

Peace Agreement for Bosnia and Herzegovina: provisions concerning the ICRC

The Peace Agreement for Bosnia and Herzegovina was concluded on 21 November 1995 in Dayton (United States) and signed in Paris on 14 December 1995 by the Presidents of the Republic of Bosnia and Herzegovina, the Federal Republic of Yugoslavia and the Republic of Croatia. The Agreement brought the hostilities on the territory of the former Yugoslavia to an end.

The Peace Agreement consists of the General Framework Agreement for Peace in Bosnia and Herzegovina and a number of annexes. This voluminous accord contains some articles which are directly relevant for the activities of the International Committee of the Red Cross in the former Yugoslavia. The text of these provisions is reproduced below.

The Review

Peace Agreement for Bosnia and Herzegovina¹

Annex I-A: Agreement on the Military Aspects of the Peace Settlement

Article IX: Prisoner Exchanges

1. The Parties shall release and transfer without delay all combatants and civilians held in relation to the conflict (hereinafter “prisoners”), in conformity with international humanitarian law and the provisions of this Article.

¹ Reproduced *in extenso* in: 35 I.L.M. 75 (1996).

- (a) The Parties shall be bound by and implement such plan for release and transfer of all prisoners as may be developed by the ICRC, after consultation with the Parties.
- (b) The Parties shall cooperate fully with the ICRC and facilitate its work in implementing and monitoring the plan for release and transfer of prisoners.
- (c) No later than thirty (30) days after the Transfer of Authority, the Parties shall release and transfer all prisoners held by them.
- (d) In order to expedite this process, no later than twenty-one (21) days after this Annex enters into force, the Parties shall draw up comprehensive lists of prisoners and shall provide such lists to the ICRC, to the other Parties, and to the Joint Military Commission and the High Representative. These lists shall identify prisoners by nationality, name, rank (if any) and any internment or military serial number, to the extent applicable.
- (e) The Parties shall ensure that the ICRC enjoys full and unimpeded access to all places where prisoners are kept and to all prisoners. The Parties shall permit the ICRC to privately interview each prisoner at least forty-eight (48) hours prior to his or her release for the purpose of implementing and monitoring the plan, including determination of the onward destination of each prisoner.
- (f) The Parties shall take no reprisals against any prisoner or his/her family in the event that a prisoner refuses to be transferred.
- (g) Notwithstanding the above provisions, each Party shall comply with any order or request of the International Tribunal for the Former Yugoslavia for the arrest, detention, surrender of or access to persons who would otherwise be released and transferred under this Article, but who are accused of violations within the jurisdiction of the Tribunal. Each Party must detain persons reasonably suspected of such violations for a period of time sufficient to permit appropriate consultation with Tribunal authorities.

2. In those cases where places of burial, whether individual or mass, are known as a matter of record, and graves are actually found to exist, each Party shall permit graves registration personnel of the other Parties

to enter, within a mutually agreed period of time, for the limited purpose of proceeding to such graves, to recover and evacuate the bodies of deceased military and civilian personnel of that side, including deceased prisoners.

Annex 7: Agreement on Refugees and Displaced Persons

Article III, para. 2: Cooperation with International Organizations and International Monitoring

2. The Parties shall give full and unrestricted access by UNHCR, the International Committee of the Red Cross (“ICRC”), the United Nations Development Programme (“UNDP”), and other relevant international, domestic and non-governmental organizations to all refugees and displaced persons, with a view to facilitating the work of those organizations in tracing persons, the provision of medical assistance, food distribution, reintegration assistance, the provision of temporary and permanent housing, and other activities vital to the discharge of their mandates and operational responsibilities without administrative impediments. These activities shall include traditional protection functions and the monitoring of basic human rights and humanitarian conditions, as well as the implementation of the provisions of this Chapter.

Article V: Persons Unaccounted For

The Parties shall provide information through the tracing mechanisms of the ICRC on all persons unaccounted for. The Parties shall also cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for.
