



Report on the workshop

Mechanisms for Missing Persons: Clarifying the Fate and Supporting Families

16–17 October 2019, Nicosia, Cyprus

COMMITTEE
ON MISSING
PERSONS
IN CYPRUS

CMP



ICRC

M **MISSING
PERSONS**
A GLOBAL RESPONSE

This report was written by Sarita Seghal and commissioned by the ICRC's Missing Persons Project. It provides a summary of the workshop "Mechanisms for Missing Persons: Clarifying the Fate and Supporting Families". The views expressed in the report are those of the participants concerned and do not necessarily reflect the views of the organizations they represent.

Foreword

Addressing the challenge of Missing Persons

Hundreds of thousands of people are missing around the world as a result of armed conflict, violence, migration and natural or man-made disasters. Some go missing in action, others are forcibly disappeared or killed, and many thousands lose contact with their loved ones as they flee the fighting or seek a better life elsewhere.

The trauma of not knowing the fate and whereabouts of your loved ones is one of the deepest wounds of conflict. Families need to know what has become of them, whether they are alive or dead, irrespective of the cause of disappearance. The right to know is recognized under both international humanitarian law and international human rights law. Addressing it requires the involvement of multiple actors and stakeholders.

Recent decades have seen the establishment of a variety of national and international mechanisms that aim to facilitate a more coordinated response to the issue of missing persons. While these mechanisms have taken different forms and achieved different results, a number of them have been effective in resolving cases and providing protection and support for missing persons and their families.

The United Nations Security Council underscored the importance of such mechanisms in June 2019 in Resolution 2474,¹ in which it stressed the need to strengthen the role and capacity of existing mechanisms. It called on Member States to actively exchange experience and best practices to support comprehensive responses to the issue of missing persons. Taking this into account, practitioners, experts and representatives of families from around the world gathered in Nicosia, Cyprus, from 16–17 October 2019, to share insights and lessons learned from their work with such mechanisms in the context of armed conflict and other situations of violence.

The International Committee of the Red Cross (ICRC) partnered with the Committee on Missing Persons in Cyprus (CMP) to organize the workshop “Mechanisms for Missing Persons: Clarifying the Fate and Supporting Families”. The CMP was established in 1981 by agreement between the Greek Cypriot and Turkish Cypriot communities under the auspices of the United Nations. It carries out the mandate to locate, identify and return to their families the remains of Greek and Turkish Cypriots who went missing between 1963 and 1974. This was the fourth of five expert workshops taking place in 2019 as part of the ICRC’s Missing Persons Project, launched in 2018. These workshops have focused on different aspects or subgroups of missing persons, and collectively will contribute by the end of the four-year project to the development of better informed practices and technical standards for those working in this field.

With more than 60 participants, the Cyprus event benefited from the extensive knowledge and experience of nearly 20 mechanisms operating across five regions.² The workshop sessions provided space for rich exchange and learning and enabled participants to identify common principles,

¹ United Nations Security Council, Resolution 2474, S/RES/2474, 11 June 2019: [https://undocs.org/s/res/2474\(2019\)](https://undocs.org/s/res/2474(2019)).

² Meeting participants, some of whom were not directly representing mechanisms, brought their experience from missing-person responses in Albania, Bosnia and Herzegovina, Brazil, Colombia, Cyprus, El Salvador, Gambia, Georgia/South Ossetia, Guatemala, Iran, Iraq, Ireland, Kosovo, Kuwait, Mexico, Nepal, Peru, Serbia, South Africa, Sri Lanka, and Ukraine.

features and enablers considered to be fundamental for the effective functioning of mechanisms for missing persons. While the meeting acknowledged that there is no one-size-fits-all solution, participants agreed on the need for practical guidance and tools to support the establishment and functioning of such mechanisms and committed to engaging in a process to develop them.

This report summarizes the discussions and conclusions of the Cyprus workshop. It constitutes the first step in the agreed process, which will be implemented in close consultation with the wider community of practice. It is our hope that this joint effort will lead towards greater and more effective collaboration among all those involved in clarifying the fate and whereabouts of missing persons and providing support to families across the globe.

Caroline Douilliez-Sabouba

Head, Missing Persons Project
International Committee of the Red Cross

Gülden Plümer Küçük

Turkish Cypriot Member
Committee on Missing Persons in Cyprus

Leonidas Pantelides

Greek Cypriot Member
Committee on Missing Persons in Cyprus

Paul-Henri Arni

Third Member
Committee on Missing Persons in Cyprus



Jetmir Duraku/ICRC

Anniversary commemoration in Kosovo of the events of 1998–1999.

I. Background: Mechanisms for Missing Persons – Promoting Coordination and Collaboration

With regard to the issue of missing persons, the term “mechanism” refers to all institutions, organizations, bodies and processes formally and informally established by authorities to clarify the fate and whereabouts of missing persons and to provide support to their families.³ These include institutions created to deal with persons who have gone missing as a result of armed conflicts or other situations of violence, as well as coordination mechanisms that bring together parties to a former armed conflict – often with the help of a neutral third party. Some mechanisms deal with current cases and others with cases that are decades old. Such mechanisms can be established at international or regional levels (such as the Iran–Iraq–ICRC tripartite commission) or at national level (such as the Office of Missing Persons established in 2018 in Sri Lanka) and are characterized by a wide range of approaches, technical features and institutional set-ups.⁴

There is broad support from the international community on the need for mechanisms at various levels to facilitate an effective response to the issue of missing persons. Since 2012, the United Nations General Assembly and the United Nations secretary-general have referred to such mechanisms in their resolutions and reports on missing persons.⁵ Two years prior, in 2010, the Advisory Committee of the United Nations Human Rights Council generated a compilation of best practices on the missing where it recognized that the efficient treatment of missing persons required the establishment of competent mechanisms at various levels.⁶

³ M. Crettol, L. Milner, A.M. La Rosa, and J. Stockwell, “Establishing mechanisms to clarify the fate and whereabouts of missing persons: A proposed humanitarian approach”, *International Review of the Red Cross*, Vo. 99, No. 905, pp. 589–618.

