

**Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>**

Country/ entity	Croatia Yugoslavia (former)
Region	Europe and Eurasia Europe and Eurasia
Agreement name	Joint Commission to Trace Missing Persons and Mortal Remains
Date	16 Dec 1991
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict ( Balkan Conflicts (1991 - 1995) (1998 - 2001) )
Stage	Pre-negotiation/process
Conflict nature	Government/territory
Peace process	Croatia negotiation process
Parties	For the Federal Executive Council of the Socialist Federative Republic of Yugoslavia: Dr. Dragoljub Nikolic  For the Republic of Croatia; Dr. Vladimir Jonke  For the Republic of Serbia: Dr. Krsman Paunovic  For the Yugoslav People's Army: Colonel Dr. Miodrag Starcevic  For the International Committee of the Red Cross: Mr. Francis Amar
Third parties	-

Description This agreement provides for establishing a Joint Commission to Trace Missing Persons and Mortal Remains, advised and chaired by the International Committee of the Red Cross. The parties agree to exchange information regarding the identification and gravesites of deceased persons, and the handover of mortal remains.

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Agreement document

[HR\\_911216\\_Joint Commission to Trace Missing Persons and Mortal Remains.pdf](#) | [Download PDF](#)

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## Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

Racial/ethnic/national group No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

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## Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family Page 10, ANNEX, PLAN OF OPERATION DESIGNED TO ASCERTAIN THE WHEREABOUTS OR FATE OF THE MILITARY AND CIVILIAN MISSING, 2. MISSING PERSONS, 2.2. PROCESSING MISSING PERSON FILES  
2.2.3 ...Once the case has been resolved, the family shall be informed accordingly by the party on which the missing person depends and the file shall be closed.

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## State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/  
secession No specific mention.

Accession/  
unification No specific mention.

Border  
delimitation No specific mention.

Cross-  
border  
provision No specific mention.

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## **Governance**

Political  
institutions  
(new or  
reformed) No specific mention.

Elections No specific mention.

Electoral  
commission No specific mention.

Political  
parties  
reform No specific mention.

Civil society [Summary] The agreement in its entirety provides for the creation, rules of procedure and function of a Joint Commission to trace missing persons and mortal remains, and extensively refers to the ICRC's modalities for advising and chairing the Commission.

Page 2, PART I. MEMBERS OF THE JOINT COMMISSION, RULE 1 (MEMBERSHIP)  
2. In addition to its chief representative, or his substitute, each member shall be allowed up to three other representatives at each meeting (i.e. technical advisers). All Red Cross organizations concerned, and in particular the Yugoslav Red Cross, the Croatian Red Cross and the Serbian Red Cross are designated as permanent advisers to the members of the Joint Commission.

Page 2, PART I. MEMBERS OF THE JOINT COMMISSION, RULE 2 (CHAIRMANSHIP)

1. The International Committee of the Red Cross (ICRC), acting as a neutral intermediary, shall put at the Joint Commission's disposal a delegation which will chair the meetings of the Joint Commission.
2. Following each meeting, the ICRC shall submit for the approval by the Joint Commission the minutes containing the decisions adopted during the meeting.

Page 7, PART III PARTICIPATION BY THE ICRC, RULE 17

1. The ICRC shall participate in the work of the Joint Commission in conformity with its role as defined by its mandate and by international humanitarian law.
2. The ICRC shall act as chairman of the Joint Commission without prejudice to its humanitarian activities relating to the conflict.

Page 7, PART III PARTICIPATION BY THE ICRC, RULE 18 (COMMUNICATIONS, PROPOSALS AND INFORMATION SUBMITTED BY THE ICRC FOR CONSIDERATION BY THE JOINT COMMISSION)

1. The ICRC shall bring to the Joint Commission's attention, on its own initiative, any communication, proposal, plan of work or information which might contribute to the efficiency of the Joint Commission's work. Any such contribution by the ICRC shall be dealt with as a matter of priority in the agenda of each meeting, if the Commission so decides.
2. The Joint Commission may request the ICRC at any time to submit opinions on points of law, to make practical proposals or to intervene as a consulting body to the Joint Commission.

Traditional/  
religious  
leaders No specific mention.

Public  
administration No specific mention.

Constitution No specific mention.

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### **Power sharing**

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

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### **Human rights and equality**

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation Page 1, BASIC RULES

Taking into consideration the "Memorandum of Understanding" adopted on 27th November 1991 and in particular the point 8 relative to the tracing of missing persons and mortal remains the parties decide to set up a Joint Commission which will work

- in conformity with the Geneva Conventions of 12 August 1949, and in particular
  - a) Articles 16 and 17 of the Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field of 12 August 1949 (hereinafter "the First Convention"),
  - b) Articles 19 and 20 of the Geneva convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea of 12 August 1949 (hereinafter "the Second Convention"),
  - e) Articles 118, 119, 120, 121, 122 and 123 of the Geneva Convention relative to the treatment of prisoners of war of 12 August 1949 (hereinafter "the Third Convention"),
  - d) Articles 26, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139 and 140 of the Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949 (hereinafter "the Fourth Convention"),
- and in conformity with articles 32 to 34 of the Additional Protocol I, the parties adopt the rules set below.

