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## REPORT

The state of protection  
of the rights of missing  
persons and their families  
in the Republic of Armenia





UN VOLUNTARY  
FUND FOR VICTIMS  
OF TORTURE  
**ROAD TO  
REDRESS.**



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# INTRODUCTION

More than 30 years after the first war of Nagorno Karabakh, as well as 5 years after the 44-day war unleashed by the Republic of Azerbaijan on September 27, 2020, the parents, relatives of missing servicemen are in an uncertain condition.

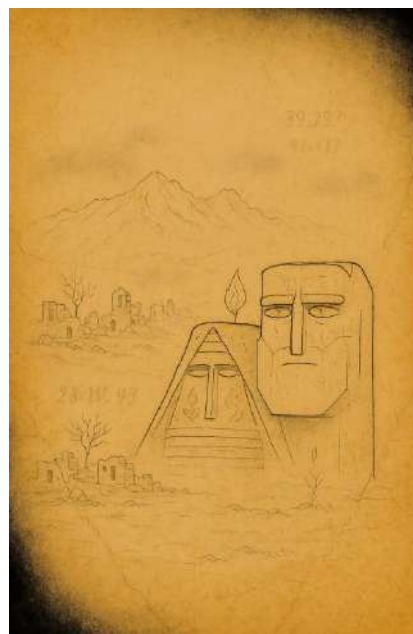
As a result of the Nagorno Karabakh (NK) conflict, 1160 persons are considered missing in the years 1988-2005, 437 out of which are from Armenia, 723 from Nagorno Karabakh. 224 persons out of 437 missing persons from Armenia are servicemen, 213 are civilians, and 250 persons out of 723 missing persons from NK are servicemen and 473 are civilians.

According to the data of the [RA Investigative Committee](#), the number of missing persons after the 44-day military operations unleashed by Azerbaijan on September 27, 2020, is 195, of whom 175 are servicemen and 20 are civilians.

During the 44 day war and after that, the actions taken by state agencies and relevant structures aimed to clarify the fate and whereabouts of missing persons are assessed as ineffective by the families of missing persons.



During the days of the 44-day of 2020, HCA-Vanadzor (*hereinafter referred to as Organization*) based on the fact, that RA Defence Ministry and any other state agency does not keep statistics and does not collect facts and information about the results of the missing persons as a result of the military operations, started to collect data about the persons, who had participated in the military operations and whose relatives do not have information about the fate and whereabouts of those persons. The employees of the Organization were involved in the process of answering the calls of civilians on a daily



basis. The purpose of the data collection was to form a unified information database and to provide it to the RA Defence Ministry, having the aim to support the provision of information to the relatives of missing persons.

Later, in July-September 2021, HCA Vanadzor conducted information collection through meetings with 104 families of missing persons living in all regions of the Republic of Armenia and the city of Yerevan. As a result of the meetings, HCA-Vanadzor recorded the problems of the families of the missing persons in different fields, which are ongoing through years until to date. The recorded problems are summarized in the report<sup>1</sup> on "The state of the rights of missing persons and their families during the 44-day war in 2020". The majority of the recorded problems are unsolved until now. Particularity:

- The state does not effectively ensure the right of families of missing persons to acquire information on the fate and whereabouts of their missing persons.
- During the war operations and in the post-war period, different state agencies have performed the same powers and functions, due to which, it is not clear for the families of the missing persons to which state agency to apply for in case of various questions.
- There is no unified information management system for missing persons.
- The agencies responsible for working with the families of missing persons lack the appropriate capabilities, skills, and trained personnel.
- Information on the results confirming or denying the identification as a result of DNA sampling are not acquired in a reasonable time, the families get information



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<sup>1</sup> ["The state of the rights of missing persons and their families during the 44-day war in 2020" report/ HCAV](#)

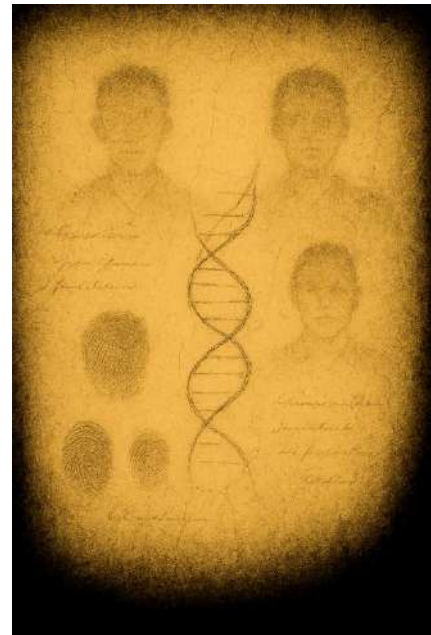
on the results from different state agencies, which in turn causes unpredictability and distrust in the process.

- The structural differences between the body or remains of the missing person and those returned to the families also cause distrust.

- Investigative bodies do not provide the results of the electropherogram analysis to the relatives of the servicemen. Instead, the relatives learn about the DNA sampling results only through the expert opinion of the scientific-practical center of forensic medicine. This means that the relatives are not given the original DNA research document but rather a summarized extract.

- In some cases, investigative bodies classify as misunderstandings the situations where the DNA results of a missing person and their parent match, but subsequent verification actions through the parents show that the provided information does not correspond to reality. For example, in one case, a serviceman's father was asked his wife's surname, and he mentioned a different surname. As a result, the father was informed that the DNA sample of a parent with that surname matched the DNA sample of one of the deceased servicemen. This was an attempt to convince the families of the missing servicemen that the sample belonged to their missing relative and that the serviceman had died.

- The families of the missing servicemen are concerned that no numerical changes are made to the officially presented data even after proving the inaccuracies and questioning the objectivity of the DNA sample matching results. In other words, the official number of missing persons remains unchanged even when a second DNA test disproves the assumption that the serviceman is deceased. Additionally, the relatives of the missing servicemen point out that besides the officially reported 195 missing persons, the families of 85 more servicemen are convinced that despite the DNA match confirmation, the presented bodies or remains do not correspond to the physical characteristics of the missing servicemen. By considering these 85 missing servicemen as deceased, the state



effectively relinquishes responsibility for their fate, ceases search efforts for their whereabouts, and presents an inaccurate picture to international bodies. Based on this, the relatives of the missing assert that the number of those missing due to the 2020 war is higher than the officially reported 195.

- The families of missing persons who have suffered the direct and immediate effects of war, have numerous needs, in particular social, legal, financial, and psychological support.

- As of April, 2025, the comprehensive law<sup>2</sup> encompassing the rights of missing persons and their families have not been adopted in the Republic of Armenia, though in May, 2024, the Government made the commitment to adopt the law on missing persons.

- The lack of legal status for missing persons under the legislation of the Republic of Armenia forces their relatives to apply to court to recognize their relative as missing or deceased, in order to resolve certain issues in various areas, but even the aforementioned statuses do not ensure the full and complete protection of the rights and interests of missing persons and their families.

- The partial legislative solutions with the situational and non-systematic approach evidence a discretionary approach to the provision of social support, which can not be systemic, as the state's obligation to provide social support to a family of a missing person is not established by law.

- The relatives of missing persons often encounter difficulties related to the issues of banking and inheritance, especially in situations when the person is in fact not deceased.

In its annual report regarding Armenia, published in 2024, the International Commission on Missing Persons (ICMP) has also recorded the mentioned and other problems.



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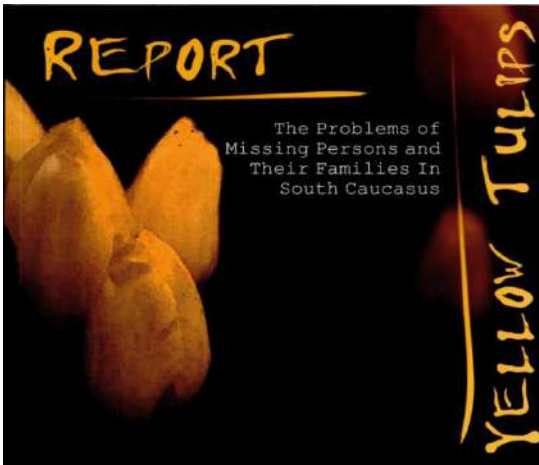
<sup>2</sup> We will discuss in more detail the advocacy of HCA Vanadzor for the development and adoption of the draft law "On Missing Persons" or "On Persons Missing in Conditions and Circumstances Created as a Result of Military Operations" (hereinafter also referred to as the Law) in this report.