⁴ Examples of mechanisms include those established to facilitate the coordination between the former parties to the armed conflict, for example, after the conflicts in Bosnia and Herzegovina, between Croatia and Serbia; in Cyprus; after the 1998–99 conflict in Kosovo; after the 1991 Gulf War and the conflict between Iran and Iraq; after the 1992–1993 conflict in Abkhazia; and after the August 2008 armed conflict in Georgia. Countries have also established mechanisms with a mandate to search for information on missing persons, including Bosnia and Herzegovina, Colombia, Croatia, El Salvador, Kosovo, Lebanon, Peru, Serbia, Sri Lanka and Ukraine.

⁵ United Nations Secretary-General, Report on the Missing Persons, Off. Doc. A/73/385, 18 September 2018, paras 23–31; idem, Off. Doc. A/67/267, 8 August 2012, paras 20–25; idem, Off. Doc. A/69/293, 11 August 2014, paras 17–22; idem, A/71/299, 5 August 2016, paras 18–26.

⁶ Human Rights Council, Advisory Committee, “Best Practices on the issue of missing persons”, Off. Doc. HRC A/HRC/14/42, 22 March 2010, paras 30–40.

The importance of mechanisms was highlighted in 2003 during the International Conference of Governmental and Non-Governmental Experts on the Missing, organized in Geneva by the ICRC.⁷ The conference aimed to raise awareness among governments, the military, international and national organizations and the general public about the tragedy of people unaccounted for and the anguish their families face. A series of recommendations were developed to support the response to missing persons and included guidelines and checklists for mechanisms which remain valid today.

A more recent international conference on missing persons, organized by the ICRC in Kyiv in 2018, reaffirmed the critical role of mechanisms and emphasized the need to engage families more meaningfully as part of a comprehensive and holistic response. The conference recommendations related to mechanisms highlighted the importance of coordinating with existing structures, including all stakeholders, allocating sufficient resources, employing a multidisciplinary approach in the search and identification process as well as in the response to the needs of the families, and accompanying the families throughout the entire process.⁸

The Guiding Principles on the Search for Disappeared Persons⁹ adopted by the United Nations Committee on Enforced Disappearances in April 2019 also highlight the necessity of mechanisms to ensure a coordinated search.

Indeed, there appear to exist sufficient principles, recommendations, lessons learned and support for mechanisms for missing persons, even if most relate to those missing as a result of armed conflict, rather than other situations of violence, migration or natural disasters. What seems to be lacking at this stage are more practical and accessible tools and guidance based on current country experience and practice and which can be adapted to all relevant circumstances and operationalized accordingly. This is reflected in the recently adopted United Nations Security Council Resolution 2474, which calls on Member States to set up mechanisms and strengthen the capacity of existing ones. It also urges national, regional and international mechanisms to engage in networking, learning exchange, sharing of best practices, and technical support and training.¹⁰

It is against this background that the ICRC convened the workshop on mechanisms as part of the MPP, taking care to integrate the knowledge and recommendations already shared from previous workshops and conferences.

⁷ In 2003, the ICRC organized an international conference on missing persons, which was a unique opportunity to take stock of accomplishments of relevant stakeholders until then and to establish guidelines for more effective action in this domain. See ICRC, *The Missing and their Families: Documents of Reference*, April 2005, available at: <https://www.icrc.org/en/publication/0857-missing-and-their-families-documents-reference>.

⁸ http://ua.icrc.org/wp-content/uploads/sites/98/2019/04/ICRC_Report_Missing_Conference_Fin_Web.pdf

⁹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED/C/7&Lang=en

¹⁰ United Nations Security Council, Security Council Resolution 2474, S/RES/2474, 11 June 2019, para 13.



ICRC

II. Workshop overview

The Cyprus workshop was organized in partnership between the ICRC and the Committee on Missing Persons in Cyprus (CMP) and was held in the historical Ledra Palace Hotel, located in the UN-controlled buffer zone of Nicosia, Cyprus. As a bicomunal mechanism with decades of experience in the humanitarian search effort, the CMP had valuable insights to share with other mechanisms engaging in the search for missing persons both during the workshop and on a field visit to their laboratory.¹¹

Objectives

The primary objectives of the workshop were to:

- provide a platform for the exchange of methodologies, experiences, lessons learned, strategic and/or practical approaches on setting up effective mechanisms to ensure coordination and an integrated response to missing persons and their families
- support the elaboration of technical standards, recommendations and tools to enable States to fulfil their obligations related to the search for missing persons, the identification of human remains and the response to the needs of their families
- encourage participants to join the community of practitioners to continue the discussion.

Participants

More than 60 participants convened in Nicosia, representing a diverse array of authorities and stakeholders with extensive knowledge on the missing, including:

- actors directly involved in the search for missing persons, management of the dead and identification of bodies, and support for the families of the missing
- representatives of governmental, non-governmental and international institutions and specific mechanisms engaged in the search of missing persons
- representatives of families of missing persons and/or family associations
- experts and leading institutions on the subject matter.