Page 5, PART II, PROCEEDINGS OF THE JOINT COMMISSION: GENERAL RULES, RULE II (HEARINGS)

The Joint Commission may hear any person whom it considers to be in a position to assist it in the performance of its functions with regard to the Geneva Conventions.

Page 7, PART III PARTICIPATION BY THE ICRC, RULE 17

1. The ICRC shall participate in the work of the Joint Commission in conformity with its role as defined by its mandate and by international humanitarian law.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

## Rights related issues

Citizenship No specific mention.

Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/ access	No specific mention.
Protection measures	Rights related issues→Protection measures→Protection of civilians Page 1, Basic Rules  d) Articles 26, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139 and 140 of the Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949 (hereinafter "the Fourth Convention"),
Other	No specific mention.

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## Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

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## Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

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### **Socio-economic reconstruction**

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

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## Land, property and environment

Land reform/  
rights

No specific mention.

Pastoralist/  
nomadism  
rights

No specific mention.

Cultural  
heritage

No specific mention.

Environment

No specific mention.

Water or  
riparian  
rights or  
access

No specific mention.

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## Security sector

Security  
Guarantees

No specific mention.

Ceasefire

No specific mention.

Police

No specific mention.

Armed  
forces

No specific mention.

DDR

No specific mention.

Intelligence  
services

No specific mention.

Parastatal/  
rebel and  
opposition  
group  
forces

No specific mention.

Withdrawal  
of foreign  
forces

No specific mention.

Corruption

No specific mention.

Crime/  
organised  
crime

No specific mention.

Drugs

No specific mention.

Terrorism

No specific mention.

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## **Transitional justice**

Transitional  
justice  
general

No specific mention.

Amnesty/  
pardon

No specific mention.

Courts

No specific mention.

Mechanism [Summary] The agreement in its entirety provides for the creation, rules of procedure and function of a Joint Commission to trace missing persons and mortal remains.

Page 1, BASIC RULES

Taking into consideration the "Memorandum of Understanding" adopted on 27th November 1991 and in particular the point 8 relative to the tracing of missing persons and mortal remains the parties decide to set up a Joint Commission which will work

- in conformity with the Geneva Conventions of 12 August 1949,...

Page 2, PART I. MEMBERS OF THE JOINT COMMISSION, RULE 1 (MEMBERSHIP)

1. The members of the Joint Commission shall be representatives of:

- the Federal Executive Council of the Socialist Federative Republic of Yugoslavia

- the Republic of Croatia

- the Republic of Serbia

- the Yugoslav People's Army

Page 2, PART I. MEMBERS OF THE JOINT COMMISSION, RULE 1 (MEMBERSHIP)

2. In addition to its chief representative, or his substitute, each member shall be allowed up to three other representatives at each meeting (i.e. technical advisers). All Red Cross organizations concerned, and in particular the Yugoslav Red Cross, the Croatian Red Cross and the Serbian Red Cross are designated as permanent advisers to the members of the Joint Commission.

Page 3, PART II PROCEEDINGS OF THE JOINT COMMISSION: GENERAL RULES, RULE 3 (MANDATE)

The mandate of the Joint Commission shall be:

I) the co-ordination of the activities of the Tracing Services,

II) the intervention in some specific requests and more complex cases, and

III) the discussion of every unclosed request.

Page 9, ANNEX, PLAN OF OPERATION DESIGNED TO ASCERTAIN THE WHEREABOUTS OR FATE OF THE MILITARY AND CIVILIAN MISSING, 1. INFORMATION ON THE DECEASED

1.1 The parties to the conflict shall provide to the adverse party/parties, through the intermediary of the ICRC and National Information Bureaux and, as rapidly as possible, all available information regarding:

- the identification of deceased persons

- the gravesites of deceased persons belonging to the adverse party/parties.

Page 9, ANNEX, PLAN OF OPERATION DESIGNED TO ASCERTAIN THE WHEREABOUTS OR FATE OF THE MILITARY AND CIVILIAN MISSING, 1. INFORMATION ON THE DECEASED

1.2 At the request of the party on which the deceased depend, the parties to the conflict shall organize the handover of the mortal remains and/or allow the identification of the deceased by the adverse party.

Page 9, ANNEX, PLAN OF OPERATION DESIGNED TO ASCERTAIN THE WHEREABOUTS OR FATE OF THE MILITARY AND CIVILIAN MISSING, 1. INFORMATION ON THE DECEASED, 1.3 PROPOSAL

By mutual agreement, the parties may decide on the participation of foreign medical experts in identifying the deceased.

Prisoner  
release      No specific mention.

Vetting      No specific mention.

Victims      No specific mention.

Missing persons

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By mutual agreement, the parties may decide on the participation of foreign medical experts in identifying the deceased.

Reparations No specific mention.

Reconciliation No specific mention.

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## Implementation

UN  
signatory No specific mention.

Other  
international  
signatory No specific mention.

Referendum  
for  
agreement No specific mention.

International  
mission/  
force/similar No specific mention.

Enforcement  
mechanism No specific mention.

Related  
cases No specific mention.

Source Their Words: Directory of Armed Non-State Actor Humanitarian  
Commitments <http://theirwords.org/>

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