# THE IMPLEMENTATION OF THE PROJECT “YELLOW TULIPS II”

## BY HCA VANADZOR

From March 1, 2024, HCA-Vanadzor with the financial support of the United Nations<sup>3</sup> (*hereinafter UN*) initiated the project “**Yellow Tulips II**” within the framework of which the families of missing persons were provided with legal and psychological support.



It should be mentioned that as of 2024, HCA-Vanadzor in close cooperation with the local offices of the International Committee of the Red Cross, implemented the project “Yellow Tulip II”,<sup>4</sup> the purpose of which was to harmonize the rights of missing persons of South Caucasus countries through national and international discourse, to

adopt relevant laws, form humanitarian perception regarding the problems of former prisoners of war and hostages, provide broader support to the relatives of missing persons by the Governments, foster the cooperation between governments of the South Caucasus on the problems of missing persons, provide a greater volume of information on the circumstances of disappearances. The Organization implemented public awareness on the rights of missing persons, provided legal support to the relatives of missing persons, initiated works aimed at the formation of national legislative mechanisms, which would ensure the rights of the relatives to acquire information about the fate and whereabouts of their missing persons.

One of the important indicators of a state's fulfillment of its human rights commitments is how it treats the rights of missing persons and their relatives.

Within the framework of the project “Yellow Tulip II” implemented in 2024, in addition to being in constant contact with the relatives of



<sup>3</sup> The United Nations Voluntary Fund for Victims of Torture

<sup>4</sup> <https://archive.hcav.am/wp-content/uploads/2014/04/Yellow-Tulips.pdf>

missing persons and carrying out private meetings, during the months of April and July 2024, meetings were held with the relatives of servicemen who went missing as a result of the 44-day war.

During the meetings, the relatives of the missing servicemen presented numerous and varied issues and [concerns](#) regarding the improper fulfillment of obligations by various state agencies.

## THE PROVISION OF PSYCHOLOGICAL SUPPORT TO THE RELATIVES OF MISSING SERVICEMEN

One of the components of the project was also the provision of psychological support to the relatives of missing servicemen. As a result of the 44-day war of 2020, the family members of 15 missing servicemen were referred for psychological support, as a result of which the psychologists who had carried out private psychological therapy with the families of the servicemen also provided **professional psychologist's opinion** on the mental state and condition of a psychological suffering due to the missing of the the relatives. The condition was defined as “Ambiguous loss” and was classified as a treatment degrading human dignity. Additionally family members of 4 more families of missing persons as well as 2 former prisoners of war and **5** former combatants of war got psychological support within the project who initially applied directly to the psychologists themselves.

**135 psychotherapeutic meetings** were conducted with the above-mentioned groups, including:

- **84 meetings** with 19 family members of the missing,
- **11 meetings** with 2 former prisoners of war,
- **40 meetings** with 5 former war combatants.

Six psychologists and psychotherapists were involved in the work, who, in addition to rehabilitation work, also conducted research with the family members of missing servicemen.



The 15 family members of missing servicemen were of different age groups. The vast majority were middle-aged, between 40 and 55 years old, but there were also younger and older persons being examined.

The purpose of the research was to determine the general psychological state of the family members of missing servicemen, and what impact the disappearance of a family member had on their psyche.

The research used clinical interviewing, observational methods, and specialized psychodiagnostic tools, such as the Hamilton Anxiety and Depression Scales.

The work was conducted in the format of one-on-one meetings, sometimes with home visits when the person's physical condition did not allow them to come to the psychological center.

### **Research Results**

The analysis showed that almost all of the examinees have multifaceted, severe psychological and psychosomatic problems, which are closely related to the fact of **having a missing relative in a family.**

**The main psychological conditions present in examinees were:**

#### **High level of anxiety**

The examinees had constant anxiety, which was manifested by:

- heart palpitations
- shortness of breath
- tightness of the throat
- weakness and muscle tension.

Almost all of the examinees experienced the anxiety of endless waiting. A vague question was constantly in their minds: *"What happened to my family member? Is there still hope? Will he return?"*

#### **Symptoms of post-traumatic stress disorder (PTSD)**

Many persons were experiencing symptoms typical of post-traumatic stress:

- persistent intrusive thoughts
- tormenting memories
- nightmares

- stress response when recalling the family member
- sudden waves of fear
- incessant repetition of thoughts and memories

### **States of depression**

Many people experienced:

- loss of interest in life
- excessive fatigue
- emotional emptiness
- periodic crying spells
- weakness, inactivity
- hidden or overt despair
- feelings of guilt because they continue to live.

### **Sleep disorders**

The examinees frequently had light sleeping, nightmares, and constant awakenings from the slightest sound. The content of the nightmares was mainly related to loss or the failure to find a missing family member.

It should also be noted that ***sleep disturbance exacerbated mental and physical exhaustion.***

### **Psychosomatic complaints**

Severe stress or prolonged stressful situations, in addition to affecting the psychological state, are often also expressed in the form of psychosomatic manifestations. The main psychosomatic manifestations present in examinees were:

- heart palpitations
- shortness of breath
- chest pain
- gastrointestinal upset
- dizziness and headaches
- muscle aches
- chest pain and throat tightness.

### **Loss of self-regulation of emotion**

Relatives reported sudden emotional outbursts - crying, fear, and sometimes aggression. Others displayed emotional rigidity, as if their feelings had frozen. Some prided themselves on their ability to not express emotions, but it was clear that they were experiencing painful emotions deep inside.

### **Social isolation**

A significant number of the examinees had begun to avoid crowded places, festive events, and even contact with family and friends.

### **The need for the involvement of a psychiatrist and psychotherapist**

The results of the study indicate that the vast majority of the examinees need combined intervention with a psychiatrist:

- long-term psychotherapeutic support,
- specialized psychiatric consultation for the diagnosis and treatment of PTSD, depression, and other clinical conditions.

Psychotherapeutic interventions can provide processing of emotional experiences and symptom relief, while psychiatric intervention is important for the effective management of physiological and severe psychosomatic complaints.

### **Ambiguous Loss \ Uncertainty Trauma**

The study revealed that at the core of these persons' mental burden is **the trauma of uncertainty**. This is a state where there is no fact of loss, but the pain of loss is present every second. Uncertainty trauma occurs when a person loses a loved one, but the loss is not clearly confirmed. There is no body, no answer.

In addition to the fact of the trauma of uncertainty, the deterioration of the mental state of the examinees was contributed to by circumstances such as searching for their family members on their own, which was often done by investigating various videos posted on Azerbaijani social media sites, during which various scenes of brutal murders, suffering, torture, and other inhumane treatment of Armenian soldiers were shown.

The trauma of uncertainty has the following severe effects:

- A person is unable to go through the normal stages of mourning
- A person becomes frozen in a state of waiting, unable to say goodbye, unable to live



- A person lives in a constant struggle between hope and despair
- A person's life becomes uncertain, incomplete, constantly under doubt and fear.

As a result of this trauma, people are unable to make new plans, unable to return to normal life. They literally live in frozen time.

**The family members describe the feeling as:**

- *My life has come to a standstill. I can't move on until he comes back or I know the truth.*
- *This is not ordinary grief.*
- *This is unfinished grief. And that's what makes this emotional state especially heavy and exhausting*

**Conclusion**

The results of the study confirm a high level of correspondence between the information provided by family members of missing servicemen, as well as the psychological manifestations described above, and the fact that their relative is missing. This indicates that the severe emotional state observed in these individuals is most likely caused by the disappearance of their relatives.

Thus, family members of missing persons are a high-risk psychological group, which requires complex, long-term, and systematic support.

**It is necessary to ensure:**

- Planned and individualized psychotherapeutic intervention,
- Continuous psychiatric supervision,
- Development of social and community support mechanisms.