¹¹ The Committee on Missing Persons in Cyprus (CMP) is a bicomunal body established in 1981. Following the establishment of an agreed list of missing persons, the CMP's objective is to recover, identify, and return to their families, the remains of 2002 persons (492 Turkish Cypriots and 1,510 Greek Cypriots) who went missing during the communal fighting of 1963 to 1964 and the events of 1974. The CMP has three members, two appointed by the Greek Cypriot and Turkish Cypriot communities respectively and a third member selected by the ICRC and appointed by the United Nations secretary-general. Furthermore, the CMP employs a bicomunal forensic team of more than 70 Cypriot researchers/investigators, archeologists, anthropologists, geneticists and psychologists, who conduct excavations throughout the island and anthropological and genetic analyses of remains at the CMP anthropological laboratory. The CMP does not attempt to establish the cause of death or attribute responsibility for the death of missing persons. Its objective is a humanitarian one, bringing closure to thousands of affected families through the return of the remains of their missing relatives for a dignified burial.

Focus themes and workshop design

There were three focus themes that informed the content and design of the workshop, across which the meeting organizers sought to glean structured insights and practical lessons from participants. They were:

1. setting up effective mechanisms to search for missing persons, identify human remains and support families
2. designing a participatory mechanism (involving families of missing persons in the mechanism work process and addressing their multifaceted needs)
3. measuring the impact of the mechanisms' work.

The diversity of participants combined with an interactive meeting format of moderated panel discussions, small working group sessions, and dedicated time for networking, facilitated authentic dialogue and exchange of experience among all participants. The meeting was held under the Chatham House Rule¹² thus providing a safe space for sensitive discussions and sharing opinions. The opening session served to welcome participants, introduce the organizers and outline the objectives of the meeting. The ICRC, CMP and EU representatives provided their perspectives from working on the issue of missing persons, noting the deep and enduring loss for families, the critical role of trust when working with multiple stakeholders, and the fundamental need for political will, sustainable resources and latest technology to support effective search and response efforts.

The session also provided an opportunity to familiarize participants with the MPP as well as the online community platform, a virtual space that is intended to support the growth and learning of a vibrant community of practice across the globe and which will serve to facilitate next steps and follow-up from this and other ICRC organized workshops on missing persons.

The sessions that followed were oriented around the three key themes and built on each other over the course of the two days. The first two interactive panels entitled "Sharing Experiences on Mechanisms for Missing Persons" and "The Involvement of other Experts and Families in Mechanisms for Missing Persons" served to present a wide diversity of knowledge and experience while stimulating initial exchange and discussion with the rest of participants.

The panels were followed by concurrent working group sessions that were oriented around three key topics relating to mechanisms, namely (1) mandate and function, (2) structure and composition, and (3) involvement of families. Participants were able to engage in two different working groups over the course of the two days, and a restitution of day one discussions was presented on the second morning to ensure that the ideas and outcomes were enhanced and built upon, rather than rehashed. Day two discussions sought to gain insights on defining and measuring the success and effectiveness of mechanisms, and what constitutes success, or effectiveness. While it is impossible to capture the nuance and detail of all discussions, this report aims to highlight some insights and lessons learned across the three themes of the workshop, and presents the key findings, conclusions and next steps.

¹² Created in 1927, the most recent refinement of the Chatham House Rule states: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed." Hence the identity of participants statements in this report was only revealed with their expressed consent: <https://www.chathamhouse.org/chatham-house-rule>.



Mousa Thamer/ICRC

Operation to repatriate the remains of Iranian soldiers from the Iran–Iraq War.

III. Themes discussed

A. Setting up effective mechanisms for the search for missing persons, identification of bodies and support to their families

Participants to the meeting represented a range of different mechanisms (e.g. coordination between former parties of a conflict or between different institutions at the national or local level). Their experiences and interventions reaffirmed a series of prerequisites that were considered to be critical for such institutions to operate effectively. These conditions were also reflected in the 2018 Kyiv conference recommendations on mechanisms, which participants reviewed during the Cyprus meeting in one of the working group sessions. They included, among others, political will, clear mandates, adequate representation of relevant stakeholders, agreed protocols and capacity for collecting and recording standardized and centralized data, protection of personal data of the missing persons and their families, participatory processes, ability to respond to multifaceted needs of families, and sufficient and sustainable budget allocation. The funding source for the mechanism was considered to be especially influential, with one speaker emphasizing that “whoever pays, controls”.

However, as the plenary and working group discussions revealed, in practice, important challenges remained in ensuring and maintaining all of these prerequisite conditions. Participants shared their experiences and explained that mandates were often limited (i.e. in time, scope of work, circumstances of the disappearance), and conditions could shift over time, thus having implications on the capacity and skills required within the mechanism. A speaker on the first interactive panel highlighted that this was particularly the case with regard to ensuring effective support and engagement with families, an objective which, for many mechanisms, was not articulated from the beginning of operations, since the search was typically the primary focus.

Speakers repeatedly stressed that trust – whether between parties to ongoing armed conflict or former, authorities and families, or among previously divided communities – was fundamental to a mechanism’s ability to operate, with one panellist noting that “we need to nurture the trust between the people and the government” in order to make progress. Strategies that had been useful in building and sustaining trust were shared and included mediation by neutral parties such as the ICRC, as well as actively sharing information with all stakeholders through designated forums and events. Challenges that were raised included lack of statistical data, high numbers of unidentified bodies, inappropriate or lack of adequate equipment, technologies and infrastructure and the need to collaborate with neighbouring countries. Participants agreed with one of their peers who said that “we cannot stop at State borders when we look for the missing”.

The strategic and operational aspects of mechanisms were discussed at length in the separate working groups, with a clear recognition that the structure and composition of the mechanism depends on its mandate and objectives, as well as political will. In this regard, there was considerable discussion around humanitarian and judicial objectives of mechanisms for missing persons, both of which were represented at the meeting. While all participants agreed that both processes were required as part of the response to missing persons, there was some debate about how best to marry these two goals, especially since what worked for one might make progress in the other more challenging. At the same time, both objectives required the establishment of a process that included the same type of information and investigative approach. The fact that judicial processes were lengthy was given as a reason to create mechanisms dedicated to the search. Overall, participants acknowledged that a mechanism with one specific mandate might produce results sooner, yet underscored that two or more bodies that worked with complementary mandates had to proactively collaborate with each other.

