



Government
of Montenegro

Commission on Missing Persons

GUIDELINES FOR THE SEARCH FOR MISSING PERSONS

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1. Introduction

- 1.1. Proceeding from the provisions of the *International Convention for the Protection of All Persons from Enforced Disappearance*¹, the *Guiding Principles for the Search for Disappeared Persons*², and the practice of the UN Committee on Enforced Disappearances (CED) and the Working Group on Enforced or Involuntary Disappearances (WGEID), the Commission on Missing Persons of the Government of Montenegro adopted the Guidelines for the Search for Missing Persons (hereinafter: the Guidelines) at its session held on 29 July 2025.
- 1.2. The Guidelines also draw on cooperation protocols signed with Bosnia and Herzegovina, the Republic of Croatia, the Republic of Kosovo and the Republic of Serbia³, and on the operational rules and procedures for their implementation⁴, as well as on regional instruments such as the *Framework Plan to Address the Issue of Persons Missing from the Conflicts on the Territory of the Former Yugoslavia*⁵, the *Joint Declaration on Missing Persons under the Berlin Process (London Declaration)*⁶, and the *Declaration on the Role of the*

¹ International Convention for the Protection of All Persons from Enforced Disappearance, adopted by Resolution 61/77 of the UN General Assembly from December 20, 2006.

² Guiding Principles for the Search for Missing Persons, CED/C/7, 28 August 2019.

³ Protocol on Cooperation between the Commission for Missing Persons of the Government of Montenegro and the Commission for Missing Persons of the Government of the Republic of Serbia (2012), <https://www.gov.me/dokumenta/cbe4d35f-c067-41fc-bdfe-4732378ba8a6>; Working Rules and Procedures for the Implementation of the Protocol on Cooperation between the Commission for Missing Persons of the Government of Montenegro and the Commission for Missing Persons of the Government of the Republic of Serbia (2023) <https://wapi.gov.me/download-preview/75ada3d2-f9db-47f8-b4d5-8fb60fa910fa?version=1.0>; Agreement on Cooperation between the Commission for Missing Persons of the Government of Montenegro and the Government Commission for Missing Persons of the Republic of Kosovo (2015) <https://wapi.gov.me/download-preview/f9deeb9f-1720-4960-9d0a-1deee6f8f471?version=1.0>; Protocol on Cooperation in the Search for Missing Persons between the Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina (2019) <https://wapi.gov.me/download-preview/15ca46b8-117e-4a0d-a6d0-9818463ab9a2?version=1.0>; Working rules and procedures for the implementation of the Protocol on Cooperation in the Search for Missing Persons between the Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina (2019) <https://wapi.gov.me/download-preview/0d259566-43cb-4e2a-88b5-f12ffc2dd3bc?version=1.0>; Protocol on cooperation between the Commission for Missing Persons of the Government of Montenegro and the Commission of the Government of the Republic of Croatia for Detained and Missing Persons (2017) <https://wapi.gov.me/download-preview/d737e8ed-0cc7-49eb-aaa8-e5c79dc32494?version=1.0>

⁴ Working rules and procedures have been defined for the purposes of implementing the cooperation agreement with Bosnia and Herzegovina and the Republic of Serbia.

⁵ Framework Plan for Addressing the Issue of Missing Persons from the Conflict in the Former Yugoslavia (2018) <https://wapi.gov.me/download-preview/4ace13ba-5cf3-492b-a798-8b32c886a1b7?version=1.0>

⁶ Joint Declaration on Missing Persons in the framework of the Berlin Process, 10 July 2018, <https://wapi.gov.me/download-preview/e733f17f-4406-4d7d-a123-0e4429bb568f?version=1.0>

*State in Addressing the Issue of Persons Missing as a Result of Armed Conflict and Human Rights Violations*⁷.

- 1.3. The Guidelines for the Search for Missing Persons further rest on other relevant international instruments and examples of good practice from the work of the Commission for Missing Persons of the Government of Montenegro (hereinafter: the Commission)⁸, taking into account the experiences of individual countries, as well as cooperation mechanisms for the search for missing persons in the region⁹ and worldwide.

2. Scope of the Guidelines

- 2.1. These Guidelines establish the key principles, mechanisms, procedure and modalities for the search for missing persons, record-keeping, and other matters related to the search, exhumation and identification of missing persons; they also provide essential information to family members of missing persons and to the interested public about those processes. Proceeding from the Commission's mandate, these Guidelines apply to the search for persons who went missing from the territory of Montenegro in the armed conflicts on the territory of the former Socialist Federal Republic of Yugoslavia (SFRY), namely: in Bosnia and Herzegovina from 30 April 1992 to 14 December 1995; in Croatia from 22 June 1991 to 12 November 1995; and on the territory of Kosovo from 28 February 1998 to 11 June 1999.
- 2.2. For the purposes of these Guidelines, a “missing person” means a person whose fate and whereabouts are unknown to his or her family members, whose disappearance occurred during the armed conflicts on the territory of the former SFRY, and whose disappearance has been reported on the basis of reliable information—that is, information from which it may reasonably be concluded that the person is missing.
- 2.3. A “family member” of a missing person means the spouse; a common-law partner who lived in a de facto union with the missing person until the disappearance (the existence

⁷Declarations about stakes countries in solving questions person missing due to armed of conflict and injuries human rights, <https://wapi.gov.me/download-preview/943d5b93-ad58-4381-9f6a-f00e744a6b1b?version=1.0>

⁸Rules of Procedure of the Commission for Missing Persons (2024) <https://www.gov.me/dokumenta/1a229b64-74c1-4bbf-b83b-1b02e3a9506c>

⁹ Regional cooperation in the search for missing persons in the Western Balkans – Missing Persons Group <https://www.gov.me/dokumenta/1a229b64-74c1-4bbf-b83b-1b02e3a9506c>

of the common-law union is determined in non-contentious court proceedings); as well as a parent, adoptive parent, child (whether born in or out of wedlock), grandchild, adopted child, brother, sister, half-brother, half-sister and stepchild of the missing person.

3. Principles

Search as a right and obligation

- 3.1. The missing person and his or her family members have the right to the conduct of a search for the missing person.
- 3.2. The competent State authorities have the obligation to search for the missing person. The search continues until the missing person is found alive or until the identification of his or her human remains.

Presumption of life

- 3.3. The search shall proceed on the presumption that the missing person is alive, regardless of the circumstances and the date of the disappearance.

Right to the truth

- 3.4. Family members of a missing person have the right to the truth: to be enabled to know the whereabouts of their missing relative. Where the missing person does not wish his or her location to be disclosed to the family, they have the right to be informed that he or she is alive. They also have the right to locate and receive his or her human remains for a dignified burial, and to be informed of the circumstances of the disappearance.

