



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Twenty-eighth session

Summary record of the 514th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 18 March 2025, at 10 a.m.

Chair: Mr. de Frouville

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* No summary record was issued for the 513th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports of States Parties under article 29 (1) and additional information under article 29 (4) of the Convention

*Additional information submitted by Serbia under article 29 (4) of the Convention
(CED/C/SRB/AI/1; CED/C/SRB/AI/Q/1)*

1. *In accordance with rule 48 (1) (a) of the Committee's rules of procedure, Ms. Kolaković-Bojović withdrew during the consideration of the additional information submitted by Serbia.*

2. *At the invitation of the Chair, the delegation of Serbia joined the meeting.*

3. **A representative of Serbia**, introducing the additional information submitted by Serbia (CED/C/SRB/AI/1), said that Serbia remained committed to resolving the issue of establishing the fate of persons who had gone missing in armed conflicts, in particular during the armed conflicts in the former Yugoslavia in the 1990s. The significant passage of time since their disappearance and the many parties involved in the region had made the search process increasingly complex and challenging. The work of the Commission on Missing Persons of the Government of Serbia continued to depend on the cooperation of other parties to the process, as some persons on the list of missing persons from Serbia had disappeared in territory outside the jurisdiction of its authorities. The Government had demonstrated a long-term commitment to establishing and maintaining regional cooperation, and, as a result, more than 75 per cent of the cases concerning persons who had gone missing during the armed conflicts in the former Yugoslavia had been resolved.

4. Serbia had been unable to monitor implementation of the Convention in part of its territory, the Autonomous Province of Kosovo and Metohija, given that management of that province had been entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK), in accordance with Security Council resolution 1244 (1999). He therefore proposed that the Committee invite UNMIK to provide information on implementation of the Convention in Kosovo and Metohija.

5. It was important for the Committee to gain an understanding of the current situation and living conditions of the non-Albanian population living in Kosovo and Metohija, which had been subject to ethnic discrimination and systemic disregard for civil and political rights, especially with respect to the Serbian community. The provisional authorities of Pristina were implementing a series of repressive measures, including arbitrary arrests, incursions by armed Albanian special forces into Serbian settlements, physical abuse of Serbs, disruption of supplies of food and medicines and illegal expropriation of private property. The Serbian dinar had been abolished as a means of payment, thereby preventing salaries, pensions, scholarships and other financial allocations from being paid. Serbian citizens had been denied their electoral rights since January 2022.

6. He wished to direct the Committee's attention to the case of a member of the Serbian community, Gavril Milosavljević, an internally displaced person from Istok, who had been arrested in December 2022 and had since been held in custody on false charges of war crimes against Albanians, after going to the police to report the usurping of his family's property.

7. The Working Group on Missing Persons, chaired by the International Committee of the Red Cross (ICRC), was confirmed under the Declaration on Missing Persons made by Belgrade and Pristina in Brussels in May 2023 as the sole and irreplaceable mechanism for resolving the issue of missing persons in Kosovo and Metohija. However, the Pristina provisional authorities were trying to render the work of the Working Group meaningless by refusing to participate in the process launched by the Special Representative of the Secretary-General and Head of UNMIK to determine the fate and whereabouts of the remaining missing persons. Consequently, further efforts to find the missing persons in the field were still impossible. In the light of those challenges, he proposed that the Committee extend an invitation to UNMIK to oversee the collection of data, in collaboration with the Organization for Security and Cooperation in Europe (OSCE) and other relevant entities. That approach would ensure that the rights enshrined in the Convention were upheld.

8. As part of the process of bringing domestic legislation into line with European Union law, Serbia was considering the development of laws that would make enforced disappearance a separate offence. Meanwhile, enforced disappearance was considered a composite criminal offence, consisting of multiple separate offences covered by the current criminal law of Serbia. He believed that the obligation under article 2 of the Convention had thus been fulfilled to date. The general legal system provided for criminal liability and upheld the rights of victims of crime, in compliance with article 24 of the Convention. In Serbia, the statute of limitations began to run from the time a criminal offence was committed.