Some discussion took place on the ICRC’s perspective, related to its specific mandate and *modus operandi*. The ICRC’s extensive field experience had revealed that an approach based on humanitarian objectives that ensured proper management of confidential information and did not look into who was responsible for the disappearance could serve as a powerful instrument for searching and collecting relevant information on missing persons in certain contexts. However, the ICRC obviously also recognized that families had to be provided with a complete response that ensured the right to know, the right to truth, and the right to justice and reparation. It was therefore emphasized that while the ICRC did not directly contribute to judicial processes or provide information to the latter, it promoted and supported judicial authorities’ capacities to address violations of international humanitarian law through its humanitarian dialogue and capacity-building activities.

A critical aspect that participants raised with regard to establishing new mechanisms and/or reviewing existing ones, was the need to conduct a situation analysis to ensure it met the needs at hand and did not overtake or duplicate existing structures and processes. Several components of assessment were proposed, and it was noted that countries or authorities could potentially benefit from technical assistance and/or tools to conduct such a comprehensive assessment effectively. Participants also suggested that assessing the situation and context should be a regular process to ensure that the mechanism was able to adapt to the evolving environment and respond to shifts in

PROPOSED ASSESSMENT LEVELS/ COMPONENTS

- 1. What is my problem in relation to the missing?**
 - Situation, dimensions, magnitude
- 2. Political will?**
- 3. Existence and functionality of policy and legal frameworks?**
- 4. Systems and procedures in place?**
 - Level of coordination
 - Legal systems and compatibility
 - Social and health systems
 - Investigative system
 - Medical legal (forensic)
- 5. Operational capacities?**
 - Human resources
 - Technical expertise in country
 - Infrastructure
 - Equipment
- 6. Family and community engagement**
 - Family needs assessment
 - Community expectations

conditions, needs and capacity. There was recognition that national and international level mechanisms could complement and support each other, and similarly of the importance of ensuring both technical and political level objectives. While participants emphasized that there was no “one size fits all”, overall the needs of the families¹³ were considered to be paramount and should guide the functioning of the mechanism as far as possible.

With regard to the legal aspects of mechanisms, participants agreed that a legal framework was needed to clarify the functions of the mechanism, but that it could include different kinds of instruments, such as law, regulations, decrees, agreements, etc. This legal framework was needed at inception and for specific interventions, such as exhumation, witness protection, access to information, among others. It also served to help families and communities hold the authorities accountable if the mechanism was not functioning as it should. While there was recognition that a specific law is desirable because it helped to guarantee the stability and sustainability of the mechanism (e.g. budget, participation of families and independence), in certain contexts it had been shown that a mechanism could function successfully without it.

As for structure and composition, participants emphasized the need to ensure representation for all stakeholders¹⁴ from the start. However, how this should be done in practice was not agreed on by all. Various options such as subcommittees or affiliated organizations could be considered, taking into account that establishment of such groups from the very beginning created a base for smooth interaction and coordination. There was considerable consensus that having one overarching coordinating body placed under an authority with sufficient decision-making power helped to facilitate a comprehensive and collaborative response for missing persons and their families. Ensuring accessibility was considered to be important since it influenced the effectiveness of such mechanisms. Setting up regional or field structures where family and witnesses could reach out more safely and aligning outreach and support with local languages and cultures was therefore highly recommended.

B. Designing a participatory mechanism: involving families of missing persons in the mechanism work process and addressing their multifaceted needs

Throughout the meeting, it was acknowledged that knowing what happened to missing loved ones and whether they were dead or alive was the most pressing need for families. As one participant reminded the meeting, “we are not looking for remains, we are looking for people”. However, building on the outcomes of the recent workshop organized by the MPP in Sarajevo, there was also clear understanding that other support, be it financial, administrative, legal, medical or psychosocial/psychological, was also critical for families who were dealing with the ambiguous loss of a loved one.

While in the past families had typically been “informed” of the work of mechanisms related to missing persons, the plenary and working group discussions affirmed the growing effort among some to actively involve family representatives throughout the process. The interactive panel of family representatives and organizations that worked closely with families underscored that meaningful participation in the efforts of mechanisms not only ensured that they were responsive to family needs and potentially more effective in attaining their objectives, but it also helped families to cope with the loss.

¹³ Families of missing persons have specific and multifaceted needs. These include: the need to know; the need to conduct commemorative rituals; the need to receive economic, legal/administrative, psychological and psychosocial support; the need to have their suffering acknowledged; and the need for justice. Until these needs are met, families cannot easily rebuild their lives.

¹⁴ Stakeholder groups include: political representatives, legal representatives (justice system: judge), investigative representatives (investigative system: prosecutors and police), forensic representation (forensic experts, institutes, laboratories, depending on the context), representatives from health and social systems, and families/representatives of civil society.

Although virtually all participants agreed with the principle of family participation, there was considerable debate during working group discussions on the extent to which this was feasible in practice. Some participants felt that the emotional involvement and personal attachment of families to the issue might influence their ability to remain objective, and hence questioned whether they should have a decision-making role in the mechanisms. Others felt that the role of the families was dependent on the mandate of the mechanism, but that ideally families should be involved in the design, implementation and monitoring of the mechanism itself.