Non-discrimination and integrity

- 3.5. The search for a missing person shall be based on the principle of non-discrimination, in particular on grounds such as race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, and mental or physical disability, and shall be free of any form of undue influence.

Dignity

- 3.6. The search process is conducted at all stages with respect for the human dignity of the missing person and his or her family members.

Tailored approach

- 3.7. The search shall be conducted taking into account the specificities and particular sensitivity of certain categories of persons, including their age, sex/gender, national, religious and other affiliations, as well as the cultural norms and practices of the community to which the missing person and his or her family members belong.

Protection of personal data n

- 3.8. The personal data of the missing person and his or her family members shall be collected and processed in accordance with the provisions of the legislation of Montenegro governing the protection of personal data.

4. Commencement of the search

- 4.1. The search begins on the date of entry in the Register of Missing Persons maintained by the Commission.
- 4.2. Entry in the Register is made on the basis of a Request for Search submitted to the Commission; to the Tracing Service of the Red Cross of Montenegro; to the Tracing Service of the International Committee of the Red Cross (ICRC); to the tracing services of national Red Cross and Red Crescent societies in the States where family members of missing persons reside; or via the website of the International Commission on Missing Persons (ICMP).
- 4.3. A Request for Search may be submitted by any individual who has the minimum data regarding the disappearance.
- 4.4. The minimum data comprise the person's name and surname, the name of one parent, date and place of birth (or only the year of birth), sex, and the presumed date, place and circumstances of the disappearance.

- 4.5. A Request for Search to the Commission may be submitted in person by completing the form¹⁰, or by email or by telephone, in which case an authorized Commission officer completes the form on the basis of the information received and attaches an official note of the telephone conversation.

5. Search process

Search plan, presumptions and contextual analysis

- 5.1. The search is conducted on the basis of clearly defined steps in each individual case, in line with the tailored-approach principle.
- 5.2. At the outset of the search, all reasonable hypotheses about the disappearance should be explored. A hypothesis may be rejected only where it lacks a basis established on objective, verifiable criteria. The basis for any hypothesis should be all available information, including information obtained from persons with knowledge of the circumstances of the disappearance or from the applicant, applying scientific and professional criteria; the basis should not be preconceptions about the individual circumstances or characteristics of the missing person.
- 5.3. The search plan is founded on all available information and is implemented in cooperation with competent institutions and organizations and with the family members of the missing person, as well as through the application of scientific and professional methods. A detailed search strategy should rest on contextual analysis, with a view to identifying patterns of disappearance, clarifying motives and *modus operandi*, profiling missing persons and establishing regional specificities that explain the disappearances. The Commission conducts contextual analysis independently, on the basis of scientific and professional criteria, and not only on data collected in the analysis of specific cases. The search should continue even when the hypotheses on which it rests are, *prima facie*, not consistent with the findings of the contextual analysis.
- 5.4. The necessary steps in the search process shall be updated periodically, and in any case at least once a year, in line with new knowledge and information collected, as well as with the results achieved in the search process.

¹⁰The application form is available in Annex I of the Guidelines

Access to locations and data for the purposes of the search

- 5.5. With due diligence, the Commission verifies and considers all information of potential relevance to determining the fate of missing persons that it obtains directly or indirectly, from known or anonymous sources.
- 5.6. In exercising its competences related to the search, the Commission requests the provision of data from State authorities, institutions and bodies of Montenegro, from local self-government authorities, from associations of families of missing persons, and from any other organizations and individuals it considers may hold necessary information, as well as access to locations where missing persons may be found. Every request for information contains a note that the requested data will be used exclusively for the purposes of the search process.
- 5.7. In accordance with signed agreements and protocols on cooperation, for the purpose of collecting and exchanging data the Commission addresses institutions of States in the region, associations of families of missing persons, and international organizations active in determining the fate of missing persons.
- 5.8. The Commission pays particular attention to data contained in documents arising from the work of the International Criminal Tribunal for the former Yugoslavia (ICTY).
- 5.9. To perform the tasks within its competence, the Commission obtains data from bodies that maintain civil status records; it cooperates with and exchanges available data with competent bodies which, in accordance with the law, maintain records relevant to determining the fate of missing persons.
- 5.10. The Commission pays special attention to registers and databases containing information on birth, adoption, marriage, death, change of personal name, issuance of personal documents, migration and immigration, which, inter alia, may be relevant to the search, to locating, and to establishing the identity of missing persons.
- 5.11. The Commission follows the upgrading of electronic databases and steps aimed at ensuring interoperability of databases. To improve the efficiency of the search process, in the collection, processing and exchange of data it uses software solutions and digital tools and platforms developed by institutions of Montenegro and—within the limits of permitted access—those of international organizations and other States.

- 5.12. For the purposes of the search, the Commission uses data from the Regional Database of cases of persons missing in the conflicts on the territory of the former SFRY, and it regularly provides new data to be entered in this database.
- 5.13. Relevant data on the locations of mass graves and other places where the human remains of missing persons may be found, as well as on places where missing persons were deprived of liberty, are also collected through electronic submissions via ICMP's Site Locator application, which is also available on the Commission's website.
- 5.14. In performing tasks related to the search, the Commission also relies on scientific and professional material—books, scholarly articles, reports and other publications resulting from research. Where necessary, the Commission may request expert and advisory support, both with respect to specific cases and for improving the methodological and professional approach to the search in general.

Participation in the search

- 5.15. Family members of missing persons, their legal representatives and attorneys-in-fact, associations and organizations representing their interests, as well as other persons having a legal interest, participate in the search. This right is exercised at all stages of the search process, in accordance with the legal provisions governing the publicity of ongoing proceedings, and the Commission informs those entitled of this immediately upon receipt of the request for search.
- 5.16. A lack of initiative by, or refusal of, family members or other interested persons to participate actively in the search process and to be informed about progress does not affect the Commission's action aimed at ensuring the efficiency of the search process.
- 5.17. Participation by family members and other persons with a legal interest in the search process is exercised through providing the initial data needed to define specific steps in the search, and through continuous information exchange, thereby improving the efficiency of the search and ensuring a tailored approach, as well as keeping family members informed about the course and progress of the search.
- 5.18. At their request, the Commission provides family members of the missing person with available information on the current status and any changes in the search process and, with due diligence, considers all new information regarding the circumstances of the disappearance, the fate of the missing person and any possible location.

- 5.19. The Commission seeks to enable facilitated communication and information exchange with family members of the missing person through modern technologies, in accordance with the principles defined by the Working Group on Enforced or Involuntary Disappearances.¹¹ To that end, within the limits of available technical means, the Commission communicates with families by email, via online meeting platforms and by telephone.

