

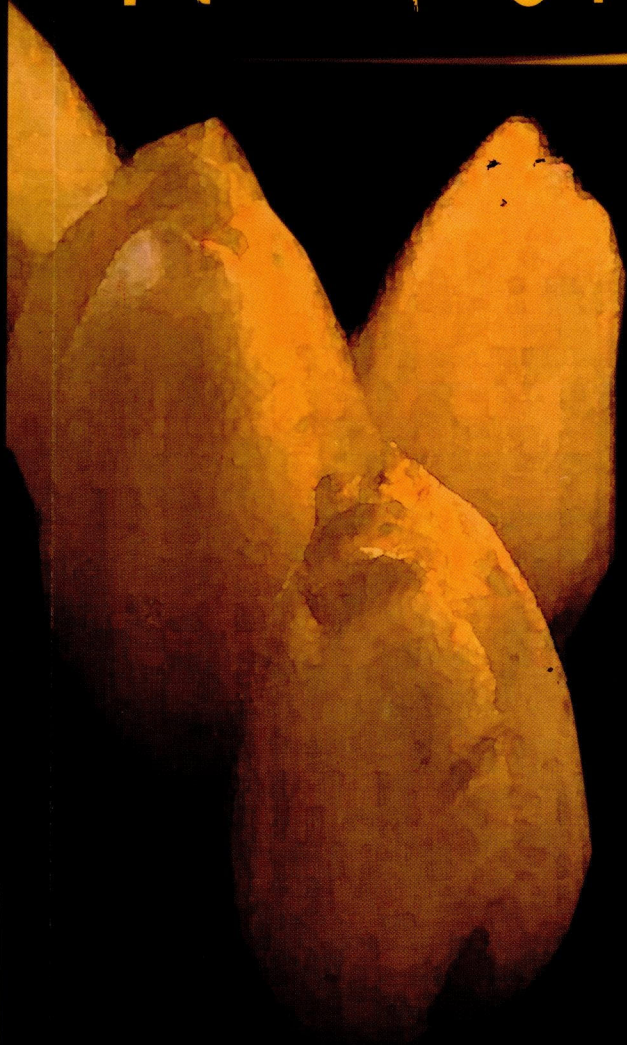
REPORT



The Problems of
Missing Persons and
Their Families In
South Caucasus



SADIN I MOTIJI

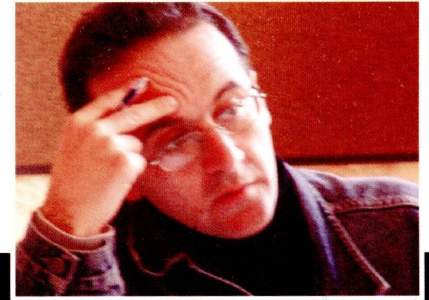


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The Problems of
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Introduction

Short Description of the Situation of Missing Persons in the South Caucasus

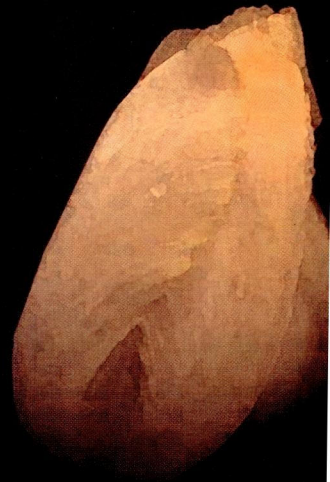


Arthur Sakunts
Coordinator of HCA Vanadzor

The problem of missing persons remains current.

In 2002, HCA South Caucasus network started to implement a project dedicated to the protection of the rights of missing persons of military conflicts and their families. According to official data, the overall number of missing persons of the Karabakh war makes over 5,700. The number of missing as a consequence of Abkhazian conflict is estimated at about 1945 persons and South Ossetian conflict about 108 persons. These conflicts and military actions started at the same time as the independence of Azerbaijan, Armenia and Georgia. Since the state structures and institutes were lacking, the problems emerging from the conflicts were not effectively dealt with.