9. A bill on the rights of missing persons and members of their families had been drafted. The Working Group on Missing Persons, composed of representatives of various relevant ministries and associations of families of missing persons, followed the Guiding Principles for the Search for Disappeared Persons ([CED/C/7](#)). Those principles were to become an integral part of the bill, making Serbia the first country to introduce them into national law.

10. Serbia had acknowledged the challenges posed by the migrant and refugee crisis. In 2023, approximately 109,000 persons had passed through the designated open centres, which were managed by the Commissariat for Refugees and Migration. In 2024, the number of persons registered in asylum and reception centres in Serbia had stood at nearly 20,000. While Serbia functioned primarily as a transit country, there were risks that led to disappearance along migrant routes. In response, Serbia had been working closely with international organizations such as ICRC, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration.

11. For years, Serbia had been developing a legal framework to combat trafficking in persons and had developed an electronic platform for emergency notification of the disappearance of a minor, called “Find Me”.

12. The Public Prosecutor’s Office for War Crimes was committed to resolving the problem of missing persons and prosecuting those responsible for war crimes, including those whose victims had since been found in mass graves. Serbia had entered into agreements with the prosecutor’s offices of Montenegro and Bosnia and Herzegovina. A specialized unit of the Ministry of the Interior, established in 2005 to investigate war crimes, conducted approximately 250 interviews per month with potential witnesses and victims. To date, about 1,000 suspects had been successfully prosecuted.

13. **Ms. Villa Quintana** (Country Rapporteur), noting that the National War Crimes Prosecution Strategy for the period 2016–2020 envisaged that Serbia would fulfil its international obligations with regard to criminalizing enforced disappearances and that, in October 2024, the President of the Supreme Court had stated that changes were being made to the Criminal Code, said that she wished to know whether the current draft amendments to the Code included enforced disappearance as an autonomous crime, in accordance with articles 2 and 4 of the Convention, and to receive an update on the status of the draft. She wondered what other measures had been taken to comply with the recommendations made by the Committee in its previous concluding observations ([CED/C/SRB/CO/1](#)), including the recommendation that, considering the continuous nature of enforced disappearance, the term of limitation should begin with the cessation of the criminal act, which contrasted with the current situation, as described in the opening statement.

14. She would be interested to hear what penalties were incurred for enforced disappearance as a separate offence. According to the provisions of the Criminal Code, life imprisonment was only to be imposed in exceptional circumstances. It would therefore be useful to know whether enforced disappearance was considered an exceptional case. Given the seriousness of the crime, she wished to know whether the State Party had adopted any measures to introduce mitigating and aggravating circumstances for the offence, as provided for under article 7 of the Convention.

15. The Committee would be grateful for updated information on the definition of “victim” under the National Strategy on the Rights of Victims and Witnesses, particularly in terms of its consistency with article 24 of the Convention and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012.

16. Further information on the proposed law on missing persons would be appreciated, including its current status and whether civil society organizations had been involved in the drafting process. It would also be interesting to learn what steps had been taken by the State Party related to the proposal submitted by the Witness Protection Unit, including an initiative to amend the Law on the Protection Programme for Participants in Criminal Proceedings, and the potential impact of that proposal on the management of cases of alleged enforced disappearance.

17. She would appreciate information on the measures or processes currently available to witnesses and victims of enforced disappearances, including the following: the mechanisms for the protection of persons participating in an investigation; the measures to ensure the highest level of protection and their effectiveness in investigating allegations of threats or intimidation against witnesses; the methods used and factors taken into account by the competent authorities in assessing the risks; and the way in which the Witness Protection Unit ensured a differential approach in the fulfilment of its mandate.