Protective approach

- 5.20. Authorised persons participating in the search process who interact with family members of missing persons shall take into account the risks to physical and mental health faced by individuals and communities, particularly during a prolonged search process. Uncertainty, lack of information and economic hardship are among the challenges that require support to families during the search. Whenever such risk is identified—from the outset of the search and even after the handover of the human remains of the missing person—the Commission shall ensure that families are informed about available support mechanisms, such as psychosocial support and counselling, while respecting their privacy and dignity.
- 5.21. Authorised persons participating in the search shall be trained to recognise particular vulnerabilities of missing persons and their families and to apply a tailored approach in their work. Taking this need into account, the Commission seeks to provide capacity-building programmes for its members and professional staff and to raise awareness among representatives of other State authorities regarding the specific needs of persons with whom they come into contact in the exercise of these competences.
- 5.22. The Commission and other State authorities and bodies shall, within the scope of their competences, ensure that missing persons and their family members are not subjected to public condemnation, stigmatisation or other forms of abuse or insult that undermine their reputation, honour or human dignity, and shall, where necessary, take steps to protect them against such attacks. In view of its coordinating role in the search process, the Commission seeks to respond promptly and appropriately in cases of breaches of this obligation.

¹¹A/HRC/54/22/Add.5: New technologies and enforced disappearances - Report of the Working Group on Enforced or Involuntary Disappearances, September 11, 2023.

6. Coordination of the search process and criminal proceedings¹²

- 6.1. In view of the importance of exchanging collected information—both for determining the fate of the missing person and for establishing any criminal responsibility—the search process and any criminal proceedings against persons responsible for the disappearance should be mutually complementary.
- 6.2. If, in the course of activities within its competences, the Commission obtains information that could serve as a basis for initiating criminal proceedings, it shall inform the competent prosecutor's office or the body competent for the search for missing persons on the territory of the former SFRY.
- 6.3. Given the importance of the data collected by the Commission in the search process, the competent prosecutor's office may, when acting in a case that concerns, in whole or in part, disappearances during the armed conflicts in the former Yugoslavia, address the Commission to obtain and verify information already collected by the Commission concerning the disappearance.
- 6.4. If a pre-investigation or investigation is already under way in relation to the disappearance, the Commission may initiate meetings with the competent prosecutor's office aimed at the efficient exchange of information and the coordination of both processes in a manner that ensures the integrity and confidentiality of the pre-investigation and investigation, without producing adverse consequences for the rights of the missing person and his or her family members.
- 6.5. If, following the dismissal of a criminal complaint or the completion of criminal proceedings, the fate of the missing person is not clarified within the criminal proceedings, this shall not constitute an obstacle to the continuation of the search process, since the right of the missing person and his or her family members to clarification is not conditional on the disappearance having resulted from a criminal offence.

7. Field reconnaissance, exhumation and identification

Field reconnaissance

¹²A detailed schematic of coordination between the search process and criminal proceedings is set out in Annex II.

- 7.1. The Commission processes the collected data, information and material on missing persons, and on locations of individual graves and mass graves in the country and in the region.
- 7.2. In cooperation with other competent bodies, the Commission coordinates and conducts field reconnaissance activities. In view of the cross-border nature of disappearances within the Commission's remit, and in accordance with signed protocols and agreements on cooperation, where the Commission has information on a possible burial site of the human remains of one or more missing persons on the territory of another State, it shall transmit that information to the other side for verification. The Commission shall, with due diligence, verify any information that a possible burial site is located on the territory of Montenegro, organise reconnaissance and provide all necessary logistical support.
- 7.3. For the purposes of field reconnaissance, the Commission seeks to use all available modern technologies, such as drones equipped with cameras or LiDAR technology, sonar, various types of radar, as well as satellite imagery and geospatial analysis.¹³
- 7.4. The Commission prepares reports on field reconnaissance carried out, and collects and processes data on the locations where field reconnaissance has been conducted.

Verification of a possible burial site and exhumation¹⁴

- 7.5. In accordance with the provisions of the Code of Criminal Procedure, exhumation is ordered by an investigating judge at the request of the state prosecutor. Where verification has established that the human remains of a missing person are located at a given site, the competent public prosecutor's office shall inform the competent court so that an order for the exhumation of the remains may be issued.
- 7.6. In view of this, where indications exist and after verification of a possible burial site, the Commission shall inform the competent Prosecutor's Office of its findings and of the results of the verification and field reconnaissance.
- 7.7. Exhumation of an individual grave or a mass grave is carried out in accordance with the provisions of the Code of Criminal Procedure if criminal proceedings are

¹³A/HRC/54/22/Add.5: New technologies and enforced disappearances - Report of the Working Group on Enforced or Involuntary Disappearances, September 11, 2023 (Chapter III)

¹⁴A detailed schematic of coordination among the competent institutions in the exhumation of human remains is set out in Annex III.

under way. If criminal proceedings have been concluded, exhumation of an individual grave or a mass grave is carried out with the approval of the sanitary and health inspectorate, with the assistance of the competent municipal utility company and the Centre for Forensic Medicine of the Clinical Centre of Montenegro.

- 7.8. If the Commission receives information from another State about a possible burial site of the human remains of one or more missing persons on the territory of Montenegro, it shall verify that information and inform the requesting State of the outcome. Depending on the result, the requesting State may submit to the Commission a request for exhumation of the remains.
- 7.9. When the Commission receives from a State in the region a request for exhumation, on the basis of the information provided or exchanged and of the verification carried out, it shall respond to the request within 60 days of receipt. When verification conducted at the Commission's initiative on the territory of another State shows that grounds exist, the Commission shall submit a request for exhumation to the competent authorities of that State.
- 7.10. Exhumation is carried out in accordance with the domestic legal regulations of Montenegro when conducted on its territory. An exhumation carried out on the basis of the Commission's request on the territory of another State is conducted in accordance with the domestic legal regulations of that State.¹⁵
- 7.11. When exhumations are carried out on the territory of Montenegro, the Commission shall take all necessary steps to enable the presence of observers of the other side, that is, the competent authorities of the State that initiated the exhumation, including timely notification of the time and place of the exhumation.
- 7.12. In the same manner, the Commission shall enable the presence at exhumations of interested international organisations, in line with their mandates.

Repeated exhumation of human remains

- 7.13. A repeated exhumation of human remains shall be carried out at the request, or with the consent, of a family member of the missing person where there is doubt

¹⁵In this process, the Commission cooperates with the Missing Persons Institute of Bosnia and Herzegovina; the Governmental Commission on Missing Persons of the Republic of Kosovo; the Commission on Missing Persons of the Government of the Republic of Serbia; and the Commission for Detained and Missing Persons of the Government of the Republic of Croatia.

as to the accuracy of the identification results, or for the purpose of attaching subsequently identified parts of the human remains of the missing person.