The references provided by the psychologists, along with other documents of legal significance, were submitted to the UN Working Group on Enforced Disappearances (*hereinafter referred to as the Group*).

One of the main objectives of the UN [Working Group](#) on Enforced or Involuntary Disappearances is to help the families to find out information about the fate and whereabouts of their missing relatives. In this humanitarian role, the Group acts as a channel for communication between family members of victims of enforced

disappearance, other sources reporting cases of disappearance, and relevant governments.

To achieve this goal, the Group:

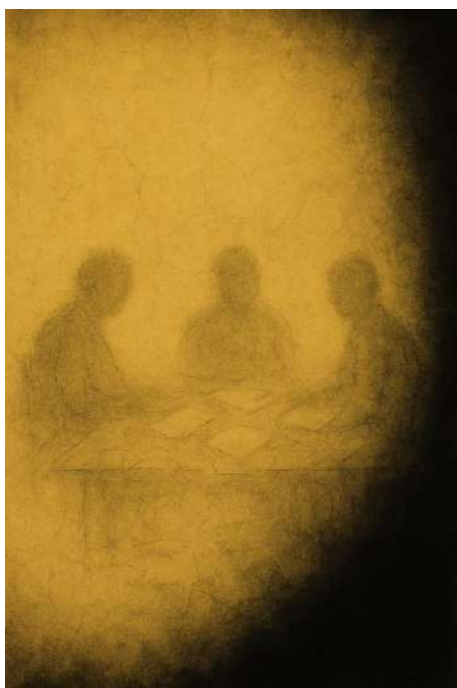
- receives, investigates and transmits to governments reports of enforced disappearances submitted by relatives of disappeared persons or by human rights organizations acting on their behalf.
- requires governments to conduct investigations and report the results to the Group.
- requires governments to conduct investigations and report the results to the Group.
- regularly observes the requirements for this information.
- carries out a preventive function, assisting states in overcoming obstacles that hinder the implementation of the Declaration on the Protection of all Persons from Enforced Disappearance. This function is carried out both during country visits and by providing advisory services upon request.

The latest extension of the Group's mandate was adopted by the Human Rights Council in October 2023.

The information on the procedure for reporting to the Working Group on Enforced Disappearances on the official UN website also includes information on the role of civil society in this process. In particular, it states that "Civil society organizations play a crucial role in the good functioning of the Working Group mandate. They can raise awareness about the Working Group and its various procedures. NGOs often assist relatives of disappeared persons in submitting cases to the WGEID and following up with subsequent updates. They can also bring to the attention of the Working Group general allegations concerning violations of the provisions of the Declaration on the Protection of all Persons from Enforced Disappearance. NGOs are also key interlocutors during country visits, as they coordinate meetings between the WGEID and relatives. "

## **ACTIVITIES UNDERTAKEN BY HCA VANADZOR WITHIN THE FRAMEWORK OF THE MECHANISMS OF THE UN WORKING GROUP ON ENFORCED DISAPPEARANCES**

In order to implement legal mechanisms to protect the rights of missing persons during the 44-day war of 2020, the Organization's lawyers, with the help of a previously developed documentation base, held individual meetings with relatives of missing

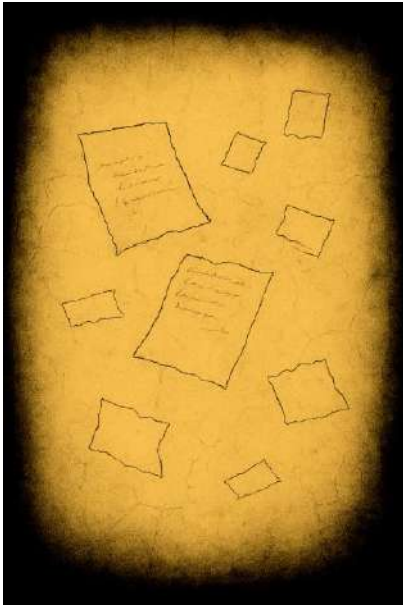


persons living in different regions of the Republic of Armenia in 2024, collected facts known to the relatives regarding the disappearance, and also received their consent to apply to international bodies to protect the rights of their relatives. The most accessible and effective legal protection mechanism for missing persons was to submit appropriate applications to the UN Working Group on Enforced Disappearances. To make the applications more effective, family members of 15 missing persons were referred for individual psychological support. The involvement of psychologists pursued two main goals: in one case, to alleviate the psychological trauma and problems of the

relatives of missing persons, and in the other, to professionally reflect the psychological state and suffering of the relatives of missing persons with a conclusion, which would be sent as a basis to the UN Working Group on Enforced Disappearances. In total, HCAV lawyers held more than 60 meetings with relatives of missing persons, collecting the necessary information from those who agreed to apply to the UN Working Group. The geography of the meetings included the entire territory of the Republic of Armenia: all regions and the city of Yerevan.

As a result of individual meetings, the Organization submitted 53 applications to the UN Working Group on Enforced Disappearances. The Working Group received all the submitted applications and in early April of this year, the Group sent relevant questions to Azerbaijan regarding four of them, indicating the names of the persons and urging them to provide information about their whereabouts.





It is noteworthy that although the UN Working Group on Enforced Disappearances is not a judicial body and its decisions are mainly advisory in nature, it is an important and effective mechanism from the point of view of protecting rights, since in addition to making relevant decisions on enforced disappearances and persons who have disappeared under force, the Working Group has the opportunity to record this in international reports, and HCAV and local organizations will have the opportunity to refer to the reports published by the UN when compiling reports on the state of human rights in the future.

In addition, any human rights protection mechanism, especially an international one, is an important opportunity to record war crimes and from the point of view of holding the perpetrations of those crimes accountable.

The Organization has mainly recorded two groups of problems within the framework of daily legal advice: the first of these is the failure to grant victim status to a missing person within the framework of criminal proceedings if the body or body parts have not been identified through DNA sampling (the legal successors of the deceased person are mainly recognized, while there are no sufficient grounds to consider their relatives dead).

The other group of problems is the implementation of the rights of relatives of missing persons in civil legal relations. Relatives of missing persons often have difficulties in banking and inheritance-related matters, especially in circumstances where the person is not actually dead and does not have a death certificate, but in order to have access to the money in the bank account, it is required to present a certificate of inheritance rights or in matters arising from credit obligations, certain documents of evidentiary value are required, which in fact do not exist.



One of the most serious problems in terms of protecting the rights of missing persons, which has caused difficulties from the perspective of the application of both domestic and international mechanisms, is the lack of sufficient information, as well as the fact that the available information is not substantiated or recognized as evidence.

When applying to the UN Working Group, it was difficult to describe the fact of the enforced disappearance of a missing person, because their relatives are sometimes simply unable to collect information, since those who might have had certain information are not alive. **And one of the most important preconditions for the protection of rights is the clear presentation of facts.**

Taking into account the problems that have existed in the Republic of Armenia for years, which relate to the protection of the rights of missing persons and their family members and relatives, HCA Vanadzor presents its study on the state of implementation of the recommendations given by the Parliamentary Assembly of the Council of Europe within the framework of Resolution 1553 of 2007 to the countries of the South Caucasus, including the Republic of Armenia.

## **PAGE RESOLUTION 1553 OF 2007 ON “MISSING PERSONS IN ARMENIA, AZERBAIJAN AND GEORGIA FROM THE CONFLICTS OVER THE NAGORNO-KARABAKH, ABKHAZIA AND SOUTH OSSETIA REGIONS” AND WITHIN THE FRAMEWORK OF THE RESOLUTION, THE IMPLEMENTATION BY THE GOVERNMENT OF THE REPUBLIC OF ARMENIA OF THE RECOMMENDATIONS GIVEN TO THE REPUBLIC OF ARMENIA**

On March 7, 2007, Leo Platvoet, Rapporteur of the Council of Europe's Committee on Migration, Refugees and Population, presented the report on **"Missing persons in Armenia, Azerbaijan and Georgia from the conflicts over the Nagorno-Karabakh, Abkhazia and South Ossetia regions"**<sup>5</sup>:

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<sup>5</sup> [Missing persons in Armenia, Azerbaijan and Georgia from the conflicts over the Nagorno-Karabakh, Abkhazia and South Ossetia regions](#) Doc. 11196 7 March 2007

On 24 May 2007, the Parliamentary Assembly of the Council of Europe (hereinafter referred to as PACE or the Assembly) adopted Resolution 1553<sup>6</sup> on the issue of missing persons in Armenia, Azerbaijan and Georgia from the conflicts over the Nagorno-Karabakh, Abkhazia and South Ossetia regions.