18. She would be interested to hear more about the National Strategy on the Rights of Victims and Witnesses of Crime and its three main objectives, namely to establish a national network of support services, in particular for victims of enforced disappearance, to strengthen the protection of victims and witnesses, especially vulnerable victims who gave evidence, and to raise awareness of the rights of victims and witnesses and increase the knowledge of judicial officials, lawyers, police officers and the general public to that end. She would welcome updates on the plan to draft a law amending the Civil Procedure Code to improve the ability of victims to bring claims for property restitution. She would also appreciate information on the progress of the Action Plan for the Implementation of the National Strategy on the Rights of Victims and Witnesses of Crime for the period 2020–2022 and the outcome of its evaluation. She would like to know whether there was another action plan in place for the period 2022–2025 that took into account the lessons learned from the previous plan.

19. She wished to know what measures the State Party had taken to establish a legal framework under which all categories of victims of war were granted that status and received comprehensive redress without discrimination, whether the measures included a gender perspective and a differentiated approach and whether the State Party had set up any mechanisms to involve civil society organizations, academia and stakeholders in the legislative amendment process, particularly in relation to laws governing reparations.

20. **Ms. Lochbihler** (Country Rapporteur) said that she would welcome data, disaggregated by type of offence, on the number of cases of alleged war crimes that had been referred to the War Crimes Investigation Service of the Ministry of Interior and the number that had led to convictions, on the penalties imposed in those cases and on the number of cases in which remains had been found. She would also welcome information on the over 1,700 cases of war crimes that were pending preliminary investigation and, specifically, what their current status was, what the ranks of the police and military personnel involved were and what the reasons were for the delay in proceedings. She was particularly interested in that information in relation to the case of the three Bytyqi brothers who had been murdered by the Serbian military in 1999. She would welcome an update on the case of Vojislav Šešelj and four of his associates, whom the International Residual Mechanism for Criminal Tribunals had accused of obstruction of justice.

21. She wished to know whether the State Party would consider amending the Criminal Code to make the denial of war crimes and the glorification of war criminals an offence, thus obliging it to prosecute cases of denial of war crimes found by the International Tribunal for the Former Yugoslavia and the International Court of Justice. She also wished to know whether any investigations had been initiated in cases where the State Party had denied requests from the judicial authorities of Kosovo to extradite Serbian nationals and, if so, what the results had been.

22. She was interested in learning more about the application of the Employment Act, the Law on Judges and the Law on Public Prosecution in cases where the removal of a judge was being sought, about any challenges and progress in regional judicial cooperation with Bosnia and Herzegovina, Croatia and Montenegro and about any steps taken to facilitate access to

the archives of the Ministry of the Interior and the Serbian Armed Forces to promote the resolution of cases and foster an enabling environment for civil society organizations working on transitional justice.

23. Drawing the State Party's attention to the Committee's general comment No. 1 (2023) on enforced disappearances in the context of migration, she said she was curious to hear how migrants arriving in or leaving Serbia were protected against enforced disappearance, including through the development of anti-trafficking legislation.

24. **Mr. Albán-Alencastro**, referring to the decision of the European Court of Human Rights in the case of *Zorica Jovanović v. Serbia* and the joint statement by human rights treaty bodies on illegal intercountry adoptions, asked what progress had been made in identifying individuals who might have been abducted from maternity wards and hospitals as newborns and illegally adopted, including abroad.

25. **Ms. Lochbihler** said that, concerning the Commission on Missing Persons, she would welcome information on the number of disappeared persons registered, the number of exhumations conducted, the number of persons whose remains had been found and the proportion of remains that had been identified and returned to the persons' relatives. She would also welcome information on any mechanisms set up to foster cooperation between the respective government commissions of Serbia and Croatia and on the implementation of the Framework Plan to Address the Issue of Persons Missing from Conflicts on the Territory of the Former Yugoslavia, including with regard to the 4,000 cases of unidentified remains found throughout the former Yugoslavia.

26. **Ms. Villa Quintana** said that she was interested in hearing about the achievements of the working group on missing persons in the Autonomous Province of Kosovo and Metohija, particularly in terms of the search for mass graves and disappeared persons, the number of remains identified, the proportion of remains returned and the manner of those returns. She was also interested in the same information with regard to the case of the Kiževak mine. In the light of the State Party's withdrawal from the first meeting of the joint commission tasked with monitoring the implementation of the joint declaration by the leaders of Serbia and Kosovo on missing persons, she wondered what actions were being taken to move forward with those efforts.

