRC’s extensive experience in compiling lists of missing persons *inter alia* through tracing requests, the Working Group achieved the difficult task of compiling a consolidated list of missing persons that included all persons who were unaccounted for in connection with events in Kosovo [1].

In 2005 the Working Group set up a Sub-working Group on forensic issues, with the aim of improving and accelerating the exhumation identification and repatriation process. However, as early as 2006 there were already growing concerns that unless new information was actively sought the process of the Working Group may be stalled [11].

An additional transitional step for forensic activities in Kosovo came in 2008, when UNMIK handed over the administration of Kosovo to the newly created European Union Rule of Law Mission in Kosovo (EULEX). Within this context, the OMPF came under the responsibility of EULEX and in 2010 was renamed the Department of Forensic Medicine (DFM), which was assigned a dual mandate to investigate the fate of those who went missing during the conflict and to provide a medico-legal system in Kosovo that met European standards [12] (Fig. 1). The DFM was now part of the government infrastructure aimed at building local capacity for forensic

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