

PROTOCOL

ON THE EXCHANGE OF FORENSIC EXPERTS AND EXPERTISE

Preamble

1. Based on the Common Document signed between FRY and UNMIK on 05.11.2001 the activities regarding identification of exhumed remains in Kosovo and Serbia proper, which resulted from before, during and after the 1999 conflict, are dependent on the collection of ante-mortem data and the comparison of this data with post-mortem results. UNMIK Police Missing Persons Unit (MPU) is responsible for the collection of ante-mortem data collected from Kosovo Albanians and Kosovo Serb and minority communities residing in Kosovo whilst Serbian authorities collect this data from displaced persons residing in Serbia proper. Both Parties acknowledge the need for forensic co-operation to attain these results.

Objectives

2. The objectives of this Protocol are:

- to foster and strengthen mutual respect and transparency between the Parties;
- to provide opportunities for both Parties to exchange information and expertise in order to hasten the identification process of remains exhumed in Kosovo and Serbia proper, and
- to develop methods by which Serb and Kosovo Albanian forensic experts may be incorporated in co-operative endeavours to hasten the process of identification.

3. The objectives of this Protocol do not include co-operation on criminal investigations concerning these cases.

4. Legal documentation will be done in accordance with the jurisdiction of the exhumation site involved. The scope of the activities by both Parties will be in accordance with the applicable law.

5. Both Parties recognise that the participation of Serbian pathologists and other forensic experts shall be active at sites where there is a high likelihood that the remains to be exhumed are that of Kosovo Serbs or those from minority communities, for which a procedure shall be established by the participants themselves.

Procedures

6. Both Parties will ensure that the composition of Forensic Teams is restricted to that of Forensic Pathologists and other associated specialists and experts.

7. Each Party will ensure that the members of the Forensic Teams are present in the capacity of participants under the direction of those authorised by each of the Parties.

8. Each Party shall retain control of their respective databases allowing access to all information necessary to facilitate identification.

9. Both Parties agree on the establishment of a Work Plan for the exchange and comparison of ante-mortem and post-mortem data on all relevant cases focussing on four phases – identification, acceptance by family members, finalisation of all relevant documentation and the cross administrative boundary repatriation of identified remains in accordance with agreed procedures.

10. Each Party will be responsible for its own expenses with regards to salaries, accommodation and transportation.

11. Each Party will facilitate the entry of the Other Party by providing such assistance as necessary with administrative boundary formalities, according to established procedures.

12. Each Party will be responsible, as the Host Party, for security and the fulfilment of all legal requirements for the activities undertaken eg permission from the relevant courts etc.

13. Each Party will, as far as possible, facilitate the acceptance by family members of the results of the identification process as jointly confirmed by both Parties.

Reciprocity

14. Each Party will accord to the Other the same opportunities under this Protocol.

Confidentiality

15. Both Parties will respect the need for security of information to ensure that the sites are not interfered with and that civil unrest is not fermented by the visits.

Publicity

16. Both Parties will inform their constituents in the most appropriate public manner AFTER each visit. Special efforts will be made to ensure the results of these visits will be accurately transmitted, refraining from politicising the issue or contributing to the spread of further disinformation.

Changes to the Protocol

17. Each Party can request, in writing, of the Other Party changes to be made to this Protocol, which shall be undertaken only on the basis of mutual agreement.

Duration

18. This Protocol shall take effect from the day of signing. It should be reviewed by the Parties at 12 monthly intervals or at other times as Article 17 is invoked

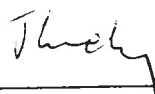
19. The present Protocol shall be signed in two copies, English and Serbian. The English text of this Protocol shall alone be authentic and shall prevail in the event of any inconsistency between the English and Serbian texts.

20. In this Protocol, the term "Serbia proper" shall mean the territory of the Republic of Serbia outside Kosovo.

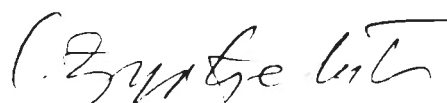
IN WITNESS WHEREOF, the undersigned, being fully authorized thereto, have on behalf of the Parties signed the present Protocol.

For the United Nations Interim
Administration Mission in Kosovo

For the Government of the
Federal Republic of Yugoslavia/
Republic of Serbia



Jean-Christian Cady
DSRSG, Pillar I (Police and Justice)



Major-General Svetislav Djurdjevic
Governments of FRY/Republic of
Serbia/Coordination Centre for Kosovo
and Metohija

Date: 11 February 2002

Date: 11 February 2002