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

27. **A representative of Serbia** said that, while enforced disappearance was not yet an autonomous offence under Serbian law, the requirements of article 2 of the Convention were nevertheless met. The application of mitigating or aggravating circumstances, as well as the choice of penalty, including long-term imprisonment, were dependent on the facts of each case.

28. The general regimes concerning criminal liability and victims' rights fully met the requirements of article 24 of the Convention. A number of remedies, including for obtaining compensation and other forms of satisfaction, were available to victims through civil proceedings. Furthermore, amendments were planned with a view to harmonizing the Criminal Procedure Code with the provisions on protecting victims in criminal investigations contained in Directive 2012/29/EU of the European Parliament and of the Council of October 2012 establishing minimum standards on the rights, support and protection of victims of crime, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography.

29. Since the enactment in February 2020 of the law on missing babies, over 850 queries had been received, nearly 700 of which had been fully resolved.

30. **A representative of Serbia** said that, from 2015 to 2024, the Office of the War Crimes Prosecutor had sent some 18,000 requests for information to the War Crimes Investigation Service, over half of them in 2023. During the reporting period, investigations had been concluded in 82 cases of wartime abduction or enforced disappearance in Serbia and Bosnia and Herzegovina, and 42 proceedings had been initiated against 65 individuals; 23 of the court cases had been finalized. The penalties being sought ranged from 5 to

20 years' imprisonment. Information on locations and exhumations would be provided in writing.

31. Regional cooperation was essential for the resolution of cases of war crimes, as the crimes had been committed in other countries by nationals of other countries and witnesses were often living all over the world. Letters rogatory were sent to various countries, joint meetings of the various prosecution services were held periodically and there were quarterly conferences of the services providing support to victims of enforced disappearance. An agreement on support to victims had been signed with Bosnia and Herzegovina in 2022. Cooperation with Croatia was lacking owing to the adoption by that country of a law banning prosecution of crimes committed in the 1990s.

32. **A representative of Serbia** said that the working group on amendments to the Code of Criminal Procedure would resume its work, including another round of public hearings with stakeholders and civil society organizations, once the new Government had been formed. Among the vast range of provisions being reviewed, the working group had drafted amendments to flesh out provisions on the status and treatment of particularly sensitive witnesses, such as minors.

33. Despite a slow start to the implementation of the National Strategy on the Rights of Victims and Witnesses of Crime due to the coronavirus disease (COVID-19) pandemic, it was now in its final year. The three pillars of the National Strategy were the normative framework, institutional capacity-building and awareness-raising. Under the first pillar, laws had been aligned with the Constitution and additional provisions regarding the organization of courts had been adopted, along with a rule book on support services, which had been established in the country's nine higher courts. OSCE had provided support and training in that domain.

34. **A representative of Serbia** said that procedural and other measures, with a gender perspective, were in place to protect individuals during criminal proceedings. For instance, a judge could order the police to protect a participant in a trial, including by providing a protective detail where necessary, and the identity of witnesses could be disguised. The highest level of protection could be ordered in three categories of cases – acts against the Constitution, crimes against humanity under international law, including enforced disappearance, and organized crime offences.

35. A number of steps had been taken in the previous ten years to ensure the highest standard of quality in the work of the Police Protection Unit. For example, legislation had been adopted to designate the Unit as a separate police entity and to define special selection criteria for officers assigned to the Unit, a cooperation protocol had been signed with the Public Prosecution Service and technical and behavioural training had been developed for members of the Unit. The Unit cooperated with international organizations, including the OSCE Mission to Serbia, and protection units from 12 countries had taken part in a conference on witness protection held in Belgrade.

36. Using a questionnaire, the Unit assessed the danger posed to a person or his or her property and to the community, as well as the state of the person's health, with a view to providing individualized protection. The person received psychosocial support from specially trained members of the Unit, in addition to economic, legal and medical assistance. An agreement containing rights, obligations and channels of communication, all of which were defined by law, was signed with the person. No complaints about the protection programme had been lodged with the police or the Ombudsman.

