

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



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ABSTRACT

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

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1. Introduction

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

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

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

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

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

1.1. Recovery and identification efforts in Kosovo

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

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

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

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

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

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

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

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

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

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

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

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

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

Timeline of Events in Kosovo

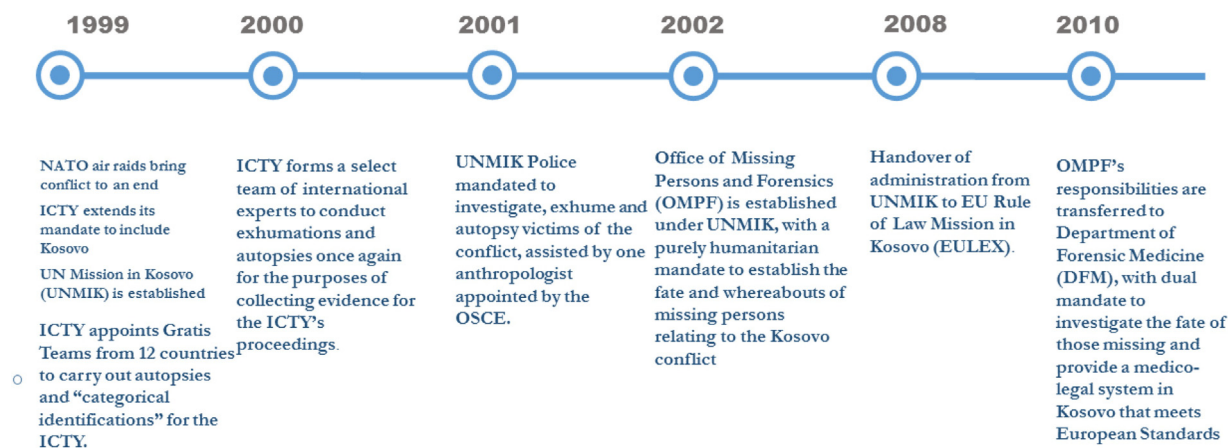


Fig. 1. Timeline of major political and forensic-related developments in Kosovo, demonstrating the many changes in administration.

investigations. However, at least until 2012, recovery, anthropological analyses, and identification of human remains related to the armed conflict in Kosovo were supervised and coordinated by EULEX international staff [13].

1.2. The Committee of Missing Persons in Cyprus (CMP)’s program of exhumations, identifications, and return of remains

During two waves of violence in Cyprus approximately 2000 people went missing; the first period of violence between the Greek Cypriot and Turkish Cypriot communities broke out in 1963 and lasted until 1967, leading to the disappearances of approximately 250 persons. A second wave of violence broke out in the summer of 1974, which led to the disappearance of approximately 1750 persons and to the *de facto* division of the island [2,14].

Talks for a resolution of the fate of the missing began immediately after the cessation of hostilities in 1974 with the help of the ICRC and promoted by a number of intercommunal meetings that lasted until 1977. However, in view of little progress made to resolve cases of the missing, the United Nations also expressed their concern about the lack of progress and called for the establishment of an investigatory body to tackle this humanitarian problem through the adoption of three resolutions at the UN General Assembly between 1975 and 1978 [15–17]. In addition, these resolutions mandated the ICRC to advise on the humanitarian recovery and identification of the dead.

After much pressure from the international community and the relatives of the missing, the Committee of Missing Persons (CMP) was established in 1981 by agreement between the Greek Cypriot and Turkish Cypriot communities under the auspices of the United Nations and with advisory services from the ICRC. The Committee’s mandate was to investigate the fate of approximately 2000 Greek Cypriots and Turkish Cypriots who went missing during the two periods of conflict [18].