- 7.14. In the absence of a request or consent by a family member of the missing person, where the exercise of the rights of another missing person or of his or her family members would be jeopardised or rendered impossible—for example due to suspicion of a misidentification—exhumation may be conducted ex officio.
- 7.15. A repeated exhumation of an individual grave or a mass grave shall be carried out in accordance with the provisions of the Code of Criminal Procedure if criminal proceedings are under way. If criminal proceedings have been concluded, a repeated exhumation of an individual grave or a mass grave shall be carried out with the approval of the sanitary and health inspectorate, with the assistance of the competent municipal utility company and the Centre for Forensic Medicine of the Clinical Centre of Montenegro.

Processing and identification of exhumed human remains¹⁶

- 7.16. The processing and identification of exhumed human remains, for the purposes of final identification and determining the cause of death, shall be carried out by institutions and experts in forensic medicine. For the necessary professional forensic support in the identification process, the Commission may address reference institutions domestically and abroad, either independently or with the support of international organisations.
- 7.17. Identification is the process of reliably establishing that recovered human remains or parts thereof correspond to a given person on the basis of physical, hereditary or biological characteristics. Identification is considered final upon acceptance of the identification results by a family member of the missing person. If the missing person has no living family members, the identification results are considered final without family acceptance.
- 7.18. For the purposes of identifying exhumed human remains, the Commission organises the collection and distribution of blood samples and other biological material from family members of missing persons.
- 7.19. The collection, processing and storage of blood samples and other biological material shall be conducted in accordance with the provisions of the laws

¹⁶A detailed schematic of coordination among the competent institutions in the identification process is set out in Annex IV to these Guidelines.

governing the handling of biological and genetic material. The collected biological material may be used solely for the identification of the missing person.

- 7.20. Before samples are taken, the Commission, with the support of experts, shall inform the family member about the procedure and the conditions for processing, storage and use of the data on the collected samples. The storage of collected samples is carried out with the support of the International Commission on Missing Persons (ICMP).
- 7.21. The Commission shall inform family members of the missing person in a timely manner of the time and place of identification and shall provide logistical support for their attendance.
- 7.22. Where the identification concerns a person who is a citizen of another State in the region, the Commission shall take all necessary steps to enable the presence of observers of the other side, above all through timely notification of the time and place of identification.
- 7.23. Where interested international organisations wish to be present at an identification in Montenegro, in line with their mandates, the Commission shall ensure their presence.
- 7.24. The Commission shall inform family members of the missing person of the identification results at the earliest opportunity upon receipt. As a rule, notification is made in person, with due regard to the dignity and feelings of the family member to whom the information is communicated. Where such notification is not possible due to the family member's place of residence or for other reasons, notification is delivered in writing, by email or by telephone. Where notification is made by telephone, an official note shall be drawn up.
- 7.25. Where the identification has been carried out at the request of an institution from the region competent for the search for missing persons, the Commission shall, upon receipt of the identification results, notify the competent institution at the earliest opportunity, in accordance with the signed agreements and operating rules and procedures.
- 7.26. In view of the passage of time and advances in biomedical and forensic sciences and methods since the armed conflicts on the territory of the former SFRY, if doubt arises as to the correctness of the results of an earlier identification, at the request or with the consent of family members the identification may be repeated, inter alia, in the following cases:

- where human remains or parts thereof have been found and a DNA match with a family member's DNA profile in the database has been established;
- where the Commission or the State Prosecutor's Office has obtained information that the remains were relocated, and the earlier identification relied on traditional identification methods.

8. Handling of human remains

Dignified care of unidentified human remains

- 8.1. The Commission organises and ensures the dignified care of unidentified human remains, pending their final identification and burial, in cooperation with the Centre for Forensic Medicine of the Clinical Centre of Montenegro.

Handover and dignified burial of human remains¹⁷

- 8.2. After final identification, and where the human remains are located outside Montenegro, the Commission takes over the remains at the border crossing in the presence of one family member of the missing person, where the missing person has living relatives, with the assistance of the competent municipal utility company. The competent Police Directorate is notified of the handover.
- 8.3. After taking over the remains, the Commission organises their handover to the family of the missing person for a dignified burial.
- 8.4. Handover is carried out in a manner that respects the dignity of the person whose remains are being handed over, and the dignity of the family members receiving the remains, taking into account the cultural norms and customs of their community.
- 8.5. The Commission provides funds for the transport of the human remains and for a dignified burial in accordance with the wishes of the family and the cultural customs of their community. The family organises the funeral with material and logistical support from the Commission. Material support is provided in the amount of funeral expenses payable in accordance with the regulations on veterans' and disability protection concerning reimbursement of funeral costs. Where the family does not

¹⁷A detailed schematic of coordination among the competent institutions during the handover of human remains is set out in Annex V to these Guidelines.

possess a family grave and has no other means to secure a burial site, the Commission shall provide an appropriate burial place for the identified remains.

- 8.6. If the missing person has no living relatives or they refuse to receive the identified remains, the Commission organises a dignified burial and draws up an official note, which is delivered to the person who refused to receive the remains and to the competent civil registry service.
- 8.7. Upon receipt of a request for handover of the remains, the Commission shall take all necessary steps to ensure that identified remains are handed over without delay. The remains shall be handed over no later than 30 days from receipt of the request.
- 8.8. Where the handover of remains entails cross-border cooperation, the Commission shall ensure the documentation required for the transfer and handover of the remains, bear the costs necessary for the transfer of the remains, and provide for transport of the remains on the territory of Montenegro.

9. End of the search¹⁸

- 9.1. The search ends when the missing person is found alive; or when the identified human remains of the missing person have been handed over to family members, or—where the missing person has no living family members to whom the remains could be handed over, or the family members refuse to accept the identification results—when the remains have been buried in a dignified manner.
- 9.2. Where identified parts of human remains have been found and handed over, the search for the remaining parts shall cease only with the prior consent of the family members of the missing person, unless there is irrefutable evidence that the remaining parts cannot be found, in which case the search may cease without such consent.
- 9.3. If the missing person has not been found, but there is irrefutable evidence of his or her death and earlier presence at a specific location, the Commission may, with the consent of the applicant, discontinue the search when it has been reliably established that the physical recovery of the remains is no longer possible.

¹⁸A detailed schematic of the situations in which the search process ends is set out in Annex VI to these Guidelines.

- 9.4. The search for a missing person may also be concluded where the family members of the missing person move to the territory of another State with which the Commission on Missing Persons has concluded a protocol or agreement on cooperation at inter-State level; in such a case, the case is transferred to the competent commission of that State, in accordance with the new place of residence of the applicant.

10. Records

- 10.1. In accordance with the provisions governing the protection of personal data, and within its competences relating to the search for missing persons, the Commission collects and processes data on missing persons and on exhumed, identified and unidentified human remains.
- 10.2. The Commission maintains the following registers, whose data are kept permanently:
- 1) Register of missing persons;
 - 2) Register of exhumed human remains;
 - 3) Register of identified human remains;
 - 4) Register of unidentified human remains.
- 10.3. The Commission ensures the timely updating of the data in the registers it maintains.