In its Resolution 1553, PACE stressed that

**1. The issue of missing persons in Armenia, Azerbaijan and Georgia continues to cause tremendous suffering for the families of the missing. 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. (§1),**

at the same time, it is emphasized that

**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. (§2):**

International humanitarian norms apply to prisoners of war and missing persons during hostilities.

According to Articles 33 and 34<sup>7</sup> of the Additional Protocol I to the Geneva Conventions of 1977:

***“As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party”***

<sup>6</sup> <https://pace.coe.int/en/files/17541/html>

<sup>7</sup> <https://www.eda.admin.ch/eda/en/home/foreign-policy/international-law/international-humanitarian-law/geneva-conventions.html> , [Geneva Conventions provisions for missing persons and remains - Every Casualty Counts](#)

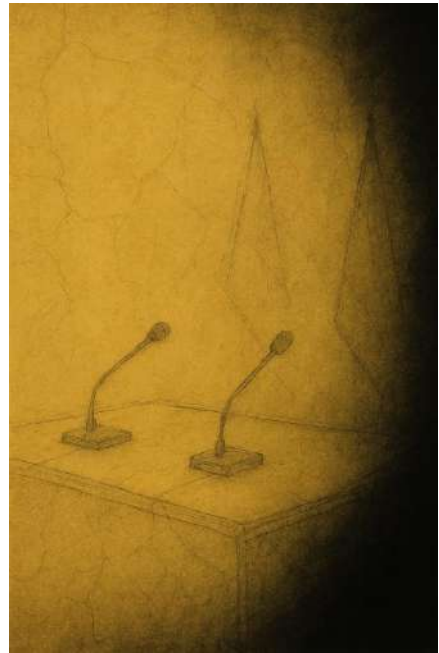


At the same time, the Convention<sup>8</sup> stipulates that the parties must establish information bureaus that must collect and exchange information on their country's missing citizens, and provide information to the relatives of the missing. The requirement for this dialogue stems from the obligations of states towards their citizens.

**3.** The Assembly also emphasized that the right to know the fate of missing relatives is a fundamental right of the families concerned and should 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 obligations 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, notably Articles 2, 3, 5, 8, 10 and 13 (§ 7):

**4.** At the same time, the Assembly called on the conflicting parties to 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 the missing and reflecting relevant international obligations; to provide for an appropriate domestic legal framework to clarify the legal status and to guarantee the interests of all persons reported missing and to provide for appropriate legal and administrative measures to meet the legal and material needs of family members and dependants, thus covering such matters as the custody of the children of the missing person, inheritance rights, re-marriage rights, pension rights and entitlements to public assistance. (§ 11.10):



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<sup>8</sup> <https://www.eda.admin.ch/eda/en/home/foreign-policy/international-law/international-humanitarian-law/geneva-conventions.html> , Geneva Conventions provisions for missing persons and remains - Every Casualty Counts

## **MORE THAN TWO DECADES OF ADVOCACY BY HCA VANADZOR FOR THE ADOPTION OF THE RA LAW ON MISSING PERSONS**

The need to ensure the rights of missing persons and their families, including obtaining information about the fate of a missing person, the right of families to have the remains returned in case of death, along with the resolution of a number of other legal issues, arose in Armenia during and after the First Nagorno-Karabakh War in the 1990s. Taking into account the constant threat of escalation of the conflict and the violation of the right of hundreds of missing persons and their families to know the fate of missing persons in the Republic of Armenia and Nagorno-Karabakh since the first Karabakh war, as well as the urgency of a comprehensive solution to numerous other legal, social, financial, psychological and other issues, in 2004 HCA Vanadzor initiated the development of the **draft Law of the Republic of Armenia "On Missing Persons" (hereinafter referred to as the Law)** in collaboration with representatives of state structures: the National Assembly of the Republic of Armenia, the office of the President of the Republic of Armenia, the Ministry of Defense of the Republic of Armenia, the Police of the Republic of Armenia, the National Security Service of the Republic of Armenia, the Ministry of Health of the Republic of Armenia, the Ministry of Labor and Social Affairs of the Republic of Armenia, the Human Rights Defender of the Republic of Armenia, as well as the International Committee of the Red Cross.

The working documents for the group were the Draft Law developed by HCA Vanadzor and the Model Law on Missing Persons developed by the International Committee of the Red Cross.

The work on developing the draft law was completed in 2011, and it was planned that it would be discussed in an interdepartmental committee with a view to including it on the agenda of the National Assembly of the Republic of Armenia.

Despite the work done and the obvious danger of resumption of hostilities, **the need to adopt the Law was considered inexpedient by state agencies of the Republic of Armenia for 13 years.**

In particular, in **2015**, HCA Vanadzor applied to the **RA Ministry of Justice** with a request to find out what stage the work related to the study of the draft law "On Missing

Persons" is at, and received a response that ***the ministry does not consider the adoption of the law urgent.***

After the four-day war in **2016**, the issues of missing persons and their families became relevant again. Once again, the Organization voiced the negative impact of the absence of the Law on Missing Persons.

After the "Velvet, Non-Violent" Revolution in Armenia in **2018**, the new government also did not immediately pursue steps to resolve the problem.

By the way, the 2020-2022 and 2023-2025 Action Plan stemming from the National Strategy for Human Rights Protection, approved by Decree<sup>9</sup> A 1978-A of the Government of the Republic of Armenia of December 26, 2019, established regulations on the adoption of the Law.

On February 19, **2020**, at the suggestion of HCAV, at the meeting of the Interdepartmental Committee on *Prisoners of War, Hostages and Missing Persons*, the Chairman of the Committee, then Minister of Defense David Tonoyan, addressed the RA Ministry of Justice with a corresponding letter to return the draft Law to the agenda for discussion.



On March 5, 2020, HCA Vanadzor addressed the Minister of Justice of the Republic of Armenia Rustam Badasyan with a request for information on the process of returning the Law on Missing Persons to the agenda. In response, the Ministry of Justice of the Republic of Armenia reported that, following the results of the session held on February 19, 2020, the Ministry of Justice of the Republic of Armenia sent relevant letters to the Ministries of Defense and Foreign Affairs of the Republic of Armenia, requesting them to present their position on the draft Law on Missing Persons developed in 2011 or on the expediency of putting such a draft into circulation in general, adding that after receiving the relevant positions, additional information on the further progress of the draft will be presented.

However, even then, the RA government did not take adequate measures to resolve the problems of the families of the missing. As a result, during the 44-day war unleashed by Azerbaijan on September 27, 2020, the Armenian government faced the

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<sup>9</sup> <https://www.arlis.am/DocumentView.aspx?docid=191790>

consequences of such inconsistent behavior, when from the very first days of the war, relatives of missing servicemen did not know where to turn to obtain any information about the whereabouts and fate of their servicemen, there was no unified information database and one unified structure that would be engaged in collecting data on the missing and transmitting information to relatives. It was only a few days after the outbreak of hostilities that a commission dealing with the issues of missing persons was established, to which citizens could apply. Meanwhile, the commission did not ensure the realization of the right to freedom of information of the relatives of missing persons, but collected data on missing persons from their relatives and periodically contacted them to obtain updated information.

Referring to the application of David Tonoyan, Chairman of the Committee on "Dealing with Prisoners, Hostages and Missing Persons" to the representative of the Ministry of Justice of the Republic of Armenia at the February 19, 2020 session of the Committee, regarding the reintroduction and further processing of the draft Law on Missing Persons developed in 2010–2011, HCA Vanadzor applied to the Minister of Justice of the Republic of Armenia on March 5, 2020, requesting information on what steps have been taken in that direction. In response, the RA Ministry of Justice reported



that the Ministry has sent letters to the RA Ministry of Defense and the RA Ministry of Foreign Affairs, requesting them to present their position on the draft law or the expediency of putting such a draft into circulation.