The work of the CMP was set against the backdrop of a frozen conflict, whereby a *de facto* division of the island meant that each side had no access to the area where the graves of missing persons belonging to their respective community were expected to be. While the CMP was caught between negotiations and deadlock in the years between 1981 and 2004 [19], pressure by the international community and the families of the missing, led

the Greek Cypriot community to invite the USA-based forensic team of Physicians for Human Rights (PHR) to carry out exhumations and identifications of Greek Cypriot victims who were buried as unidentified in two cemeteries in areas under its control. Between 1999 and 2003, the PHR had a significant presence on the island collecting Ante-Mortem Data (AMD) and DNA samples from the Greek Cypriot families of the missing, as well as carrying out exhumations and identifications at the two cemeteries. As a result, Greek Cypriot AMD collectors, family-liaison experts, archaeologists, and anthropologists gained experience from working closely with the PHR.

In August 2004, despite the decades-long deadlock, the Greek Cypriot and Turkish Cypriot Leaders reached an agreement to reactivate the hitherto inoperative CMP [19]. In the same year a landmark agreement was also reached by the Leaders of the two communities to proceed with the opening of the crossing points, which allowed Greek Cypriots and Turkish Cypriots for the first time in thirty years, access to both sides of the island.

Despite difficulties in its early deliberations, the CMP gradually gained momentum. In 2005 the Turkish Cypriot community carried out exhumations of Greek Cypriot victims, which it later handed over to the CMP. A bigger breakthrough was achieved in the second half of 2005 when the CMP agreed to carry out select excavations under the coordination of international experts from the UK-based INFORCE Foundation (*International Forensic Centre of Excellence for the Investigation of Genocide*), with some limited bi-communal participation. However, by late 2005, negotiations for a sound and mutually agreed proposal for a continued collaboration between the CMP and INFORCE reached a stalemate as a result of technical, budgetary, and political issues.

In view of the deadlock, the CMP called upon the Forensic Services of the ICRC with a request for technical advice on how to proceed with recovery and identification (Personal communication from Morris Tidball-Binz, Head of the ICRC Forensic Unit). Due to the ICRC’s focus on the development of local forensic capacity and a family-needs-oriented approach, the ICRC proposed the creation of a bi-communal team of forensic scientists, which would be guided and supported by the ICRC’s own Forensic Services and the Argentine Forensic Anthropology Team (EAAF) who were recommended to the CMP by the ICRC. The recommendations by the ICRC saw the beginning of a long-standing and enduring relationship between the CMP and the EAAF and the formal

Timeline of Events in Cyprus

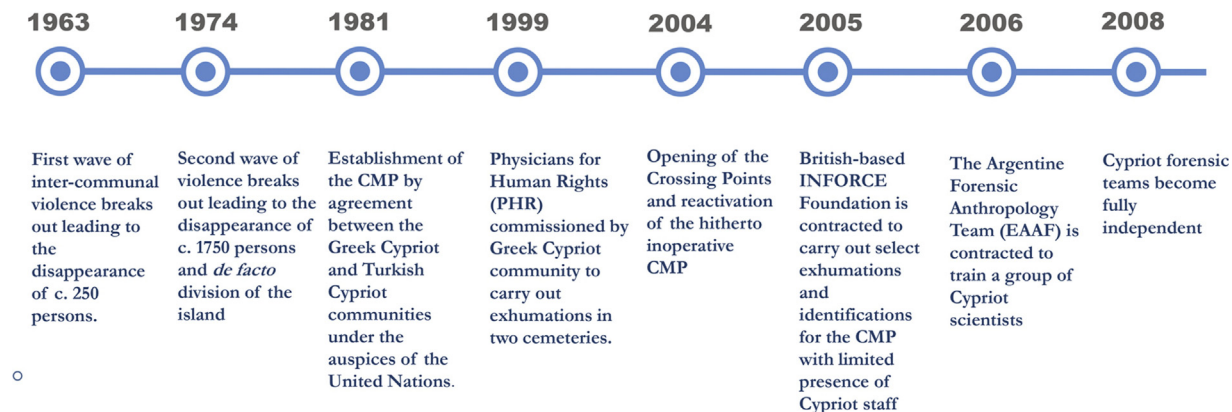


Fig. 2. Timeline of major political and forensic-related developments in Cyprus.