According to the first additional protocol of the Geneva Conventions, in case of conflict both sides are mandated to establish information bureaus, with the purpose of registering data on missing persons and POW-s. These bureaus should then exchange necessary information on the fate and whereabouts of those missing persons and POW-s, either directly or through a third party. In this conflict, however, such bureaus were not established until all military operations ceased. During the hostilities the POW-s and missing persons were kept track of and exchanged on the level of commanders. There were no mechanisms on a governmental level. The mistrust, or we may say hostile attitude, between the parties because of the conflict has led to a lot of difficulties in getting, verifying, and exchanging information on the fate and whereabouts of missing persons. Moreover, after the ceasefire, the authorities considered themselves less obligated to provide information on the fate and whereabouts of missing persons to their families, even though getting such information was their right. Missing persons became only the problem of their families leading them to isolation from society and authorities. During the military actions and the first three years of the ceasefire, the efforts of relatives to get information bore no fruit due to lack



of finances and opportunity for contact. The authorities, especially the security structures, restrained relatives from making contact with the opposing side. There have been numerous cases of mediators extracting money from relatives looking for information about missing persons, thus personally turning a profit from this humanitarian issue. The implementation of this project started in such conditions. The activities included:

- Raising public awareness on the issue of missing persons
- Providing relatives of missing persons with juridical support
- Involving relatives of missing persons in project activities
- Establishing national legislative mechanisms providing the right of relatives to get information on the fate and whereabouts of their missing ones

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This book presents activities done towards resolving these problems. I would like to point out that one of the most important aspects of a state is how it deals with the problem of missing persons – this is an indication of how much the given country values human rights. The role of NGO-s in the formation of such an attitude is invaluable.

Within the framework of the project close cooperation was established between local offices of the International Committee of the Red Cross. As a new mechanism, participation of the Council of Europe in the sphere of missing persons in South Caucasus is being formed. Finally, all this aims to not only clarify the fate of each missing person, but also to form national mechanisms that will ensure effectiveness towards this end. If public demand for the solution of the problem of missing persons can be raised, then this in and of itself has a strong peace-building potential that can even prevent further conflicts. In order to completely form this peace-building potential cooperation between the conflicting sides is important.

Arthur Sakunts

As a result of the research the following key problems have been revealed:

- Governments in South Caucasus insufficiently support relatives of missing persons
- Governments in South Caucasus don't cooperate on the issue of missing persons
- Little information is available on the circumstances under which people disappeared
- Myths exist about private prisons that contribute to the enemy image on all sides of conflicts
- Little public attention is existing in South Caucasus for disappearances and the problems of relatives of missing persons
- The number of new incidences of disappearances (hostage taking) is increasing, especially in Georgia
- People in risk areas/positions are not informed about the risks and about their rights and option in case of a hostage taking situation

Project Goal

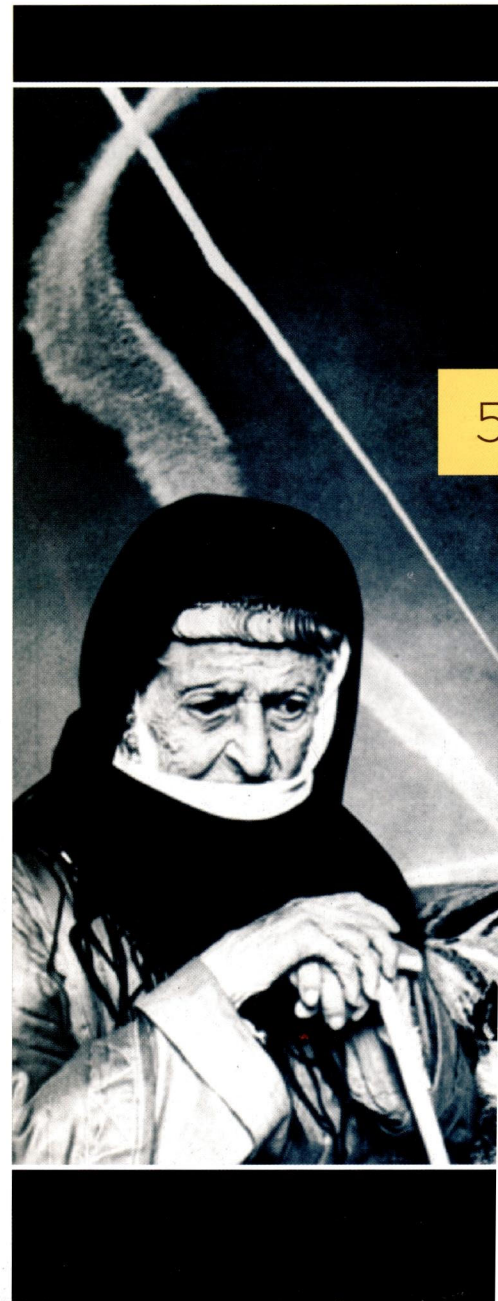
Support for return of the missing persons of the South Caucasus countries to their families, their integration in society through national and transnational dialogue with the authorities, adoption of corresponding laws and achievement of a humane perception on the problems of former prisoners of war and hostages

