



Resolution 1553 (2007)¹

Missing persons in Armenia, Azerbaijan and Georgia from the conflicts over the Nagorno-Karabakh, Abkhazia and South Ossetia regions

Parliamentary Assembly

1. The issue of missing persons in Armenia, Azerbaijan and Georgia continues to cause tremendous suffering for the families of missing persons. It also fuels tension in the region and hampers efforts to find a peaceful solution to the conflicts over the regions of Nagorno-Karabakh, Abkhazia and South Ossetia.
2. The parties to a conflict or situation of internal violence bear the primary responsibility for preventing disappearances, clarifying the fate of missing persons and responding to the needs of the families.
3. The issue of missing persons is a humanitarian problem with human rights and international humanitarian law implications. It should not be treated as a political issue and consequently should not be dependent on the political settlement of the disputes in the region.
4. Resolving the issue of missing persons could contribute to reducing levels of hostility, mistrust and intolerance, building confidence in the region and facilitating efforts to find a political settlement to the disputes in the region.
5. Time is of the essence when seeking to solve the issue of missing persons. Delays extend the uncertainty and suffering of the families and reduce the likelihood of finding, identifying and returning missing persons.
6. The total number of missing persons in the region of Armenia, Azerbaijan and Georgia can be calculated at 7 538 persons. This includes, according to the respective parties, 4 499 Azerbaijanis and 947 Armenians from the conflict over the region of Nagorno-Karabakh and 1 763 Georgians and 197 Abkhaz from the conflict over the region of Abkhazia. In relation to the conflict over the region of South Ossetia, the Georgian authorities have indicated the disappearance of 10 Georgians and 122 South Ossetians as a result of the conflict.
7. The right to know the fate of missing relatives is a fundamental right of the families concerned and must be guaranteed. The right to know is firmly entrenched in international humanitarian law. Furthermore, state practice establishes as a norm of customary international law, applicable in both international and non-international armed conflicts, the obligation of each party to the armed conflict to take all feasible measures to account for persons reported missing as a result of armed conflict, and to provide their family members with any information it has on their fate. The right to know is also anchored in the rights protected under the European Convention on Human Rights (ETS No. 5), notably Articles 2, 3, 5, 8, 10 and 13.
8. The Parliamentary Assembly, though acknowledging the efforts made by the authorities, regrets that the issue of missing persons in Armenia, Azerbaijan and Georgia remains largely unsolved, notwithstanding the passage of over twelve years since the end of hostilities in the region.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 24 May 2007 (see [Doc. 11196](#), report of the Committee on Migration, Refugees and Population, rapporteur: MrPlatvoet).



9. The Assembly is concerned by the continuing allegations of secret detention of missing persons and considers that all such allegations should be addressed to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in order that they be fully investigated. The persistent rumours serve only to raise tension in the region and cause further suffering for the families, in particular as the possibility of finding missing persons alive after such a long period of time is extremely remote.

10. The Assembly emphasises that the issue of missing persons cannot be solved unilaterally by one side to the conflict and that close co-operation and co-ordination is necessary between the different sides concerned. In this respect, the Assembly considers it essential to address its recommendations not only to Armenia, Azerbaijan and Georgia, but also to the "administrations" of the Nagorno-Karabakh, Abkhazia and South Ossetia regions through the authorities of the countries concerned. It reaffirms the sovereignty and territorial integrity of Armenia, Azerbaijan and Georgia and the recommendations outlined in this resolution do not imply any form of political recognition for the regions of Nagorno-Karabakh, Abkhazia and South Ossetia.

11. The Assembly therefore calls on Armenia, Azerbaijan and Georgia as well as the "administrations" of the regions of Nagorno-Karabakh, Abkhazia and South Ossetia, to:

- 11.1. provide their full support to solving the issue of missing persons;
- 11.2. treat the matter as a humanitarian and human rights issue and not a political one;
- 11.3. refrain from acting on the basis of reciprocity in dealing with the issue of missing persons. The sharing of information or taking steps, for example, should not be conditional on the other side also providing information or taking steps;
- 11.4. adopt and implement, in accordance with relevant international standards, an appropriate domestic legal framework, combined with the necessary regulatory measures, to deal with the issue of missing persons and reflecting relevant international obligations;
- 11.5. agree on consolidated lists of missing persons with the International Committee of the Red Cross (ICRC) and with the other parties to the conflict;
- 11.6. ensure the establishment and functioning of commissions dealing with missing persons and guarantee their day to day functioning through adequate structures such as working groups or other appropriate mechanisms. These commissions and associated structures should have a clear mandate established by law, and the necessary resources and powers in order to:
 - 11.6.1. actively collect, centralise and process all information on persons unaccounted for and on related events and burial places;
 - 11.6.2. organise, implement and monitor all the necessary work of tracing all missing persons (combatants and civilians on all sides), including the recovery and identification of human remains;
 - 11.6.3. inform the families on progress made in solving the issue of missing persons and support them according to their specific needs;
 - 11.6.4. establish links and working relationships with their counterpart commissions and working groups, and draw up together appropriate memoranda of understanding to guide them in their work;
 - 11.6.5. safeguard the humanitarian and non-judicial function of their work;
 - 11.6.6. include representatives of the families of missing persons in the composition of commissions and associated structures, as appropriate;
- 11.7. establish a multilateral co-ordination mechanism for each respective conflict (Nagorno-Karabakh, Abkhazia and South Ossetia) to deal with the definition and implementation of the processes of clarification of the fate of missing persons, in particular the processes of recovery and identification of human remains;
- 11.8. collect, manage and protect data, such as ante-mortem data, to identify missing persons. Training and psychological support for those collecting such data and psychological support for the family members providing such data should be given;
- 11.9. take all necessary steps to recover and identify the human remains of missing persons, including:
 - 11.9.1. mapping and exchanging information on possible burial sites;