commencement of the CMP's Program of Exhumations, Identifications and Return of Remains. Between 2006 and 2007, the EAAF accompanied the Cypriot teams on a full time basis in all aspects of their operations, both in the field and at the laboratory. The goal was to provide the Cypriot bi-communal teams with systematic on-site support through regular coaching, training, and monitoring until they would become fully independent. Gradually, the ICRC phased out its direct participation in view of the growing local forensic capacity developed by the CMP. Since 2008, the Bi-Communal Forensic Team (BCFT) in Cyprus comprises of approximately 50 full-time local scientists and works independently only with periodical visits by the EAAF for quality control purposes (Fig. 2). Local scientists consist of young graduates mainly from universities in Turkey, Greece, and the UK. Only a small number were formally trained in forensic anthropology, while the majority trained in classical archaeology and gained forensic experience after receiving training by the EAAF. On their part, the leadership of the two communities provides incentives through a decent salary and relative job security, while the CMP receives generous funding from the European Union and other stakeholders.

Having provided insight into the origins of forensic programs in Cyprus and Kosovo, the following section seeks to examine the development of forensic programs in the two contexts through a comparison of their output.

2. Materials and methods

In order to compare the development of the two forensic programs in Cyprus and Kosovo, data was collected from the websites of the organizations involved, from scientific literature, from annual reports and from open-source archival material. Considering that this study focuses exclusively on programs with humanitarian objectives, it begins to examine data from Kosovo as of 2002, when the office of the OMPF was established and from Cyprus as of 2006 when the CMP formally began its program of exhumations. In both cases, the OMPF and the CMP mark a turning point in the forensic work's purpose and approach, which is this study's concern.

In the case of Kosovo data was collected from UNMIK-OMPF's and EULEX-DFM's Annual Activities Reports [20–24]. In Cyprus' case data was collected from the website of the Committee of

Missing Persons in Cyprus, which is updated on a monthly basis² [25].

Data included in this review—as selected on the basis of availability—consist of: (i) the number of sites excavated in search of unmarked burials, it includes all sites regardless of a positive or negative outcome; (ii) the number of successful excavations, which corresponds to the number of sites that have yielded human remains; (iii) the percentage of sites for which excavations have yielded human remains, whereby a percentage of sites with positive results is calculated over the total number of sites excavated per year; (iv) the Minimum Number of Individuals (MNI) recovered, where the MNI is calculated based on the most repeated skeletal element; and (v) the number of individuals identified.

While it is acknowledged that other pertinent forensic data might have enriched this review such as the type of site and grave features, the extent of commingling of human remains and the number of skeletal elements that cannot be identified, those variables could not be included at this stage in this review due to the lack of publicly available data.

3. Results

Following a consolidation of data and after values of respective activities were plotted in line charts over time, a repeated pattern began to emerge offering a new interpretation of the data.

3.1. Excavations and exhumations

The first year of operations by the OMPF in Kosovo, saw a surge in excavations, which dropped steadily until the fifth year of operations, when some modest growth is observed (Fig. 3). By contrast, in the case of Cyprus, excavations began less dynamically in 2006 and followed an upward curve albeit with oscillating values. As of the third year of operations, excavations in Cyprus came to surpass those in Kosovo, reaching a peak in the fifth year of

² Bearing in mind that definitional and conceptual differences may arise in reporting such data, especially for ongoing forensic programs, some discrepancies in the figures may occur as the programs develop, further analyses are completed and data is reviewed.