On December 14, 2020, HCA Vanadzor addressed the RA Minister of Justice with another information request, asking to provide information on whether the RA Ministry of Justice has so far received any position from the RA Ministry of Defense and the RA Ministry of Foreign Affairs and what steps it has taken to put the draft law into circulation. In response, the Ministry of Justice of the Republic of Armenia informed that "on April 6, 2020 and April 30, they received the positions of the Ministries of Defense and Foreign Affairs of the Republic of Armenia, however, taking into account the new realities that emerged as a result of the war unleashed by Azerbaijan on September 27, 2020, the Ministry of



Justice of the Republic of Armenia once again addressed to the Ministries of Defense and Foreign Affairs of the Republic of Armenia, asking them to present their positions again."

On February 8, **2021**, the Ministry of Justice of the Republic of Armenia presented to HCA Vanadzor the position of the Ministry of Defense of the Republic of Armenia on the draft law of the Republic of Armenia "On Missing Persons". It was reported that the **RA Ministry of Defense considers that the adoption of the law at the current stage is not expedient**, reasoning that the presented relations are almost completely regulated by the RA legislation: the RA Civil Code, the RA Law "On Military Service and the Status of a Serviceman", the RA Law "On Compensation for Damage Caused to the Life or Health of a Serviceman During the Defense of the Republic of Armenia", the decisions of the RA Government, the RA Prime Minister, and the order of the RA Minister of Defense.

***The position of the RA Ministry of Foreign Affairs** in 2021 was that the RA MFA **has no principled objections to the RA draft Law "On Missing Persons" and considers its adoption appropriate**, "taking into account the new situation formed as a result of the Azerbaijani-Turkish aggression against the Republic of Artsakh on September 27, 2020, the current challenges, including the imperative of protecting the rights and interests of missing persons and their relatives."*

**The RA Ministry of Justice**, taking into account the fact that the RA Ministry of Defense is the competent body for developing the RA draft law "On Missing Persons" and taking as a basis the latter's position that the relations presented by the draft are "almost completely regulated" and the adoption of a separate law at the current stage is not expedient, **expressed its willingness to be involved, if necessary, in the development of the corresponding draft law in the future, upon the initiative of the competent body.**

It is obvious that the adoption of the draft law of the Republic of Armenia "On Missing Persons" for the first time in more than 10 years was considered appropriate only in 2021 and only by the Ministry of Foreign Affairs of the Republic of Armenia. However, unfortunately, state structures did not perceive the necessity of adopting the RA law "On Missing Persons" in the same way.

In 2024, the works on the development of the concept and draft law were resumed under the coordination of the Ministry of Justice of the Republic of Armenia. On May 24, 2024, during a meeting with the participation of HCA Vanadzor representatives and the

International Committee of the Red Cross, the Deputy Minister of Justice of the Republic of Armenia and Ministry employees, the concept, objectives, and approaches to achieving the goals of the law “On Missing Persons” were discussed.

On October 28, 2024, the Organization received the draft law of the Republic of Armenia **“On Persons Missing in Conditions and Circumstances Created as a Result of Military Operations”** and its justification, developed by the Ministry of Justice of the Republic of Armenia, and on December 27, the revised version of the draft law to enable the Organization to submit its

proposals on the draft. On March 10, 2025, the Organization submitted its observations and proposals on the draft to the Ministry of Justice of the Republic of Armenia.

On March 25, 2025, the draft law<sup>10</sup> “On Persons Missing in Conditions and Circumstances Created as a Result of Military Operations” was published on the unified website for publication of Legal Acts' Drafts, which also included some of the proposals submitted by HCA Vanadzor on March 10, 2025. The draft was put up for public discussion until April 10, 2025, and the Organization re-presented its proposals<sup>11</sup>, which we will address separately in this report.

The Director of the National Security Service of the Republic of Armenia and the Chairman of the new “Interdepartmental Commission on Prisoners of War, Hostages and Missing (Whereabouts Unknown) Persons” (hereinafter referred to as the Commission) established by the Decree<sup>12</sup> No. 1236-A of October 20, 2022 of the Prime Minister of the Republic of Armenia, in response to the Organization’s 2025 inquiry on what steps have been taken to implement the recommendations given to the Republic of Armenia by PACE Resolution 1553, stated that the Commission has begun developing a draft law “On Missing Persons” coordinated by the Ministry of Justice of the Republic of Armenia. In particular, it was reported that on December 16, 2022, during the regular session of the interdepartmental commission, **the need for legal regulation of issues related to**



<sup>10</sup> <https://www.e-draft.am/projects/8472>

<sup>11</sup> <https://hcav.am/20years-missing-persons/>

<sup>12</sup> [arlis.am/DocumentView.aspx?docid=170693](http://arlis.am/DocumentView.aspx?docid=170693)

prisoners of war, hostages and missing persons (whereabouts unknown) was highlighted and it was decided to take real steps towards<sup>13</sup> developing a draft concept of the relevant law under the coordination of the Ministry of Justice of the Republic of Armenia, and the Ministry of Labor and Social Affairs of the Republic of Armenia was instructed to carry out an assessment of the needs of the families of prisoners of war, hostages and missing persons.

With Resolution 1553, PACE called on the parties

**5. to provide full support to solving the issue of the missing (§ 11.1),**

**6. to ensure the establishment and functioning of commissions dealing with the missing 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)**

- actively collect, centralise and process all information on persons unaccounted for and on related events and burial places;**
- organise, implement and monitor all the necessary work of tracing all missing persons including the recovery and identification of human remains;**
- inform the families on progress in solving the issue of the missing and support them according to their specific needs;**
- 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;**
- include representatives of the families of the missing in the committees and their affiliated structures, as appropriate;**
- to establish a multilateral coordination mechanism for the conflict 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.**

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<sup>13</sup> <https://www.sns.am/hy/news/view/773> , <https://www.sns.am/hy/news/view/763>

Back in 2018, by decree No. 1535-A of the Government of the Republic of Armenia, an interdepartmental commission<sup>14</sup> dealing with issues of prisoners of war, hostages and missing persons was established, the chairman of which was the Minister of Defense of the Republic of Armenia ex officio. At that time, sessions were convened within the framework of the commission's activities, during which issues of providing financial support to the families of missing servicemembers, developing psychological support programs and introducing psychological rehabilitation systems, as well as ways to speed up the identification process of the bodies of deceased servicemembers through DNA analysis, were discussed<sup>15</sup>. At the same time, the committee emphasized the need for the involved departments to act as quickly and flexibly as possible.

As already mentioned, by the decree<sup>16</sup> No. 1236-A of October 20, 2022 of the Prime Minister of the Republic of Armenia, a new "Interdepartmental Commission on Issues of Prisoners of War, Hostages and Missing Persons (Whereabouts Unknown)" (hereinafter referred to as the Commission) was established, the composition and working procedures of the Commission were approved, and by the order No. 113-A of November 10, 2022 of the Director of the National Security Service of the Republic of Armenia, the individual compositions of the Commission and the working group operating under it were approved.

The purpose of the establishment of the commission was to ensure the provision of information to the relatives of prisoners of war, hostages and missing persons. Parents of missing persons emphasize that five years after the 2020 war, they are personally taking steps to obtain information about the whereabouts and fate of their missing persons, describing the actions taken by the relevant authorities as inaction.