37. **A representative of Serbia** said that three officials had authority to approve requests for access to files on war crimes prosecutions contained in the archives of the Ministry of the Interior. More than 400 such requests from civil society organizations and citizens had been handled since 2017, with all of the documentation that could have been provided in response having been delivered. Where documents could not be released, the reason was generally that the personal data contained in the documents could not be protected, even through anonymization.

38. **A representative of Serbia** said that, to reconnect family members separated during migration or to help them maintain contact, the Red Cross of Serbia used tools such as the

Restoring Family Links Network and the online platform Trace the Face, helped migrants send short messages known as “salamats” to let family members know that they were safe and distributed SIM cards to migrants. It had received 194 requests for assistance in locating family members in 2024 and 206 in 2023. The largest numbers of requests, at 94 and 56, respectively, concerned family members in Belgium and France. As Serbia was a country of transit, the Red Cross had a very short time frame to assist migrants.

39. **A representative of Serbia** said that five civil society organizations had been selected through a public call initiated by the Ministry of Human and Minority Rights and Social Dialogue to participate in the drafting of a law on combating trafficking in persons. Ten meetings and a three-day workshop had already been held. The Committee’s general comment No. 1 (2023) on enforced disappearance in the context of migration had been translated into Serbian and circulated to all relevant institutions, including the Ministry of the Interior and the agencies responsible for asylum, migration and the borders. The human rights of both citizens and non-citizens were protected under the Constitution. Serbia had established a working group to analyse trends in migration flows. Police officers were required by law to treat citizens and non-citizens equally. In line with the general comment, the births of children born to migrant parents were registered.

40. **A representative of Serbia** said that public hearings on the Criminal Procedure Code and the Criminal Code had been held from 1 October to 1 November 2024 and, given the level of public interest, a second round of hearings would also be held. A list of the civil society organizations that had taken part in the drafting of amendments to those codes would be provided in writing. Ratified treaties, such as the Convention, had a higher status than legislation.

41. **A representative of Serbia** said that a procedure had been put in place in 2013 on the holding of public hearings in connection with the adoption of any new legislation, and rules had been adopted on the participation of the public, including civil society organizations, in the development of government policies and laws. Several institutional mechanisms facilitated cooperation with civil society organizations, including a mechanism within the Ministry of Human and Minority Rights and Social Dialogue and a council that promoted and monitored the participation of civil society in policymaking. Civil society contact points had been designated at all levels of government. Under government guidelines, civil society organizations were invited to participate in the development of public policy documents through public calls that provided an equal opportunity for all such organizations to take part.

42. **A representative of Serbia** said that the bill on missing persons had been prepared, but the circumstances in the country, including the three parliamentary elections that had been held since 2021, had affected the time frame for its adoption. The bill would go through the public hearing procedure and, if adopted, would apply to all persons under the country’s jurisdiction and all types of enforced disappearances and missing persons.

43. Regarding the Committee’s question on extradition of Serbian citizens to Kosovo, it should be remembered that, for Serbia, Kosovo was not a State; it was an integral part of Serbia. Furthermore, the Pristina provisional authorities had been refusing for the previous five years to engage in dialogue on any form of cooperation. Although the Working Group on Missing Persons had been successful in resolving the cases of over 1,800 missing persons, 85 of whom had been of Albanian descent, there had been a stalemate for several years because of the provisional authorities’ refusal to cooperate. With respect to the Kiževak mine, the remains found in the mass grave had been identified and handed over to the families.

44. **Ms. Lochbihler** said that she wished to know whether the State Party intended to amend article 387 of the Criminal Code, whether the initiative proposed by members of the Roma community in Serbia to create permanent exhibitions or memorials to commemorate the suffering of their community during the wars of the previous century had been pursued and whether the State Party would observe 11 July as the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica, in line with General Assembly resolution 78/282.