11. Collaboration

Comprehensive cooperation

- 11.1. With a view to continuously improving the search process and protecting the rights of missing persons and their family members, the Commission cooperates with State authorities and local self-government bodies, other institutions and organisations in Montenegro, the Red Cross of Montenegro, regional mechanisms and international organisations active in determining the fate of missing persons, with institutions of other States, with associations of families of missing persons

and other civil society organisations that provide support to families of the missing, as well as with the scientific community.

Cooperation with international organisations

- 11.2. In order to fulfil obligations arising from international agreements and to improve the search process and the Commission's work in general, the Commission cooperates with international bodies and organisations active in determining the fate of missing persons.
- 11.3. In this regard, the Commission is committed to implementing the recommendations of the Committee on Enforced Disappearances and of the Working Group on Enforced or Involuntary Disappearances of the United Nations, as well as guidance contained in general comments, reports and statements adopted by those bodies.
- 11.4. In performing its functions, the Commission is committed to cooperation with the International Commission on Missing Persons (ICMP), the International Committee of the Red Cross (ICRC), the European Union, and with regional cooperation mechanisms in determining the fate of missing persons supported by those organisations. Such cooperation is carried out through continuous collection and exchange of data, respect for and implementation of recommendations, the joint development and implementation of projects aimed at determining the fate of missing persons and improving the situation of family members, and other forms of cooperation.

Regional cooperation

- 11.5. To improve the search, identification and handling of the human remains of missing persons, the Commission cooperates with institutions of other States, particularly those in the region. This cooperation is implemented through continuous collection and exchange of available information and documentation; cooperation in the search, exhumation, identification and handover of the human remains of missing persons; improvement and updating of registers of missing persons in the region; and other forms of cooperation.
- 11.6. To operationalise cooperation governed by cooperation agreements and by operating procedures for their implementation signed with Bosnia and Herzegovina, the Republic of Croatia, the Republic of Kosovo and the Republic of Serbia, the Commission participates in bilateral meetings with the competent institutions and bodies of those States, as well as in multilateral meetings organised within regional cooperation mechanisms.

Cooperation with associations of families of missing persons

- 11.7. In the search process and the exercise of other functions within its competence, the Commission cooperates with associations that bring together family members of missing persons from Montenegro. This cooperation is implemented through the exchange of information relevant to the search, exhumation, identification and handover of the human remains of missing persons, as well as the organisation of a dignified burial of the human remains of missing persons who have no living family members.

Cooperation with the scientific community and the media

- 11.8. Recognising the close connection between the efficiency of the search, exhumation and identification processes and scientific methods in the fields of legal and medical sciences, as well as information technology, the Commission cooperates with the scientific community in Montenegro and abroad.
- 11.9. To continuously monitor the development of international standards and comparative solutions and to periodically assess the alignment of the normative framework and practices with those standards, the Commission cooperates with research organisations in Montenegro and abroad. This cooperation is implemented through the organisation of scientific and professional events, preparation of analyses, recommendations and model regulations, preparation of publications, development of educational programmes and other forms of cooperation.
- 11.10. The rapid development of biomedical sciences and the constant advancement of forensic methods create new opportunities for collecting, storing and using biological samples from family members and for identifying recovered human remains. Cooperation between the Commission and teams of forensic experts and geneticists, and the incorporation of new methods and protocols into the Commission's procedures, are vital to reducing the number of unresolved cases of missing persons in the region.
- 11.11. The development of information technologies is of great importance not only for the possibilities of collecting, storing, processing and analysing data on missing persons, but also for surveying locations where the human remains of missing persons may be located. In view of this, through cooperation with information-

technology experts, the Commission strives to continuously improve the search process by applying innovative technological solutions.

- 11.12. Given the importance of determining the fate of missing persons in the context of remembrance, transitional justice and reconciliation in the region, the Commission regularly informs the interested public about its work by publishing statements and reports on its website and by participating in press conferences, round tables and discussions. The Commission cooperates with media interested in producing content dealing with the issue of missing persons in the region.

12. Amendments and publication

Amendments and supplements

- 12.1. Guided by the development of new international standards, the national legal framework and scientific advances, the Commission may, on its own initiative or at the initiative of interested parties, proceed with amendments and supplements to the Guidelines.
- 12.2. Every initiative to amend or supplement the Guidelines must be substantiated.

Publication

- 12.3. These Guidelines shall be published on the Commission's website within eight days of their adoption.
- 12.4. The Commission shall transmit the Guidelines, for information, to State authorities and bodies that have competences in the search process.

Annex I

REQUEST FORM FOR THE SEARCH FOR A MISSING PERSON

Serial number: _____

1. INFORMATION ON THE MISSING PERSON

Surname _____

Father's Name _____ Mother's
Name _____

Given name _____

Sex _____

Marital status _____

Date of birth _____

Place of birth _____

Municipality of birth _____

Country of Birth _____

Address of residence _____

Country of residence _____

2. INFORMATION ON THE DISAPPEARANCE

Date of disappearance _____

Place of disappearance _____

Where and with whom the missing person was last seen?