According to the data provided to the Organization by the National Security Service of the Republic of Armenia on March 4, 2025, "Since the establishment of the Commission, 7 sessions of the Commission have been held, within the framework of which specific instructions were given to the members of the Commission. The working group operating under the Commission has carried out ongoing activities, and daily cooperation has been ensured between representatives of state agencies and organizations included in the Commission. Meetings were organized with the parents

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<sup>14</sup> [arlis.am/DocumentView.aspx?docid=126614](https://arlis.am/DocumentView.aspx?docid=126614)

<sup>15</sup> <https://www.gov.am/am/news/item/14952/>

<sup>16</sup> [arlis.am/DocumentView.aspx?docid=170693](https://arlis.am/DocumentView.aspx?docid=170693)

and relatives of prisoners of war, hostages, missing persons, as well as deceased persons. Numerous applications were received from the latter, which were studied and summarized, as well as issues requiring urgent solutions were identified, some of which were resolved. The NSS also informed that in order to ensure constant contact with the families of the missing, relevant employees of the RA Ministry of Defense at Ulnetsi 56/5 collect applications and suggestions received from parents and relatives and forward them to the working group attached to the Commission. According to the NSS, private meetings were organized to discuss the applications, as a result of which the applications were sent to the competent state bodies for discussion. It was also added that daily meetings took place at the same address between the parents' group and the members of the working group. In addition, on February 27, 2023, at the initiative of the Chairman of the Commission, a meeting was held with more than 80 members of the families of missing persons. In addition to meetings with the parents, the working group attached to the Commission also had meetings with representatives of the delegation of the International Committee of the Red Cross in Armenia. Despite the information provided by the RA NSS about the Commission's activities, the protests of the parents and relatives of missing or captured servicemen are still ongoing. The relatives of the missing have a number of unresolved issues, and in fact neither the RA Government nor the Commission is taking effective steps to resolve them.

The report<sup>17</sup> by the **UN Human Rights Council Advisory Committee** on best practices in the matter of missing persons notes that an independent and impartial national institution could play a crucial role in clarifying the fate of missing persons. States should ensure the establishment and day-to-day functioning of such an institution (commission or committee for missing persons) through adequate structures, such as working groups or other appropriate mechanisms.

The said institutions need to be as depoliticized as far as possible, work in a transparent manner and include, alongside members of Government bodies, representatives of civil society and also of the families of missing persons.

The issue of ensuring the effective participation of families of missing persons, both in the process of establishing the mechanism/structure and during its operation, has been consistently emphasized on international platforms.

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<sup>17</sup> <https://missingpersons.icrc.org/library/report-best-practices-matter-missing-persons>



It should be noted that in March 2025, among the proposed amendments to the draft law "On Persons Missing in Conditions and Circumstances Created as a Result of Military Operations" *was the formation of a single independent body, the State Committee for Missing Persons, which will coordinate all processes, ensuring effective work between various bodies and organizations, the experience of which exists in a number of other countries.*

According to the Organization's position:

- The State Committee for Missing Persons (Committee) shall operate on the basis of the principles of protection of the rights of missing persons and their families, independence, political neutrality, impartiality, financial autonomy, functional immunity, public accountability and transparency, as well as cooperation.
- The Committee should have clearly defined powers in law and in line with international standards, which will ensure the efficiency, transparency, and accountability of the processes.
- The Committee should be authorized to receive tracing requests and, on the basis of them, request, collect, check and provide to the families of the missing persons and competent state bodies the available information and facts regarding the disappearance of the person, as well as data on the person's whereabouts and fate.
- The Committee should also have the authority to investigate the circumstances surrounding the disappearance of missing persons. At the same time, the Committee should coordinate the work of other bodies in all matters related to the search for missing persons, the identification of remains and the protection of the rights of missing persons and their families. The Committee should also ensure that all necessary preparatory measures are taken for the establishment and operation of a National Information Bureau, which will be responsible for the collection and coordination of data, ensuring the continuity of the search for missing persons.

- The Committee should have the authority for the recognition of a missing person and to carry out the process of officially recognizing their missing status, in accordance with established procedures.

- It should be legally established that the competent authorities are obliged to provide the Committee with all necessary information related to the determination of the fate and identity of missing persons. In such cases, legal consequences should also be established for failure to fulfill this obligation, in order to ensure the proper provision of information and the efficiency of the process. In addition, the Committee should have access to the archives of state institutions and information containing state secrets, which is necessary to clarify the whereabouts and fate of missing persons, under the conditions and in the manner prescribed by law.

- The members of the Committee should be elected by the National Assembly of the Republic of Armenia, as this is an important condition for ensuring their independence. Members should have inviolability so that they can perform their functions without the influence of political or other pressures.

- A National Information Center (bureau) should be established under the Committee, which would be responsible for collecting and coordinating information on missing persons.

**7. Regarding the steps taken by the RA Government in response to the PACE calls for providing material, social and psychological assistance to the families of the missing (§ 11.11)** the RA NSS reported that "in order to provide support to the families of missing persons, the RA Government has also adopted decrees on providing monthly financial support and establishing privileges in terms of medical care and services (Decree No. 1924-L of 03.12.2020, No. 2001-L of 10.12.2020, No. 2180-A of 24.12.2020, No. 64-A of 13.01.2022)". Addressing the issues of missing persons is also at the center of attention of the Ministry of Foreign Affairs of the Republic of Armenia, which regularly raises the issue with international partners on both bilateral and multilateral platforms. According to the RA Foreign Ministry, "The RA Ministry of Foreign Affairs also regularly holds meetings with relatives of prisoners of war, missing persons and forcibly disappeared persons. Particular

attention is paid to cases of enforced disappearances, which concern those servicemembers and civilians whose captivity is substantiated by clear evidence such as video recordings and eyewitness reports."

The position of HCA Vanadzor on this issue is that the involvement of the families of the missing plays an important role in compiling the list of missing persons and collecting other information, such as the circumstances of the disappearance or the possible burial place<sup>18</sup>. The search for and identification of missing persons, meeting the needs of their families, and determining their legal status require a comprehensive approach that includes cooperation between several sectors: the law enforcement system, the armed forces, forensic experts, and public and international organizations.

The Geneva Conventions of 1949 stipulate the need to establish an information bureau, which will systematically collect information about prisoners of war and civilians belonging to the opposing party, forward this information to the other side and initiate an investigation to determine the fate and whereabouts of missing persons<sup>19</sup>. According to Article 26 of the Fourth Geneva Convention, the parties to the conflict are obliged to facilitate the search for the missing.

**8. The Assembly also called on the parties in Resolution 1553 to collect, manage and protect data, such as ante-mortem data, to identify the missing, to finalize the collection of information about the events preceding the death, to provide in this respect training and psychological support for those collecting such data and also to provide psychological support for the family members providing such data. (§ 11.8)**

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<sup>18</sup> National Mechanisms for Missing Persons: A toolbox, p. 58-59.

<sup>19</sup> Article 122 of the Third Geneva Convention; Article 136 of the Fourth Geneva Convention; Articles 16-17 of the First Geneva Convention, Article 19 of the Second Geneva Convention.

According to the information provided to the Organization by the National Security Service of the Republic of Armenia, "Criminal proceedings have been initiated in the Investigative Committee of the Republic of Armenia on the facts of the war unleashed by the Republic of Azerbaijan in 2020 and other aggressions carried out thereafter, as well as the ethnic cleansing carried out against the population of Nagorno-Karabakh, within the framework of which the circumstances of the disappearance of each person have also become the subject of investigation, thus carrying out the above-mentioned actions. Families of missing persons hold the procedural status of victims and the opportunity to access the materials of the criminal proceedings." Meanwhile, the families of missing servicemen claim that the information provided to the families of the missing and their participation in criminal proceedings and investigative actions are limited. In addition, according to the relatives of the missing servicemen, the recordings of the cameras installed in the territories of military units during the 44-day war are stored in the RA Ministry of Defense, the RA National Security Service, the RA Investigative Committee, and the respective departments of the RA Military Police. Some of the parents of the servicemen say they had the opportunity to view excerpts from those videos at the RA Ministry of Defense. The parents complain that they do not have full access to the videos, which is why they are unable to find out what really happened to their servicemen.