Overall, several key challenges in relation to family engagement in mechanisms were:

1. building trust and understanding between families and authorities, so that there was a willingness to engage
2. balancing expectations and feasibility, and ensuring transparency and communication throughout the process so as not to raise false hopes
3. allocating sufficient resources and providing safe spaces for family engagement
4. promoting inclusivity, with no priority or focus on specific groups or geographic locations during or after a conflict
5. ensuring the mechanism and/or related institutions had the capacity and skills to support families of missing persons, including legal, administrative, economic and psychosocial needs, among others.

Speakers and participants emphasized that by strengthening the engagement of families and actively including them in the response to missing persons, they had gained tremendous value. This was reaffirmed by the experiences of family representatives who described how their collective advocacy and persistence contributed towards legislation on missing persons in their respective countries and regions. The discussion revealed that for many, the commitment to improving the international response to the missing was not only to ensure support and reparations for past tragedies, but also to raise awareness and help prevent these situations in the future. In this regard, participants recommended working with younger relatives and young people to share the message with the next generations.

Speakers and participants also shared some critical lessons that they had learned through experience:

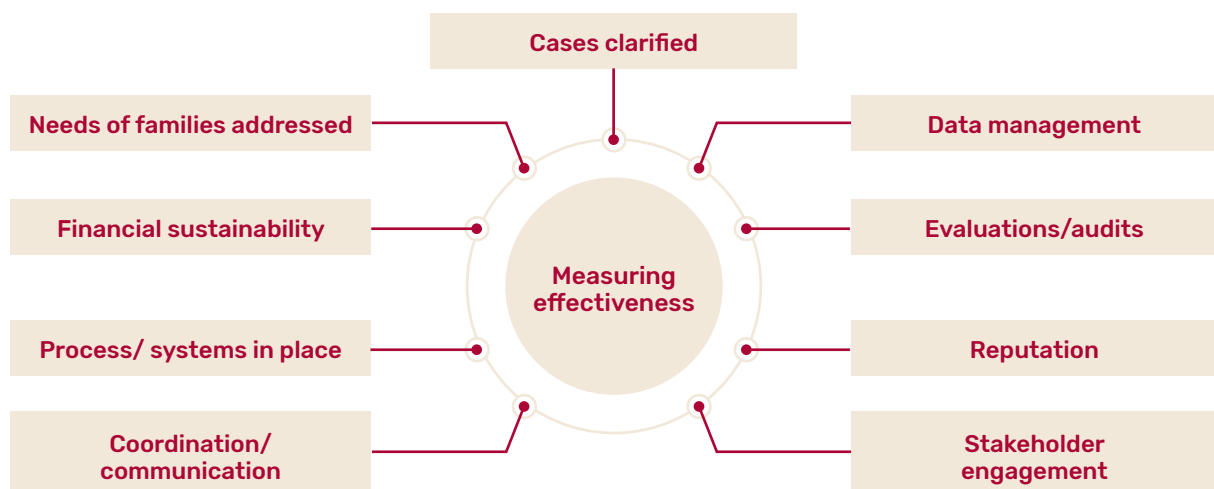
- Ensure participation at each and every stage of the process – Families needed to feel part of the decisions and also the outcomes of the process, whether positive or negative.
- Passive vs active participation – There was a tendency to consider families as data providers only. Instead, forensic experts and judicial and investigative operators should proactively provide information to families and engage them in the process accordingly.
- Respect context and circumstances – It was very difficult to generalize on how to engage or what families required, because of cultural or religious aspects.
- Find the right balance – Families are a group/collective but individual family members needed space and attention as well.
- Forget assumptions – There was often a reduction or simplification of what family needs were, and there might be others that needed to be taken into account.

Overall, participants agreed that the principle of “nothing without the families” had to be upheld, but they also cautioned against generalizations on how families should be involved, since it clearly depended on the country as well as the objectives, capacity and resources of each mechanism.

C. Measuring the impact of mechanisms' work

Practice had demonstrated that measuring the impact and efficiency of a mechanism's work only in terms of numbers of cases clarified could be somewhat misleading. Not only did it neglect qualitative process aspects, but it also omitted any measurement of whether or not the multifaceted needs of families were effectively addressed. Discussions on day two of the workshop considered this theme as part of the different working group topics, and generated ideas for a range of indicators to be considered when evaluating whether a mechanism was indeed effective and efficient in its response to missing persons.

A vocal majority of participants felt that the number of cases resolved to the satisfaction of families should remain the primary indicator of effectiveness. However, several participants expressed their view that addressing family needs, building long-term political will, generating awareness about the issue of missing persons, and facilitating transparency of the response were also important indicators to consider. While the "right to know" remained paramount, there was recognition of the need for process as well as outcome indicators, and the fact that measurement should include both quantitative and qualitative aspects of the response, (e.g. time and resources involved in exhumations). Participants highlighted that the number of cases resolved could be an indicator of success, or an indicator of blockages, and that regular review and evaluation should help mechanisms to adapt and evolve within the changing environment. In this regard, it was noted that a country-level plan for the response to missing persons, which was overseen by the mechanism but integrated the activities of all relevant stakeholders, and was supported by an agreed monitoring and evaluation framework, could help to ensure a comprehensive and cohesive response and promote transparency and accountability. Participants also called for a measurement of effectiveness at both the State and community levels, since the needs and outcomes could be considerably different. Overall, it was agreed that the mechanism might not do everything itself, but that an ideal response to the challenge of missing persons had multiple components which needed to be regularly measured and assessed. A series of indicator categories were proposed and put forward in the graphic below for additional reflection and discussion. They were by no means prescriptive or exhaustive, but rather served as a starting point for the tool development process. Ideally, examples of specific measurable indicators per category could be developed to support coherence and shared understanding of how to measure impact. Mechanisms could then consider adopting those which were relevant to their context.