Circumstances of the
disappearance _____

Note _____

Detention / deprivation of liberty before disappearance
NO

YES

Name of place of detention
_____ Period _____

Information on a possible burial site

3. APPLICANT'S DETAILS

Surname and given name

Relationship/connection to the missing person

Address of residence

Telephone

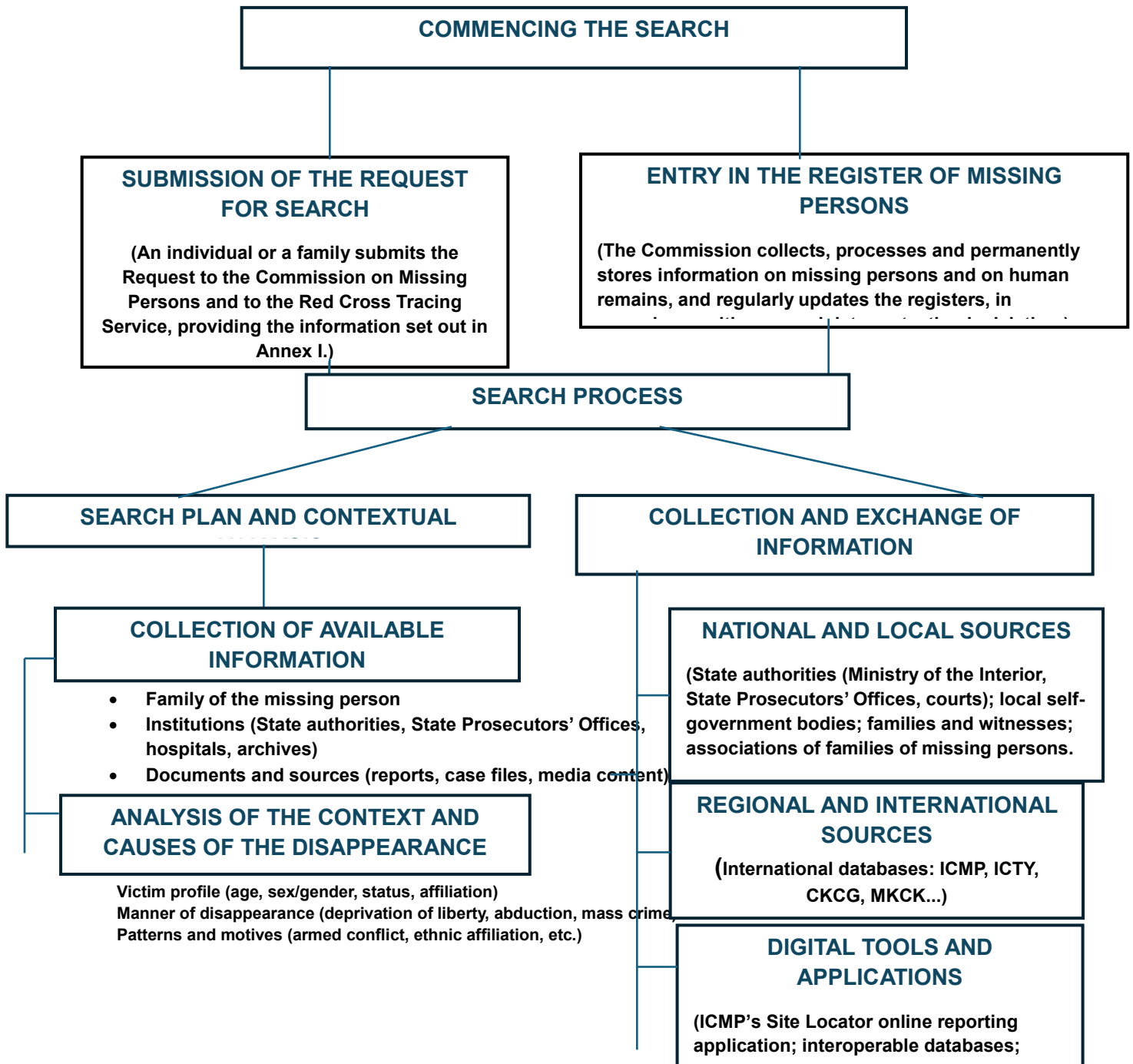
Other
relatives

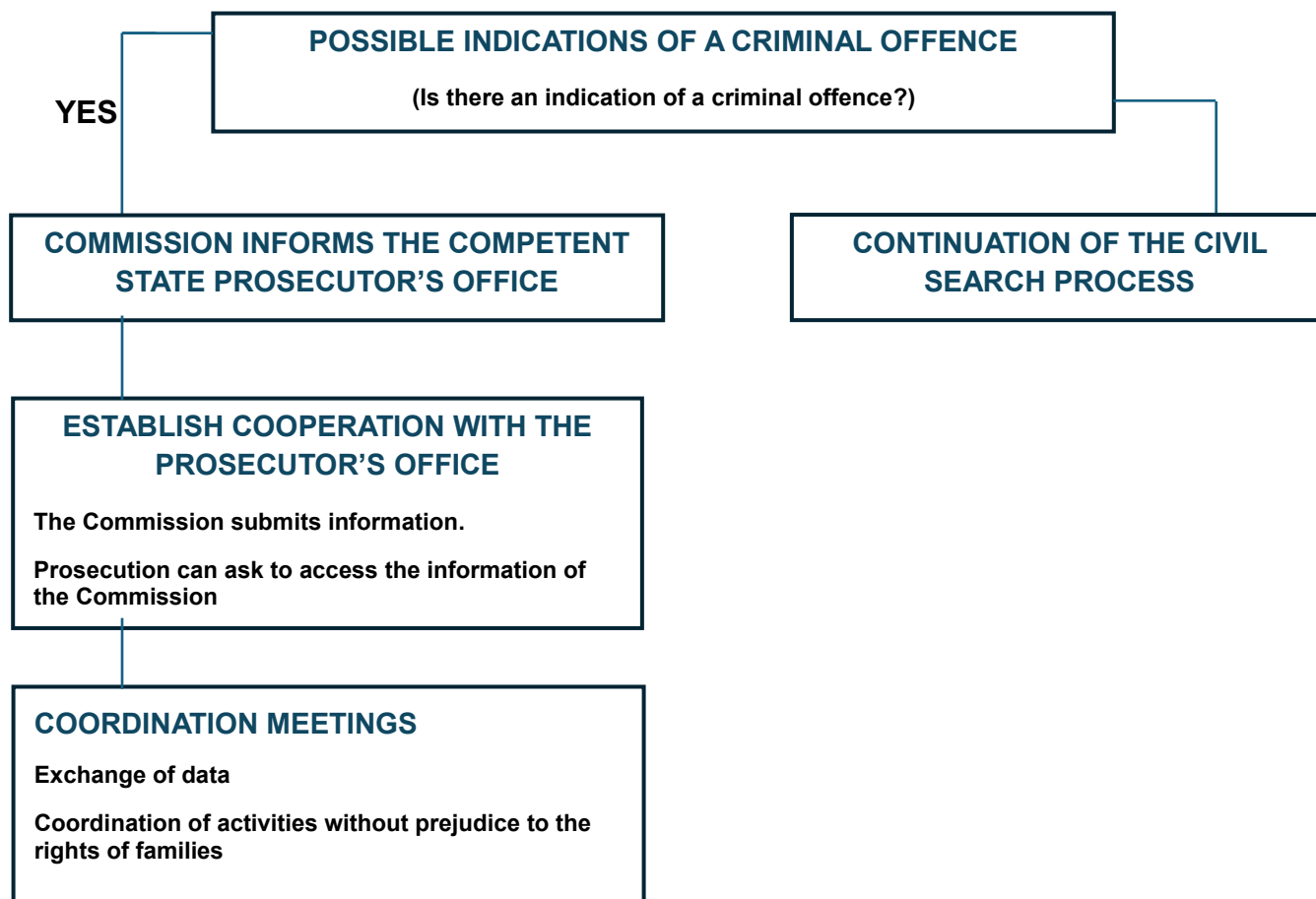
Date of completion of the form

Place of completion of the form

ANNEX II – Schematic of coordination between the search process and criminal proceedings