The National Security Service has added that the collection of data concerning the events preceding death is carried out both within the framework of criminal proceedings initiated by the Investigative Committee of the Republic of Armenia and by the Commission, within the scope of the NSS's functions. Despite the aforementioned claims by the RA NSS, families of missing servicemen assert that the investigative bodies do not clearly know the "trajectory" of each serviceman, the events and movements leading up to their disappearance, which is extremely important for obtaining information about the whereabouts of missing persons. Another problem for the relatives of the missing is the fact that a private investigator is not involved in the

investigation of the circumstances of the disappearance of each missing serviceman, whereas such an approach would ensure a more efficient and expedited investigation.

According to HCA Vanadzor, the authority to investigate the circumstances surrounding the disappearance of missing persons should once again be reserved for the State Committee for Missing Persons, which will simultaneously coordinate the work of other bodies in all matters related to the search for the missing, identification of remains, and protection of the rights of missing persons and their families. The Committee is also obliged to ensure that all necessary preparatory measures are taken for the establishment and operation of a National Information Bureau, which will be responsible for data collection and coordination processes, ensuring the continuity of search efforts for the missing.

Regarding the psychological support provided to the families of the missing, the RA NSS did not provide any information in response to the Organization's request. Psychological support is provided to the relatives of the missing by the ICRC Armenian representation. It should be noted that during 2024, HCA Vanadzor, within the framework of a UN-funded program, referred around two dozen family members of missing persons for psychological support<sup>20</sup>.

Providing psychological support to families of missing persons should be one of the state's priorities, as according to the families of missing persons, some members of the family have committed or attempted suicide.

**9.** The resolution adopted by PACE also states that 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. (§ 3)

Despite this, Azerbaijan has been violating international humanitarian law since the 2020 war by restricting the provision of full information on servicemen and civilians missing from Armenia due to the conflict. In addition, after the 2020 war, Azerbaijan did not provide sufficient access for Armenian search groups to locations where the remains of missing persons or mass graves may be located<sup>21</sup>.

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<sup>20</sup> The program is addressed in the Introduction of this report

<sup>21</sup> This refers to the territories of Artsakh/Nagorno-Karabakh, which were under Armenian control prior to the 2020 war, and are now under Azerbaijani control.



**10. At the same time, the Assembly calls on the parties in Resolution 1553 to agree on consolidated lists of the missing with the International Committee of the Red Cross (ICRC) and with the other parties to the conflict; (§ 11.5)**

According to the information provided to the Organization by the National Security Service of the Republic of Armenia, the Republic of Armenia is closely cooperating with the Yerevan office of the delegation of the International Committee of the Red Cross in Armenia to clarify and exchange information on missing persons. Meetings have also been held with representatives of the delegation of the International Committee of the Red Cross in Armenia. The NSS added that in addition, the RA Ministry of Foreign Affairs maintains daily contact and regularly holds meetings with a number of international organizations, including the delegation of the International Committee of the Red Cross in Armenia. Work is being carried out with important international organizations dealing with humanitarian issues, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the International Commission on Missing Persons (ICMP), and the issue has been presented at high international platforms (UNHCR General Assembly, Human Rights Council, 34th ICRC Conference, Executive Committee on Refugees, etc.). According to the NSS, the process of Armenia's joining the Global Alliance for the Missing is also currently underway.

**11. 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 the missing. The Assembly encourages the ICRC to continue its essential work in this area. (§ 26)**

As for Azerbaijan, it should be emphasized that, as in a number of other cases, for example, prior to the forced ethnic cleansing of Nagorno-Karabakh in September 2023, Azerbaijan blocked the entry of ICRC representatives into Nagorno-Karabakh to transport humanitarian aid through the Lachin corridor, and it consistently violates the provisions of international humanitarian law, even ignoring and failing to comply with the requirements of the UN International Court of Justice. For example, on February 22, 2023, the UN International Court of Justice concluded that Azerbaijan should take all possible measures to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions. However, despite the Court's decision, which

confirmed the fact of the harm caused to the population of Nagorno-Karabakh, the Azerbaijani authorities did not take steps to unblock the road.

Azerbaijan blocks and restricts the efforts and initiatives of international humanitarian organizations, including the International Committee of the Red Cross (ICRC), aimed at conducting independent investigations or assisting in resolving the issue of the missing.

Azerbaijan is not effectively cooperating with international organizations to clarify complete lists of missing persons and provide information about the fate of the missing.

Azerbaijan uses the issue of missing persons as a political tool to gain leverage in negotiations on matters it considers more important. Even by refusing to cooperate with Armenia through international organizations for humanitarian reasons, Azerbaijan exerts pressure on Armenia in bilateral negotiations or other discussions to advance its own agenda.

**12.** The National Security Service of the Republic of Armenia, referring to the call of the PACE Assembly **"to treat the matter as a humanitarian and human rights issue and not a political issue" (§ 11.2)**, stated that "the Republic of Armenia has emphasized at various levels that the issue of missing persons is an exclusively humanitarian and human rights issue, should not be politicized and should be resolved in accordance with the principles of international humanitarian law. The Republic of Armenia emphasized that the families of missing persons should have legal and social support, regardless of their nationality or the nature of the conflict."

**13.** Referring to the Assembly's **call to refrain from acting on the basis of reciprocity in dealing with the issue of the missing. Sharing of information or taking steps, for example, should not be conditional on the other side also providing information or taking steps (§ 11.3)**, the RA NSS stated that "the Republic of Armenia has adopted the approach that the issue of missing persons is exclusively humanitarian and should not depend on reciprocity or political agreements." At the same time, referring to the steps of the Republic of Armenia in this direction, in particular, noting that since November 2020 it has transferred to the Republic of Azerbaijan the bodies of 51 Azerbaijanis killed in the 44-day war, as well as topographical materials on the possible locations of the bodies of about 50 people

killed in the 1990s. Armenia encouraged the participation of the ICRC as a mediator to ensure that the exchange of information on missing persons is carried out on humanitarian principles, and not on the principle of politics or reciprocity.

**14. The Assembly emphasized that 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. (§ 4)**

**15. In addition, the Assembly called on the parties to take public position at the highest level in favour of a resolution of the missing issue and to refrain from statements in relation to the missing which may stir up animosity and hatred towards other sides in the conflict. (§ 12.3)**

In this regard, according to the RA NSS, "the Republic of Armenia constantly emphasizes the importance of resolving the issue of missing persons, refraining from statements that stir up animosity and hatred."

It should be noted that for many years, Azerbaijan has been conducting consistent anti-Armenian and Armenophobic propaganda, which was vividly manifested especially through the war crimes committed by Azerbaijan against Artsakh/Nagorno-Karabakh, the implementation of ethnic cleansing, and the destruction of monuments of cultural and religious value.

Clarification of the data on the prisoners of war, their places of detention, the provision of essential items, and medical aid can reduce the level of animosity, mistrust, and intolerance between the conflicting parties. However, the Azerbaijani authorities continue to leave unresolved issues related to Armenian prisoners of war, missing persons, and the provision or absence of vital information for their families. Such behavior only deepens regional tensions and hinders the process of building trust and establishing peace between the two states.

International attention to the above issues is also important, especially from the International Committee of the Red Cross, the OSCE, and the UN, which are trying to



mediate in negotiations and influence the conflicting parties to clarify the fate of the missing and organize an exchange of prisoners.

**16. In 2007, the Assembly, by Resolution 1553, invited 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.(§ 21) At the same time, the Assembly invited the Personal Representative of the Chairman-in-Office on the Conflict dealt with by the OSCE Minsk Conference to ensure that full support is given to solving the issue of the missing and that it is treated as a humanitarian and human rights issue and not as a political issue. (§ 24)**

Meanwhile, Azerbaijan's policy in this issue is also aimed only at advancing its own political interests and imposing its own agenda on the Armenian authorities. In particular, high-ranking Azerbaijani officials, including President Aliyev, are making statements from high platforms about the need to dissolve the OSCE Minsk Group, describing the OSCE Minsk Group, the High-Level Planning Group, the institution of the Personal Representative of the OSCE Chairman-in-Office, and a number of mechanisms operating within the OSCE framework as "relics of the past" and "absolutely non-functioning structures."<sup>22</sup>

Azerbaijan is constantly putting forward new preconditions to Armenia: including not only the dissolution of the OSCE Minsk Group, but also the termination of the EU Mission in Armenia, amendments to the Constitution of the Republic of Armenia, and the abandonment of claims against each other, including claims made in international courts.