IV. Key findings

Taking into account the diversity of contexts, mandates, approaches and methodologies of these mechanisms, and building on the recommendations from the 2018 Kyiv Conference and other ICRC work on missing persons, six key findings were gleaned from the workshop. These are presented below as critical principles and features that mechanisms should embody and key enablers that support their functioning:

PRINCIPLES AND FEATURES

1. CORE PRINCIPLES TO GENERATE TRUST

In terms of the mandate and functioning of the mechanism, participants identified several core principles which they felt were fundamental to building and maintaining the trust of the families and communities they aimed to serve. These included independence, impartiality, accessibility, credibility, inclusiveness, accountability, and representation. It was emphasized that the mechanism's structure and composition needed to reflect the interests of all stakeholders and that while it had to be placed under leadership that ensured decision-making power and authority, it also required a critical level of autonomy (even if interagency) to ensure legitimacy and effectiveness. Participants also noted that both technical and political aspects of mechanisms needed to be considered during the establishment of the mechanism and had to support each other and work synergistically from the beginning. This was similar to the recognition that depending on the context, there was often a need for both national and multilateral mechanisms since they reinforced each other in terms of accountability and operations. On the critical question of humanitarian and judicial mandates of mechanisms, it was recognized that while both are part of a broader response to the issue of missing persons, further in-depth discussions and studies of current practices were required to help ensure all missing person responses could fully address the rights and needs of families.

2. NOTHING WITHOUT THE FAMILIES

The meeting reaffirmed the findings from previous workshops this year, that all work related to missing persons must involve the families. While the level and nature of engagement in the actual mechanism were subject to intense debate, the principle of "nothing without the families" was underscored, and there were loud calls for involving families from the design of the mechanism all the way through to evaluation, since they were the key stakeholders in the process. This also helped to build much-needed trust among the families and communities, and ensured the mechanism was set up in a way which facilitated the search. At the same time, the experience of certain mechanisms highlighted challenges in operationalizing this objective.

3. VALIDATION OF MULTIDISCIPLINARY SUPPORT

In addition to involving families, the workshop recognized the multidisciplinary support that was required for families of missing persons. There were conflicting views as to whether the mechanism itself should be delivering this support and be measured on its ability to do so, or rather should only ensure families were referred to the relevant service providers. However, there was clear understanding that families needed a range of services, from psychosocial, administrative and legal support to material needs, as they struggled to deal with the pain and loss.

4. MEASURING MORE THAN ONLY THE NUMBERS

The meeting indicated that the number of missing persons whose cases were clarified should remain the primary measure of success of a mechanism and participants emphasized that having a national register of missing persons was conducive to this objective. However, there were also calls for more qualitative measures, as well as both process and outcome indicators to determine the impact of the mechanism's response, since extensive search efforts might not always result in case resolution. This was especially highlighted with regard to the support required by families of missing persons, but also in terms of other secondary objectives that mechanisms pursued, such as raising awareness and promoting dialogue about the issues, strengthening legal and policy frameworks, and contributing to reconciliation among communities.