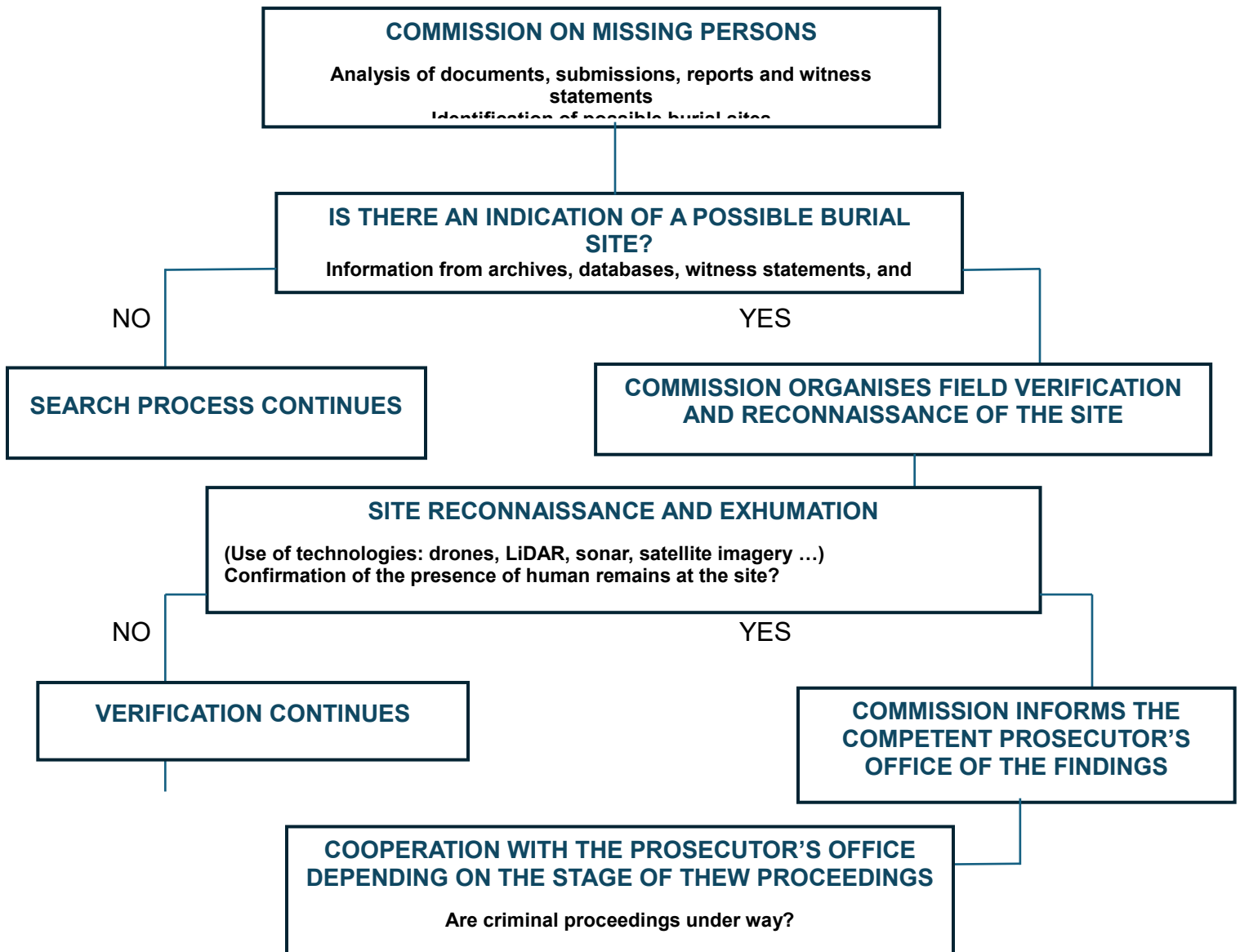
Coordinated exchange of information and cooperation between the Commission and the State Prosecutor's Office





ANNEX III – Schematic of coordination in the exhumation of human remains

Inter-institutional cooperation in verifying sites, authorising and conducting exhumations



YES

NO

**EXHUMATION IS ORDERED BY THE COURT,
AT THE REQUEST OF THE PROSECUTOR'S
OFFICE (UNDER THE CPC)**

**EXHUMATION IS APPROVED BY THE
SANITARY AND HEALTH INSPECTORATE**

In both cases, the Commission:

coordinates the presence of international observers; provides logistical support and security; and ensures the participation of representatives of the other side (regional cooperation).

EXHUMATION IS CONDUCTED

In cooperation with municipal services, the Centre for Forensic Medicine of the Clinical Centre of Montenegro, and international actors. All activities are documented and carried out with respect for the dignity of the victim.

PROCESSING OF SITE DATA (BURIAL SITE)

The Commission keeps records and prepares a report.
The data are entered into national and regional databases.

REPEATED EXHUMATION OF HUMAN REMAINS

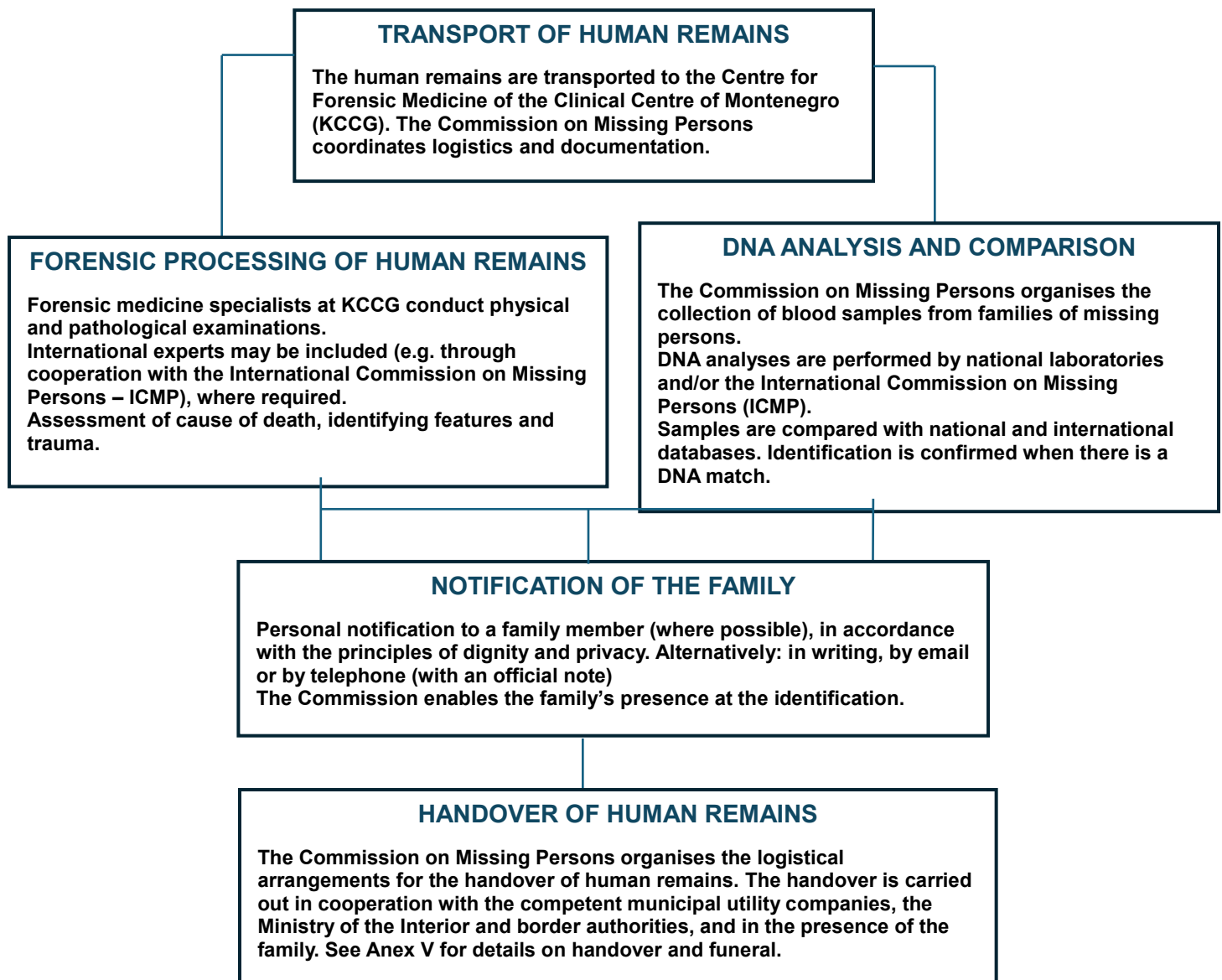
Where there is doubt as to the accuracy of the identification;
or
for the purpose of attaching subsequently identified parts of