45. **Ms. Villa Quintana** said that she wondered whether the delegation could comment on reports that, in Serbia, the commemoration of the conflicts of the 1990s focused primarily on Serbian victims; she would also like to learn what role victims’ families played in the

organization of commemorative events. She wished to find out to what extent article 371 of the Criminal Code reflected the provisions of the Convention, as it was her understanding that that article did not, for example, address the role of persons or groups of persons acting with the authorization, support or acquiescence of the State or make enforced disappearance a separate offence. The delegation might indicate precisely when the statute of limitations began to run in cases of enforced disappearance, including those committed by persons or groups of persons acting with the authorization, support or acquiescence of the State; whether any aggravating or mitigating circumstances were provided for with respect to enforced disappearance; whether the Convention had ever been applied directly to provide protection against enforced disappearance; and what steps the State Party would take to investigate a report of an enforced disappearance. She wondered to what extent the State party took account of concerns expressed by civil society organizations during consultations on legislation and whether any reports of undue political influence on prosecutors or intimidation of witnesses and victims, particularly those involved in war crimes proceedings, had been investigated.

46. **The Chair**, speaking as a member of the Committee, said that it would be helpful to have the text of the proposed amendments to the criminal legislation. He wished to know what the expected time frame was now for the adoption of the law on missing persons. He would be grateful for written information on the results of the work of the Commission on Missing Persons and further details regarding the law mentioned by the delegation that prevented cooperation with Croatia.

47. **A representative of Serbia** said that no statute of limitations applied to criminal acts that violated international humanitarian law. Any person who, in violation of the rules of international law and as part of a widespread, systematic attack against the civilian population, ordered the commission of any of the acts enumerated in article 371 of the Criminal Code was liable to a penalty of at least 5 years' imprisonment or life imprisonment, and no statute of limitations would apply. Statutes of limitations applicable in other cases began to run upon completion of the criminal act.

48. **A representative of Serbia** said that specific information on the proposed amendments to the Criminal Code and Criminal Procedure Code could not yet be provided, but the delegation would keep the Committee apprised of developments and send it the relevant material. Requests for a second round of hearings – which would start after the formation of the new Government – had come in part from civil society organizations. A report would be prepared indicating which of the organizations' proposals had been incorporated into the legislation. Rules had been prepared to address undue influence on the work of judges and public prosecutors. Statistics on the number of such cases, prepared by the High Judicial Council and the High Prosecutorial Council, were publicly available.

49. **A representative of Serbia** said that war crimes were prosecuted regardless of the victims' affiliation. With respect to the direct effect of the Convention, any norm that did not set out a specific penalty could not, under the laws of Serbia or of any other civilized country, be applied directly. Any effort to do so would violate the principle of *nullum crimen sine lege*. The Constitution prohibited the prosecution of any acts that were not defined as crimes under Serbian law.

50. The provisions of the Convention applicable to enforced disappearance could only be implemented from 2016, when enforced disappearance had been established as a separate criminal offence. While there had been cases of witnesses and victims receiving threats, no deaths had been recorded among individuals protected under the national witness protection programme. A significant amount of material related to the case of Vojislav Šešelj needed to be translated and analysed before the Public Prosecutor's Office could make a decision on how to proceed.

51. **A representative of Serbia** said that no complaints regarding undue political influence had been lodged against individuals working at the Witness Protection Unit. There had been one complaint filed for inadequate communication with a participant of the witness protection programme in 2013; however the Ombudsman had determined that the police had not acted unlawfully. A comprehensive assessment of the Witness Protection Unit in 2016 had also concluded that the work of the police unit had been lawful.

52. **A representative of Serbia** said that detailed information on the activities of the Commission for Missing Persons would be submitted to all Committee members. The Berlin process had underlined the importance of regional cooperation between national Governments and the bodies responsible for handling cases of missing persons in the former Yugoslavia. It had also laid the groundwork for the creation of a joint database of missing persons, which contained information on around 11,000 individuals, including their names, the date and circumstances of their disappearance and the stage of the search. Significant progress had been made in identifying the remains of missing individuals held in morgues across the region, with approximately 1,000 out of the 4,000 remains having been identified.