ENABLERS

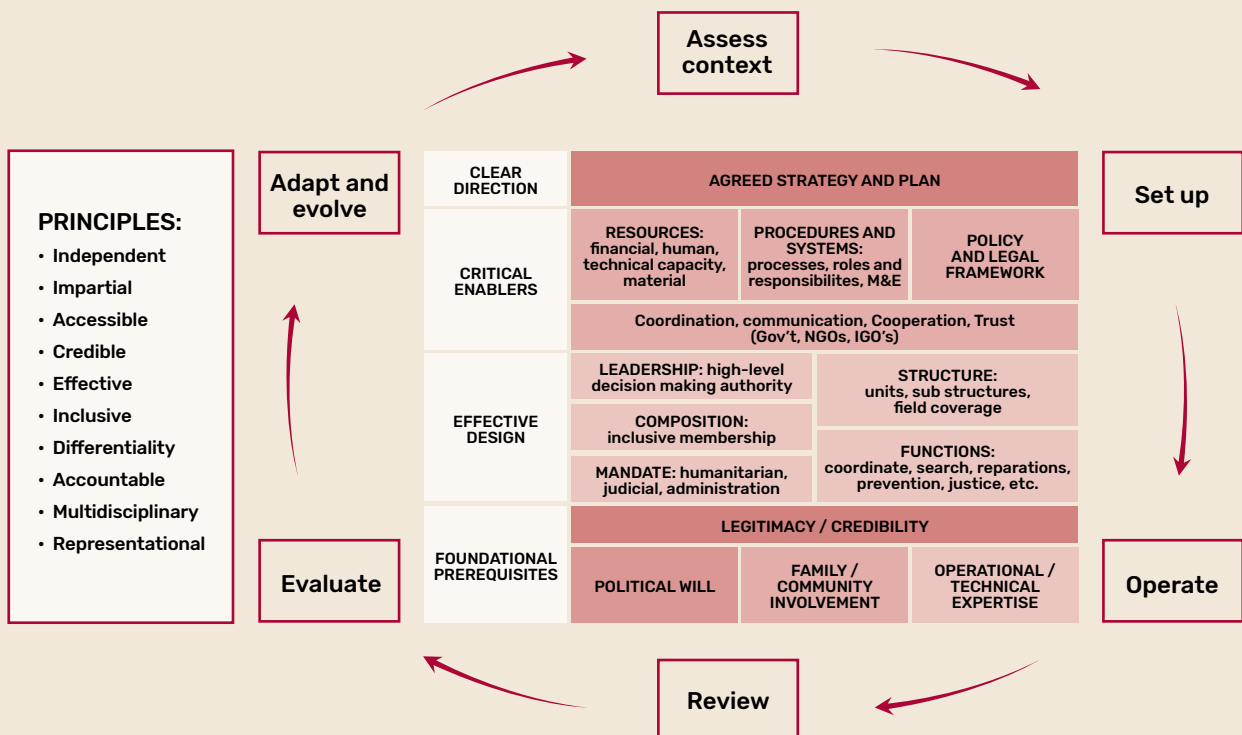
1. FACTORS FOR EFFECTIVE DESIGN

Participants emphasized the importance of certain critical enablers to ensuring the mechanism functioned effectively and noted that these needed to be in place from the beginning. Such enablers included first and foremost the existence of political will, which along with family involvement and operational and technical expertise, such as legal, forensic, and investigative, also served as foundational prerequisites for all mechanisms. Ensuring adequate resources, whether financial, technical, infrastructural or human, and access to information was considered essential to carrying out searches. Other enablers included trust, communication and coordination, and it was noted that the mechanism itself could help to build these, which improved its functioning over time.

2. RESPONSIVENESS AND ADAPTABILITY

Participants highlighted the need to carefully assess the situation in the country and determine the gaps and bottlenecks in the response to missing persons in order to ensure the mandate and functions of the mechanism effectively met the needs at hand. While this was deemed critical for establishing new mechanisms, participants also acknowledged the importance of ongoing and regular review, adjustments, and adaptation in existing mechanisms, since key factors such as political will, legal frameworks or accessibility of support services for families might shift over time. Agility and responsiveness in both mandate and functions of mechanisms were therefore required as the context changed and family needs evolved.

The above principles and enablers were consolidated into a visual that was presented to the meeting and aimed to bring it all together. The initial version was considered to be too static and has since been modified to take into account initial feedback from the meeting. However, the version below still serves as a springboard for continued discussions and embellishment as the MPP collaborates on developing practical guidance and tools that support the design and operations of mechanisms. The primary objective of such a visual is to present an overarching, consolidated framework that acknowledges the complexity of the issue and serves as a point of reference for mechanisms and stakeholders working on the issue of missing persons.



Concluding remarks

Overall, participants underscored the enormous value of such workshops and expressed their appreciation for the opportunity to share their experiences. The need for a “flexible menu of guidance/tools” that could be used in varying circumstances was endorsed by all participants, provided they were practical and effectively integrated existing recommendations and resolutions from the ICRC, the United Nations and other relevant bodies. A number of participants expressed their interest in being actively engaged in the process of developing such tools.

In addition to spearheading this important process, the meeting organizers observed how the workshop provided a forum for spontaneous and informal peer-to-peer exchange; the safe and apolitical space the workshop provided, created an opportunity to communicate more freely and build trust and understanding.

The meeting culminated with a visit to the CMP laboratory which enabled participants to hear in more detail about the technologies and strategies that are used to facilitate the search for missing persons and share information with families of both Greek Cypriot and Turkish Cypriot communities.

FIELD VISIT TO CMP LABORATORY

The day after the workshop, participants went on a field visit to the CMP offices and laboratory, which are located on the premises of the former Nicosia airport in Cyprus’s buffer zone. They learned in more detail about the work of the bicomunal committee and saw first-hand how they engaged in identifying the remains of missing persons. The demonstration of latest geospatial technology for searching for missing persons and detailed explanations by forensic experts was especially appreciated and is regularly called upon through exchange visits with other mechanisms around the world. It was a valuable opportunity for participants to see a functioning forensic laboratory and forge new connections with the bicomunal staff for potential technical assistance in the future.

Next Steps

Taking into account the conclusions of this and other workshops organized through the MPP, the ICRC will collaborate with partners to achieve the following objectives:

- 1.** Initiate the process of developing a flexible “menu” of guidance and tools for mechanisms which can be contextualized for the diverse range of missing person files across the globe. This will be informed by the following:
 - insights and recommendations emanating from the Cyprus workshop
 - analysis of functioning of current State mechanisms based on interviews and desk review
 - mapping and analysis of constitutive documents of existing missing-person mechanisms
 - insights gleaned through other events organized by the Missing Persons Project
 - lessons learned and ideas from tools and guidance to support responses to other complex, multisectoral humanitarian or development challenges.
- 2.** If the COVID-19 situation allows, organize a follow-up expert workshop in October 2020 in Kuwait. Alternatively, organize a series of webinars that will serve as an opportunity to review and endorse the draft operational guidance/tools and will be followed by regional rounds for additional review.
- 3.** Gather additional input and feedback towards the guidance/tools in an inclusive and interactive manner through the online community platform and leverage its use as a way to build and strengthen the community of practice around missing persons.
- 4.** Ensure widescale publication and dissemination of the operational guidance/tools through relevant platforms.
- 5.** Provide technical support through ICRC delegations to help mechanisms adapt the operational guidance/tools to their context and strengthen their respective efforts to clarify the fate and whereabouts of missing persons and support their families.