AT THE FAMILY'S REQUEST

EX OFFICIO

ANNEX IV – Schematic of coordination in the identification of human remains

Institutional and technical cooperation in DNA analysis, forensic work and notification of families.



INTERNATIONAL COORDINATION

If the identified person is a citizen of another country, the Commission contacts the competent institution of that country (e.g. the counterpart commission on missing persons), informs it of the result, and enables the presence of observers.

REPEATED IDENTIFICATION

(There is doubt as to the accuracy of the previous identification.)

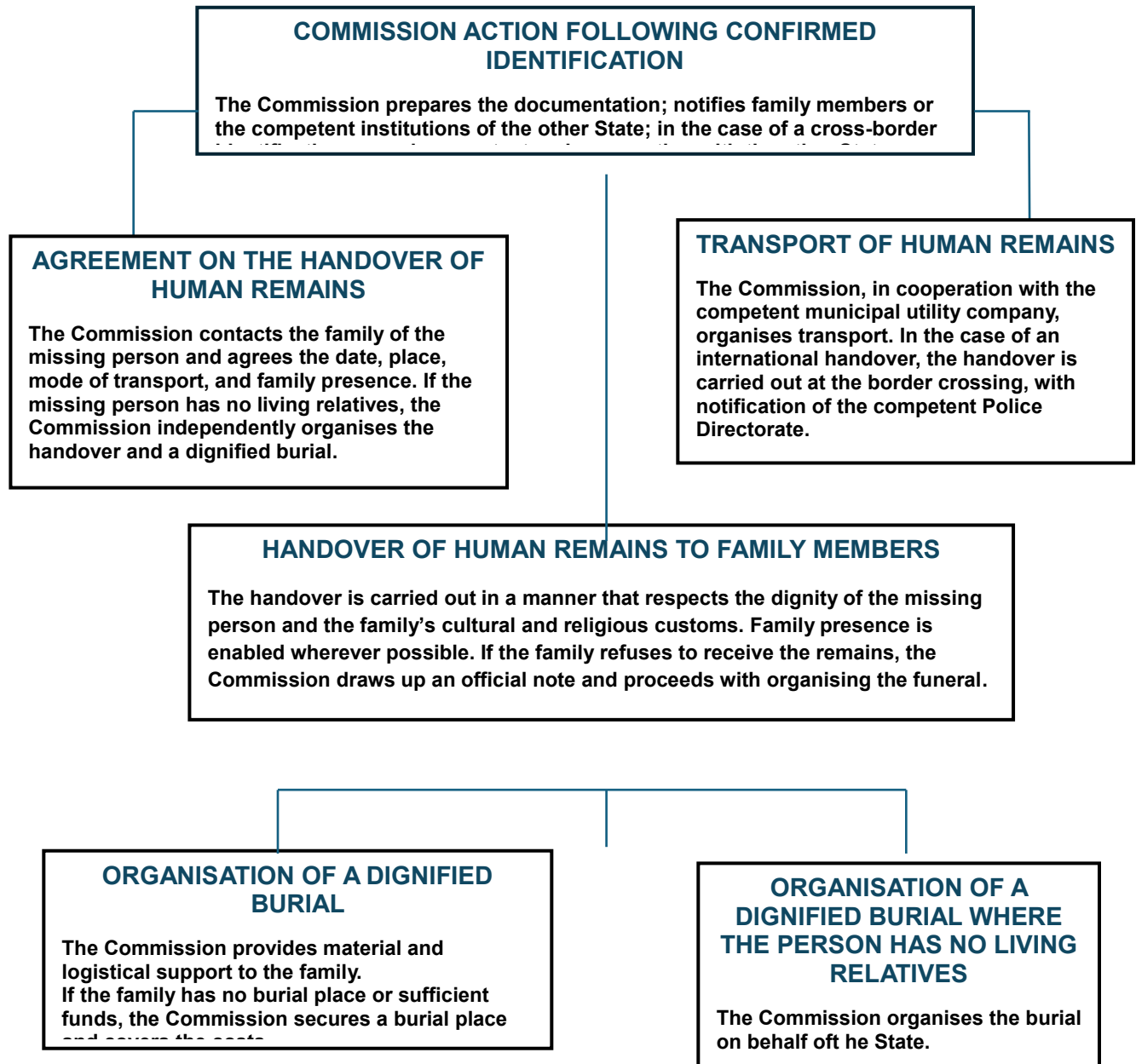
AT THE FAMILY'S REQUEST

WITH THE FAMILY'S CONSENT, AT THE REQUEST OF THE COMMISSION AND THE STATE PROSECUTOR'S OFFICE

Where new human remains or parts have been found and there is a DNA match; or where the Commission or the State Prosecutor's Office has information that the remains were relocated, and the earlier identification relied on traditional methods.

ANNEX V – Schematic of coordination during the handover and burial of human remains

Logistical and inter-institutional cooperation in the handover, notification and dignified burial process, in accordance with the family's wishes and international standards



Annex VI – Schematic of the end of the search process for a missing person

Legal and operational end of the search process: confirmation of identity; handover of the remains; discontinuation or closure of the case with the family's consent