11.9.2. agreeing on procedures to follow when excavating burial sites and identifying human remains;

11.9.3. training for those handling human remains so as to ensure that standards are met and that techniques are harmonised;

11.10. provide for an appropriate domestic legal framework to clarify the legal status to guarantee the interests of all missing persons and to provide for appropriate legal and administrative measures to meet the legal and material needs of family members and dependants, covering such matters as the custody of the children of missing persons, inheritance rights, remarriage rights, pension rights and entitlements to public assistance;

11.11. provide material, social and psychological assistance to the families of missing persons;

11.12. take steps to protect the memory of missing persons, including through support for books of remembrance, monuments and museums for missing persons, and remembrance days for missing persons.

12. The Assembly also calls on Armenia, Azerbaijan and Georgia as well as the “administrations” of the regions of Nagorno-Karabakh, Abkhazia and South-Ossetia to:

12.1. provide support for civil society initiatives in favour of the families of missing persons and those linked with solving the issue of missing persons;

12.2. facilitate contacts, including cross-border contacts, between families of missing persons;

12.3. take public position at the highest level in favour of a resolution of the issue of missing persons and to refrain from statements in relation to missing persons which may stir up animosity and hatred towards other sides in the conflict;

12.4. ensure parliamentary oversight of the issue of missing persons, notably through a discussion on the contents of this resolution.

13. The Assembly recognises that progress in solving the issue of missing persons varies from one conflict to another and therefore proposes making a number of priority recommendations to each of the parties. These recommendations should not in any way be seen to limit the priority for all parties to have strong and operational commissions, to actively collect information, to establish co-ordination mechanisms, to provide the necessary legal framework, to cater for the needs of the families of missing persons and other measures mentioned above.

14. The Assembly calls on Armenia, as a priority, to:

14.1. ensure that the commission becomes fully operational and that a working group is established to deal with day-to-day issues;

14.2. ensure that working contacts are established with the commission operating in Azerbaijan;

14.3. complete the collection of ante-mortem data;

14.4. gather and exchange relevant information concerning possible burial sites.

15. The Assembly calls on Azerbaijan, as a priority, to:

15.1. ratify the two additional Protocols to the Geneva Convention;

15.2. ensure that working contacts are established with the commission operating in Armenia and that a modus operandi for working with the commission in the Nagorno-Karabakh region is developed;

15.3. complete the collection of ante-mortem data;

15.4. gather and exchange relevant information concerning possible burial sites.

16. The Assembly calls on the “administration” of the Nagorno-Karabakh region, as a priority, to:

16.1. develop a modus operandi for working with the commission in Azerbaijan;

16.2. complete the collection of ante-mortem data;

16.3. gather and exchange relevant information concerning possible burial sites.

17. The Assembly calls on Georgia, as a priority, to:
 - 17.1. continue its work in identifying burial sites and share this information with the Abkhaz and South Ossetian sides;
 - 17.2. continue with the training of those responsible for exhumations and carry out exhumations with the other parties once standards and techniques are harmonised;
 - 17.3. to refrain from applying any conditionality in co-operation with the Abkhaz commission.
18. The Assembly calls on the “administration” of the Abkhazia region, as a priority, to:
 - 18.1. adopt terms of reference of the commission dealing with the issue of missing persons, taking fully into account the recommendations of the ICRC;
 - 18.2. provide additional support and resources to the commission in order to give it the capacity to deal with the issue of missing persons on a day-to-day basis;
 - 18.3. refrain from applying any conditionality in co-operation with the Georgian commission;
 - 18.4. work with the Georgian commission on identifying further burial sites;
 - 18.5. continue the training of those responsible for exhumations and carry out exhumations with the other parties once standards and techniques are harmonised.
19. The Assembly calls on the “administration” of the South Ossetia region, as a priority, to:
 - 19.1. to re-establish the commission on missing persons;
 - 19.2. to work together with the Georgian side on identifying possible burial sites.
20. The Assembly also calls on the governments of member states to:
 - 20.1. assist the authorities and “administrations” in the region involved in solving the issue of missing persons;
 - 20.2. support the activities of the ICRC;
 - 20.3. provide support to associations of the families of missing persons and civil society actors involved in solving the issue of missing persons by facilitating meetings between families of missing persons from the different sides.
21. The Assembly invites the Council of Europe Commissioner for Human Rights to follow the issue of missing persons in the region and use his influence to promote regional co-operation on the issue.
22. The Assembly invites its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe to consider including the issue of missing persons amongst the issues it monitors in respect of Armenia, Azerbaijan and Georgia.
23. The Assembly also invites the Ad hoc Committee of the Bureau on the implementation of paragraph 5 of [Resolution 1416 \(2005\)](#) on the conflict over the Nagorno-Karabakh region dealt with by the Minsk Conference of the Organization for Security and Co-operation in Europe (OSCE) to take into account the issue of missing persons in its work.
24. The Assembly invites the Personal Representative of the Chairman-in-Office on the Conflict Dealt with by the OSCE’s Minsk Conference to ensure that full support is given to solving the issue of missing persons and that it is treated as a humanitarian and human rights issue and not as a political one.
25. The Assembly invites the United Nations Observer Mission in Georgia (UNOMIG) to give its full support to the process of solving the issue of missing persons in the region of Abkhazia.
26. The Assembly recognises the key role played by the ICRC in working with the parties to the conflict in the region, assisting them in solving the issue of missing persons. The Assembly encourages the ICRC to continue its essential work in this area.