List of participants and organizers

Maria	Achilleos	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Rabea	Al-Adsani	National Committee for Missing and Prisoners of War Affairs	Kuwait
Ali Akram Zainalabdeen	Al-Bayati (Zainalabdeen)	Iraq High Commission for Human Rights (IHCHR)	Iraq
Semina	Alekic	Regional Coordination of Families Associations of Missing Persons from the Territory of former Yugoslavia	Bosnia and Herzegovina
Photis	Andronikou	Committee on Missing Persons in Cyprus (CMP)	Cyprus
María Adela	Antokoletz	<i>Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos</i> (FEDEFAM)	Argentina
Florence	Anselmo	International Committee of the Red Cross (ICRC)	Geneva
Paul-Henri	Arni	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Mine	Balman	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Mónica	Barriga Perez	General Directorate for the Search for Missing Persons (DGBPD) of the Ministry of Justice and Human Rights	Peru
Alagie	Barrow	The Gambia's Truth, Reconciliation and Reparations Commission (TRRC)	Gambia
Anna	Batalla Trilla	United Nations Office of the High Commissioner for Human Rights (UNOHCHR)	Cyprus
Rrahim	Beqiri	International Committee of the Red Cross (ICRC)	Kosovo*
Cemaliye	Beysoylu	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Visnja	Bilic	Directorate for Detainees and Missing Persons of the Ministry of Croatian Veterans	Croatia
Doris	Caqui Calixto	National Coordination Mechanism of Families of Victims of Enforced Disappearance	Peru
Santiago	Corcuera	National Council for National System for the Search for Disappeared Persons	Mexico
Susana	Cori	International Committee of the Red Cross (ICRC)	Peru
Caroline	Douilliez	International Committee of the Red Cross (ICRC)	Geneva
Theodora	Eleftheriou	Committee on Missing Persons in Cyprus (CMP)	Cyprus
İstenç	Engin	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Alexandre Magno	Fernandes Moreira	Ministry of Women, Family and Human Rights	Brazil
Elsy Lourdes	Flores Sosa	National Commission for the Search for Missing Children During the Internal Conflict in El Salvador	El Salvador
Madeleine	Fullard	Missing Persons Task Team, National Prosecuting Authority (NPA)	South Africa
Krishna Jeevi	Ghimire	Commission of Investigation on Enforced Disappeared Persons (CIEDP)	Nepal
Ihor	Kalantai	National Police of Ukraine	Ukraine
Venthan	Kanapathipillai	Office on Missing Persons	Sri Lanka
Demet	Karşili	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Cleber	Kemper	International Committee of the Red Cross (ICRC)	Russia
Andreas	Kleiser	International Commission on Missing Persons (ICMP)	The Netherlands
Goeffrey	Knupfer	Independent Commission for the Location of Victims' Remains (ICLVR)	United Kingdom
Bruce	Koepke	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Somasiri Kirumbara	Liyanage	Office on Missing Persons	Sri Lanka

Ibrahim	Makolli	Working Group on Missing Persons	Kosovo*
Rocio	Maldonado de la Fuente	International Committee of the Red Cross (ICRC)	Lebanon
Shana	Marques Prado Dos Santos	Inter-American Commission on Human Rights	USA
Lina	Milner Enercrantz	International Committee of the Red Cross (ICRC)	Geneva
Jelena	Milosevic-Lepotic	International Committee of the Red Cross (ICRC)	Geneva
Maria Dolores	Morcillo Mendez	International Committee of the Red Cross (ICRC)	Lebanon
Veljko	Odalovic	Ministry of Foreign Affairs of the Republic of Serbia	Serbia
Jean Franco	Olivera Astete	International Committee of the Red Cross (ICRC)	Peru
Leonidas	Pantelides	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Aikaterini	Papaioannou	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Nicola	Perisic	Missing Persons Institute	Bosnia and Herzegovina
Güliden	Plümer Küçük	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Meisam	Rahmani	Ministry of Foreign Affairs	Iran
Jose Alejandro	Reyes	Special Investigation Unit	Guatemala
Maria Filipa	Schmitz Guinote	International Committee of the Red Cross (ICRC)	Geneva
Sarita	Sehgal	International Committee of the Red Cross (ICRC)	South Africa
Inal	Tasoev	Office of Plenipotentiary on Human Rights in South Ossetia	Tskhinvali
Mahmoud	Tavallaie	Kawsar Human Genetic Research Center and Noor Laboratories	Iran
Morris	Tidball-Binz	International Committee of the Red Cross (ICRC)	Geneva
Ketevan	Tsikhelashvili	State Minister of Georgia for Reconciliation and Civic Equality	Georgia
Sylvie	van Lammeren	International Committee of the Red Cross (ICRC)	Geneva
Husam Abdulkareem Yousif	Yousif	Higher Judicial Council	Iraq
Martina	Zaccaro	International Committee of the Red Cross (ICRC)	Brussels
Liza	Zamba	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Christiana	Zenonos	Committee on Missing Persons in Cyprus (CMP)	Cyprus
Gulbanu K.	Zorba	Committee on Missing Persons in Cyprus (CMP)	Cyprus

*This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244 and the International Court of Justice Opinion on the Kosovo Declaration of Independence.

Missing persons

A global response

Hundreds of thousands of people are missing around the world as a result of armed conflict, violence, migration and natural disasters. Some go missing in action, others are forcibly disappeared, and thousands lose contact with their loved ones as they flee fighting or seek a better life elsewhere. Disappearance is a global problem that has devastating and often enduring consequences for families, communities and entire societies.

The ICRC has a long-standing mandate to trace missing persons and reconnect separated families and has built up extensive operational experience in this area over the past 150 years. Convinced of the need for a globally coordinated approach to this tragic situation, the ICRC launched the Missing Persons Global Response in 2018. In partnership with other preeminent institutional actors, this initiative seeks to bring together experts, family representatives and key stakeholders from around the world in order to build consensus on best practices, develop new technical standards where needed and promote relevant existing ones.

The workshop in Nicosia was the fourth of five gatherings planned for 2019, each intended to focus on a different aspect of the issue or a different sub-group of the missing. They are designed to contribute to the aim of the four-year project: to develop better-informed practices and technical standards that will help those actors involved in preventing this tragedy in the first place, finding people who go missing, and supporting their families, in a variety of situations.

The meeting was held under the Chatham House Rule.

Missing Persons A Global Response

International Committee of the Red Cross
19, Avenue de la Paix
1202 Geneva, Switzerland
missingpersonsproject@icrc.org

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