53. The Commission had worked closely with the families of missing persons to ensure the coordination of search efforts between countries. Joint regional events had also been organized to honour the memory of victims and demonstrate that all missing persons mattered equally, regardless of their nationality or ethnicity.

54. Over the previous five years, the identification of new graves had been hindered by the unwillingness of Croatia to cooperate bilaterally and the refusal of the provisional authorities in Pristina to cooperate with United Nations mechanisms, such as the Working Group on Missing Persons. Nonetheless, the Commission had continued its efforts to locate mass graves, including the discovery of the remains of Albanian nationals in the Kiževak mine. The families of the deceased persons had been invited to an event in Serbia to pay tribute to their loved ones. A total of 914 remains had been identified and returned to the respective families.

55. Despite the refusal of the Pristina provisional authorities to cooperate, the Commission had responded to its request to search the location of a potential mass grave. Furthermore, while the Commission had ensured that all potential graves of Croatian nationals in Serbia had been checked or exhumed, there were still 36 graves in Croatia that the Croatian State had failed to check or exhume. In collaboration with colleagues from Bosnia and Herzegovina and Croatia, over 300 of the 481 bodies found buried near the Sava and Danube rivers in Serbia had been identified; 157 of them had been handed over to Bosnia and Herzegovina and 107 had been returned to Croatia.

56. The Commission always accepted requests to search potential graves in Serbia and invited those who had submitted the request to search the location with it. The issue of missing persons was not only humanitarian but also political. The resolution of such cases would bring peace to victims' families and improve relations between the region's countries. A memorial would be erected on the site of the Sajmište concentration camp in Belgrade in memory of the Roma people murdered there during the Second World War.

57. The proposed law on missing persons was aimed at ensuring cooperation between international and regional organizations, the families of disappeared persons and the academic community. All victims registered as disappeared in the country, regardless of their ethnicity or nationality, were included in the law's definition of disappeared persons.

58. The general guidelines for the search for missing persons had been shared with all relevant institutions and would be incorporated into the work of the Judicial Academy. The rights of all categories of persons affected by the cases of disappeared persons, including persons with physical disabilities, would be addressed under the law on missing persons.

59. **The Chair** said that he would be grateful if the delegation could provide a time frame for the adoption of the law on missing persons, as well as details on the investigations into the cases of newborns who might have been subjected to illegal international adoption, including any findings.

60. **A representative of Serbia** said that the draft law on missing persons had been finalized, however he hoped that it would be reviewed in the light of the points discussed during the constructive dialogue. The civil society sector, which had been involved at every stage of drafting the law, would also have further input.

61. With regard to the Serbian Government's decision to withdraw from the first meeting of the Joint Commission on Missing Persons in Brussels, a letter had been sent to Mr. Lajčák to explain the reasons for the Government's withdrawal and to set out the points that would need to be agreed upon before any dialogue could go ahead. A consensus had not been

reached regarding the role of the Joint Commission as a mechanism intended to support the work of the Working Group on Missing Persons, rather than to take over its work. It was unlikely that progress would be made in implementing the Joint Declaration on Missing Persons while the present Prime Minister of Kosovo, Mr. Kurti, was in office, as he had openly stated that he did not wish to foster dialogue with the Serbian Government.

62. The delegation wished to thank the Committee for the opportunity to engage in such a valuable dialogue and to reaffirm the Serbian Government's commitment to implementing all of its obligations under the Convention.

63. **The Chair** said that, as long as disappeared persons were not found, the issue of enforced disappearance tended to be an ongoing source of conflict within societies and between States. For that reason, the Committee insisted on the need not only for political will, but also for the establishment of appropriate institutions and a suitable legislative framework to ensure that the issue of enforced disappearance was effectively addressed.

64. The Committee would be interested in exploring the possibility of organizing a multilateral dialogue between different States Parties to the Convention, as suggested by the delegation, in collaboration with the Working Group on Forced or Involuntary Disappearances.

The meeting rose at 1.05 p.m.