SITES EXCAVATED

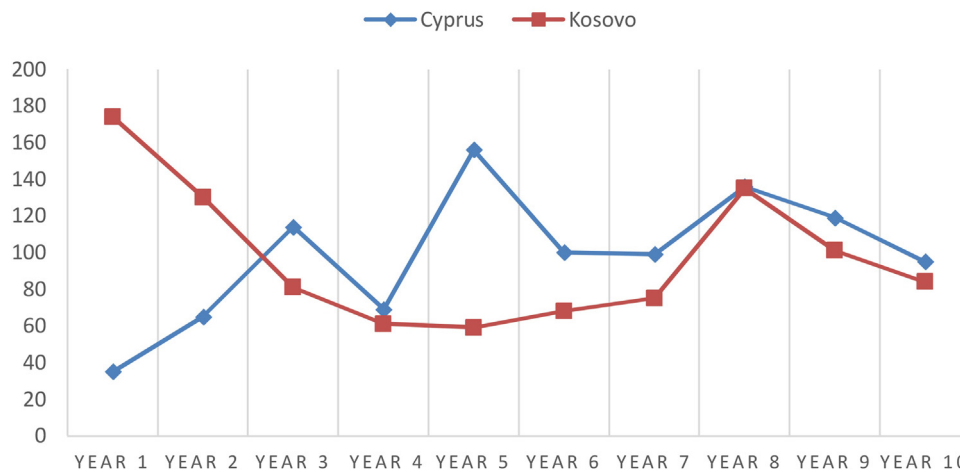


Fig. 3. Chart outlining the number of sites excavated by forensic teams in Kosovo and Cyprus, respectively. Year 1 in Kosovo corresponds to the year 2002 while Year 1 in Cyprus corresponds to the year 2006.

operations while for Kosovo the peak of excavations was in the first year of operations.

When it comes to the number of successful excavation sites, Kosovo displays a similar trend with a surge in values in the first year, followed by a steady decline until the fifth year of operations when the curve demonstrates a rise followed by a sudden drop. By contrast, in the case of Cyprus successful excavation sites start with lower values, reaching a peak in the fifth year of operations while experiencing less drastic changes in values (Fig. 4).

Meanwhile, data on the percentage of successful excavations display a different pattern; whereby Kosovo maintained almost throughout the ten-year period a much higher percentage of successful excavation sites than Cyprus, with only Year 9 and 10 displaying lesser values than Cyprus (Fig. 5).

A comparison of the data on the Minimum Number of Individuals (MNI) recovered, indicates that Kosovo once again in the first few years of operations started with a surge of recoveries,

which dropped drastically after the second year and then as of the fourth year of operations produced interchangeable values with those of Cyprus. By contrast, the example of Cyprus demonstrates much lower values than Kosovo in the first three years of operations. As of the fourth year of operations, values in Cyprus come to converge with those of Kosovo while demonstrating an overall steadier productivity curve (Fig. 6).

3.2. Identifications

With regards to identifications, Kosovo experiences a peak in identifications in the second year of operations. In sharp contrast, Cyprus experiences a peak in identifications in the ninth year of operations, while in the first year of operations there are no identifications. The two examples demonstrate a disparity in their output in the first six years in their operations, however, as of the seventh year of operations values in identifications begin to converge (Fig. 7).