In 2025, Armenian Prime Minister Nikol Pashinyan published on his Facebook page the position of the Armenian Government regarding the demands presented by Azerbaijan, in particular, noting that Azerbaijan must first abandon the talk of "Western Azerbaijan" and similar discourses. At the same time, the Prime Minister of the Republic of Armenia noted that in order to establish long-term stability and peace in the region, the Republic of Armenia proposes a number of important provisions, including "working with full intensity towards resolving the issue of clarifying the fate of persons whose whereabouts are unknown," while also agreeing to Azerbaijan's demand to "dissolve the OSCE Minsk Group."

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<sup>22</sup> <https://hetq.am/hy/article/164390>

Among the recommendations given to the parties by PACE Resolution 1553 is to also:

**17. take steps to protect the memory of the missing, including through support for books of remembrance, monuments and museums for the missing, remembrance days for the missing. (§ 11.12)**

According to our research, no measures have been taken by the Government of the Republic of Armenia to publish books of remembrance dedicated to the missing. The memory of the missing has been preserved solely through the efforts of their families and friends, who have independently published individual books and produced films<sup>23</sup> focusing on specific missing or fallen soldiers and the war.

As for museums, on June 29, 2004, the opening of the monument to those missing during the first Karabakh war took place in Stepanakert. On the same day, the opening of the Museum of the Missing took place at the office of the Union of Relatives of Missing Freedom Fighters of the NKR<sup>24</sup>.

Currently, there are no museums dedicated to missing servicemen in Armenia<sup>25</sup>.

Regarding the establishment of the Day of Remembrance of the Missing, it should be noted that on December 21, 2010, the UN General Assembly declared August 30 as the International Day of the Victims of Enforced Disappearances. For the past 15 years, on August 30, calls have been made worldwide urging governments to make every effort to resolve the issue of missing persons. At the same time, those responsible for enforced disappearances are urged to immediately provide information about the victims to their families. In Armenia, organizations dealing with missing persons issues, including the ICRC<sup>26</sup> Armenian office, organize events dedicated to missing persons on that day and raise awareness of the long-standing problems of missing persons and their families, while HCA Vanadzor addresses the unresolved issues of missing persons with publications on August 30 every year<sup>27</sup>. In Armenia, by tradition, the Day of Remembrance

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<sup>23</sup> <http://hollywoodreporter.com/movies/movie-news/war-documentary-1489-wins-best-film-at-idfa-2023-1235652396/#/>

<sup>24</sup> <https://armenpress.am/hy/article/177325>

<sup>25</sup> [https://military-museum.mus.am/am/?utm\\_source=chatgpt.com](https://military-museum.mus.am/am/?utm_source=chatgpt.com)

<sup>26</sup> <https://www.azatutyun.am/a/anhayt-koratsneri-yntanikneri-spaseliknery-karavaroutyouunits-en-bakvi-het-banaktseleu-mi-hnar-gtnen-tghanery-veradarnan/33099898.html>

<sup>27</sup> <https://hcav.am/internationaldayofthedisappeared-30-08-2023/>, <https://hcav.am/missing-persons-day-30-08-2024/>



of Missing Persons is observed on June 29, but to date, the day of remembrance of missing persons or victims of enforced disappearance has not been enshrined in law as such.

**18.** As for the Assembly's call **to facilitate contacts, including cross-border contacts, between families of missing persons (§ 12.2)**, it should be noted that families of missing persons are in constant contact with each other, have a common platform for communicating with each other and informing each other on any issues concerning the missing. Meanwhile, the National Security Service of the Republic of Armenia has not provided the Organization with data on establishing cross-border contacts between families of missing persons, and the Organization is also not aware of any such cases of cross-border contact.

**19. 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 support civil society initiatives in support of the families of missing persons and persons involved in resolving the issue of missing persons.(§ 20.3)**

In this regard, the RA NSS, in response to the Organization's request for information, stated that "the following 3 civil society organizations are also included in the composition of the Commission's members: "Mets Hayk", "International and Comparative Law Center" and "Center for Law and Justice "Tatoyan" Foundation." According to the NSS, civil society actors are also contributing to the efforts aimed at clarifying the whereabouts of the missing and to other ongoing processes, emphasizing the extensive activities carried out by Helsinki Citizens' Assembly-Vanadzor.

**20. The Assembly calls on to ensure parliamentary oversight of the issue of the missing, including through a discussion on the contents of this Resolution. (§ 12.4)**

In this regard, the RA NSS, in response to the Organization's request for information, stated that the issue of missing persons is also under the attention of the RA National Assembly. In particular, on December 28, 2024, the families of the missing persons met with the Speaker of the National Assembly and the Chairperson of the Standing Committee on Defense and Security, and on January 30 and March 31, 2025, a closed-door discussion was held in the RA National Assembly with the participation of families of the missing, as well as the heads of various state agencies, during which the concerns of families of the missing persons were raised. At the meeting held on January 30,

representatives of several civil society organizations were also invited to the National Assembly of the Republic of Armenia at the initiative of the families of missing servicemen. Among them were representatives of HCA Vanadzor; the chairman of the Organization and the coordinator of the department of Oversight of the Defense and Security sector. During the meeting, the Director of the National Security Service of the Republic of Armenia/Chairman of the "Interdepartmental Commission on Issues of Prisoners of War, Hostages and Missing (Whereabouts Unknown) Persons" presented a report, briefly outlining the steps taken by the Commission, emphasizing that Azerbaijan, as a rule, does not provide responses to the requests sent by the Commission.

**21. The PACE Assembly, through Resolution 1553, calls on Armenia as a priority to also ensure the establishment of working relations with the commission operating in Azerbaijan.(§ 11.6.4)**

In response to the Organization's request for information, the National Security Service of the Republic of Armenia stated that appropriate work is being carried out to maintain working relations with a similar commission operating in Azerbaijan. In particular, on February 7, 2025, a meeting of the Interdepartmental Commission on Issues of Prisoners of War, Hostages and Missing (Whereabouts Unknown) Persons of the Republic of Armenia and the State Commission on Issues of Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan took place on the border of the Republic of Armenia and the Republic of Azerbaijan. During the meeting, the Parties exchanged views on issues related to clarifying the fate of missing persons and agreed that discussions between the commissions will continue by mutual consent.

## **CONCLUSIONS AND RECOMMENDATIONS**

An overview of the state of protection of the rights of missing persons and their families in the Republic of Armenia is presented below.

**1. Welcoming the publication of the draft law of the Republic of Armenia "On Persons Missing in Conditions and Circumstances Created as a Result of Military Operations" (2025), we consider it necessary to ensure the broad and substantive participation of families of the missing and interested organizations in the discussions of the draft law, and the adoption of the law within the shortest possible timeframe.**

**2. Considering that ensuring the right of the families of missing persons to obtain information about their whereabouts and fate is also contingent upon cooperation with the relevant Azerbaijani authorities, which is currently absent, we believe that a significant opportunity to secure this humanitarian right lies in continued, consistent, and active efforts at international courts to obtain information about the whereabouts and fate of the missing persons, as well as the ongoing necessity of search operations. Through these efforts, the possibility of fostering dialogue with Azerbaijan may also be achieved.**

**3. Considering the problems associated with DNA identification, it is important to establish a State Committee, an independent specialized state agency established by law for missing persons, and to build the capacity of the relevant staff to work with families.**

**4. Make efforts to provide psychological support to the families of the missing, as their condition resulting from the disappearance of their family member is assessed as treatment degrading to their dignity.**

**5. While we welcome the provision of continued financial assistance to the families of missing persons, we believe that it should be established by law and provided until information is obtained about the fate of the missing person.**

**6. Exclude the possibility of the court granting the status of "absentee" to the relative of a missing person.**

**7. Since PACE Resolution 1553 was adopted in 2007 and, taking into account the issues related to the missing persons during the second Karabakh war, the**

**Republic of Armenia should make efforts to conduct the second assessment of the implementation of the commitments recorded in the aforementioned resolution by PACE.**