SUCCESSFUL EXCAVATION SITES

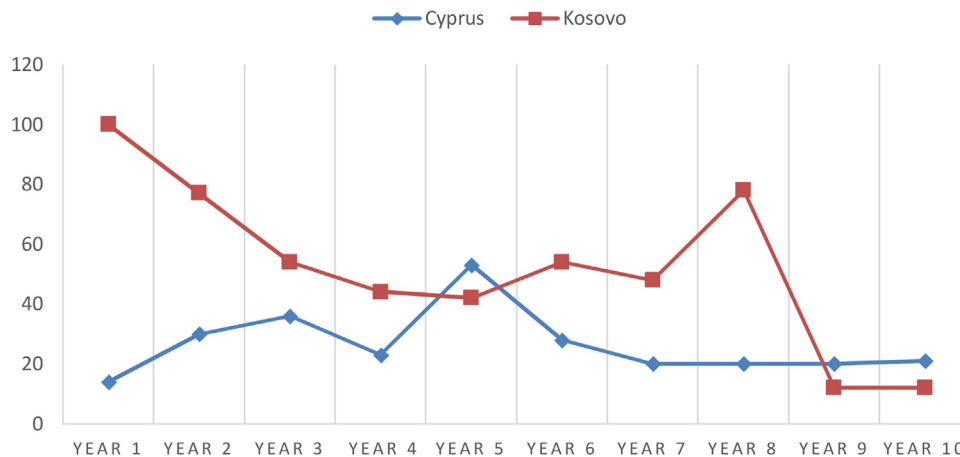


Fig. 4. Chart representing successful excavation sites in Cyprus and Kosovo, respectively. Year 1 in Kosovo corresponds to the year 2002 while Year 1 in Cyprus corresponds to the year 2006.

PERCENTAGE OF SUCCESSFUL EXCAVATION SITES

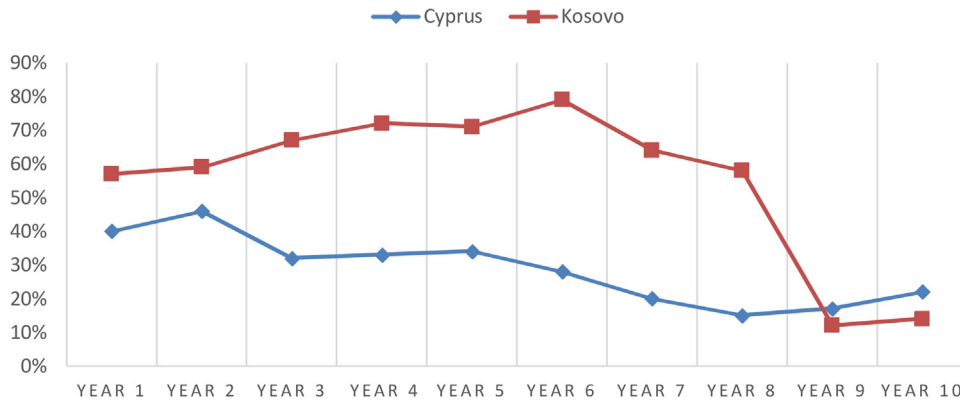


Fig. 5. Chart representing the percentage of successful excavation sites in Cyprus and Kosovo, respectively. Year 1 in Kosovo corresponds to the year 2002 while Year 1 in Cyprus corresponds to the year 2006.

MNI RECOVERED

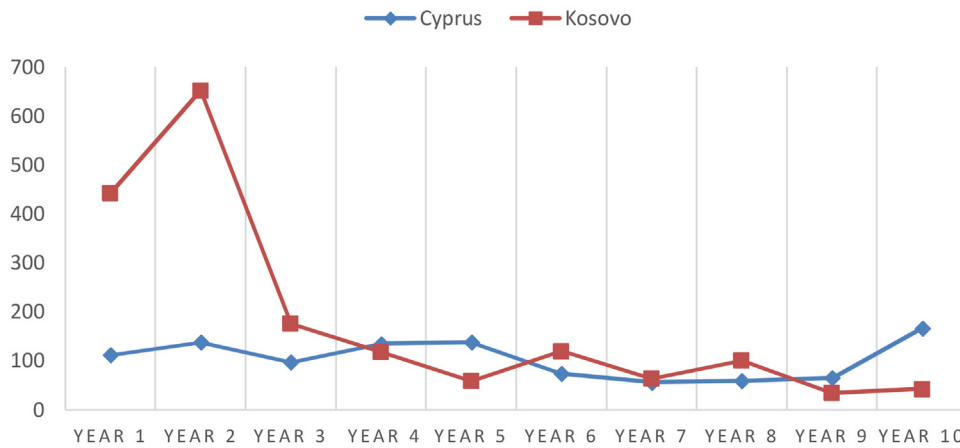


Fig. 6. Chart representing the Minimum Number of Individuals (MNI) recovered in Cyprus and Kosovo, respectively. Year 1 in Kosovo corresponds to the year 2002 while Year 1 in Cyprus corresponds to the year 2006.

IDENTIFICATIONS

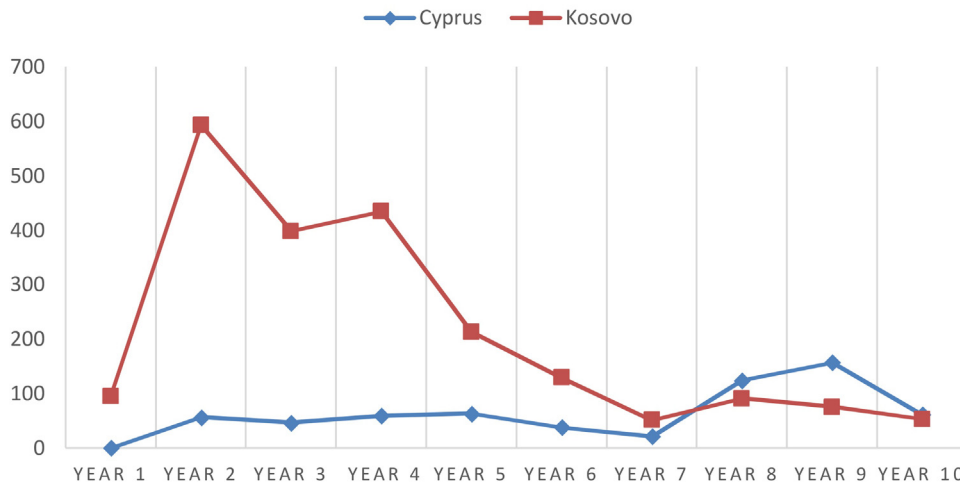


Fig. 7. Chart representing number of identifications in Cyprus and Kosovo, respectively. Year 1 in Kosovo corresponds to the year 2002 while Year 1 in Cyprus corresponds to the year 2006.

4. Conclusions

Overall, the analyses indicate a repeated pattern whereby forensic activities in Kosovo start ambitiously, with high values in the first few years, which drop sharply as of the second and third year of operations. By contrast forensic activities in Cyprus start much less dynamically, experiencing some modest growth and demonstrating a less drastic change in values.

An interpretation for Kosovo's surge in values in the first three years under review may be consistent with the allocation of resources in the years 2002–2004 for the recruitment of a wave of forensic archaeologists and anthropologists on short term contracts. Budgetary and operational constraints that ensued, combined with challenges pertaining to the centralization of information and changes in administration, may be linked to a declining productivity curve. Conversely, in Cyprus' case the more modest values in the first few years of operations may be consistent with the involvement of local staff from the outset, who needed to be trained, possibly slowing the activities down at first, while contributing to the more stable curve of growth later.

As regards to the comparison of Successful Excavation Sites and Percentage of Successful Excavation Sites, based on experiences from other post-conflict environments, perhaps the declining curves for both contexts albeit at a different scale, may not be so surprising. As the more reliable information is investigated first, leaving less reliable information to be investigated later, clandestine burials become increasingly harder to find with the accrual of time [26]. The process is further hindered as landscapes change, memories of witnesses fade and witnesses gradually pass away.

Interestingly, Kosovo maintains almost throughout the ten-year period under review a much higher excavation success rate. The results may be reflective of a disparate approach in investigation whereby for Kosovo international teams carry out a more thorough investigation prior to excavation, while in Cyprus excavation may be based on information with varying degrees of reliability or accuracy, contributing to a lower excavation success rate. Moreover, a period of 40–50 years that elapsed following the conflict in Cyprus compared with the period of 3–15 years from the conflict in Kosovo, may be a contributing factor for the lower excavation success rate in Cyprus. Yet, the disparity may be merely the result of definitional differences in reporting of data (i.e. merging several sites under one entry after human remains have been recovered).

Arguably, what may be most significant, – especially for the families of the missing – is that in the case of Cyprus, after more than 40–50 years from the two periods of conflict and 10 years of systematic operations by the CMP, 31% of missing persons were identified, leaving approximately 1380 families without information on the fate and whereabouts of their loved ones. By contrast, in Kosovo 13 years after the conflict and after ten years of systematic operations, the fate of more than 60% of missing persons had been resolved [1].

Yet, forensic activities in Kosovo appear to lose momentum as of the third year of operations, providing indications as to the marked decline that would follow in the later years. The decline reaches a near stagnation in the years 2013–2016 when the number of persons still missing stalls between 1650–1700 for four consecutive years [27–31].

By contrast forensic activities in Cyprus start slowly, gaining momentum after the third year of operations and experiencing a less sharp decline. While the rate of identifications may be significantly lower, overall the forensic program experiences a more stable curve of growth, which may be linked to fewer changes in administration and to the policy of building local capacity. Moreover, the two separate Memoranda of Understanding (MoU) signed between the CMP and the ICRC and the EAAF, respectively in

2017 offer potential impetus for the CMP to become more sustainable and less reliant on international support. More specifically, through its MoU with the ICRC, the CMP agreed to bring groups of forensic practitioners and decision-makers to Cyprus to observe the work of the CMP and to receive training on forensic archaeology, forensic anthropology and psychosocial support [32]. Meanwhile, through its separate MoU with the EAAF the CMP agreed to create permanent capacity within the CMP, which will enable CMP scientists to be deployed outside Cyprus to work alongside EAAF experts in training forensic practitioners from other contexts. This development, will not only help the CMP in further strengthening its own capacity through wider exposure but may also positively contribute to the continuation of its operations in Cyprus despite possible future difficulties in locating burial sites.

While it is not possible to determine at this stage what percentage of missing persons will finally be identified in the two contexts and how sustainable their forensic programs may be in the longer term, the comparison offers some insights into the factors that may have influenced their development, which in turn may help the international and forensic communities in designing and implementing strategies for future humanitarian forensic programs.

5. Discussion

The establishment of the ICRC's Forensic Unit in 2003 has helped not only define Forensic Humanitarian Action but has undoubtedly supported forensic programs worldwide through their advisory services and promotion of best standards of practise. Yet it is the ICRC's advocacy for the development of local forensic capacity as seen in both Kosovo and Cyprus, which marks a turning point in the approach and which offers a unique response to the increasing challenges relating to the recovery of human remains and to stalled processes.

Through the exploration of the examples of Kosovo and Cyprus, this study hopes to have provided some preliminary observations, which may assist in building long-term strategies for humanitarian forensic programs in post-conflict contexts. Admittedly, due to lack of publicly available data, this review could not include a wider range of variables, which may have enriched the findings and contributed to the interpretation of results. Such variables include comparisons on types of burial and the extent of commingling of recovered remains, as well as information on the number of individuals who cannot be identified either due to DNA degradation or due to lack of match in family reference sample databases. Nonetheless, this cursory analysis hopes to have highlighted the need for more research into the benefits and limitations in building local capacity (or lack thereof) and contributed to the call for a more defined academic framework to guide the work of young forensic scientists serving humanitarian forensic action.

Lastly, this study hopes to have served as a reminder that thirty-three years since Clyde Snow's first mission to Argentina to train a group of young students and sixteen years since Eric Stover and Molly Ryan's landmark paper *Breaking Bread with the Dead*, urging the participation of young forensic scientists into the investigation of human rights violations, the need to equip a new generation of scientists with the necessary tools and to empower them in assuming greater responsibility and local ownership is ever more relevant [33].

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