Overall Objectives

- Governments provide better support to relatives of missing persons
- Governments in South Caucasus cooperate on the issue of missing persons
- More information is available on the circumstances of disappearances
- Myths about private prisons are circulating to a lesser extent
- There is more public attention in South Caucasus for disappearances and for the problems of relatives of missing persons
- The number of new disappearances has decreased
- People in risk areas are well informed about the risks and about their rights and possibilities in case of a hostage taking situation.

To achieve the abovementioned objectives activities were implemented in three main directions:

- *Support for relatives of missing persons*
- *Public campaigning*
- *Prevention of new disappearances*



Support For Relatives of Missing Persons

Juridical Support

Helsinki Citizens' Assembly - Vanadzor

One of the activities of the project was providing juridical support. For a span of two years, Helsinki Citizens' Assembly Azerbaijani National Committee, Helsinki Citizens' Assembly-Ganja, Helsinki Initiative-92 (Stepanakert) and Helsinki Citizens' Assembly-Vanadzor held juridical consultations for the families and relatives of missing persons, former POW-s and their families, veterans, soldiers, recruits and their families.

Below are presented the data and results of the offices, which were involved in implementing the activity.

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During 2005-2006 HCA Vanadzor provided 75 persons-relatives of missing persons, soldiers, veterans, recruits, and former POW-s - with juridical support. The problems concerned alternative service, recruitment, deferment of military service, right to housing, labour issues, health issues, etc.

Number of Applicants in 2005	Type of Problem or Issue	Description and Results
5	Alternative Service	They were presented with the provisions of RA law on "Alternative Service", their rights and responsibilities
1	A citizen of Armenia who came from Russia to serve in the army	Received necessary information on legal ways of entering military service despite being past the upper age limit for conscription
4	Information on how to pay penalty defined by RA law on military service for escaping from military service	They were informed about the law
1	For establishing an organization of veterans NGO	Organization has been established
1	Recruitment of a person who was still at school	After the support of HCA Vanadzor the Military Commissariat cancelled the conscription
3	Soldiers charged with murder	The families of the soldiers were given juridical support in applying to the court of appeal
1	Soldier, died in the army	HCA Vanadzor gave juridical support to the family of the soldier on how to find out the truth and to get justice
1	Right to housing	A former soldier consulted with HCA Vanadzor and after receiving support managed to get money for a house.
Total 17		
Number of Applicants in 2006	Type of Problem or Issue	Description and Results
48	Sanitary service	Our lawyer prepared documents and sent a request to the Sanitary Epidemic Centre. He also applied to the Ministry of Healthcare. They promised to take necessary steps.
1	Housing law	Applicant's documents were prepared and sent to the Ministry of Defense.
3	Soldiers charged with murder *	They were set free
4	Deferment of military service	The students got consultation and got deferment
1	Labour issues	A mother of a missing person got information on her rights
1	Former prisoner of war on health and social issue	Due to the support of HCA Vanadzor he was given the opportunity to be operated on free of charge and get his certificate on his level of disability
Total 58		

* See Annex 1

A collection of human rights protection agencies, including representatives of the Helsinki Committee of Armenia, have formed a council for the defense of Razmik Sargsyan, Araik Zalyan and Musa Serobyany, soldiers sentenced to 15 years each for the murder of two other soldiers last year in Karabakh. (The soldiers were convicted of killing Hovsep Mktrumyan and Roman Yeghiazaryan, whose bodies were found in early January, 2004 in a reservoir near where the soldiers were stationed. Zalyan and Serobyany have maintained their innocence. Sargsyan confessed to having a role in the murders, but later said he was tortured into making the confession, which also implicated the other two. Sargsyan has been on a hunger strike since August 12, in protest of all their convictions. See links below for related stories).

The human rights' groups claim that the young soldiers are recent examples in a long line of conscripts who suffer mistreatment, violence and, in this case, outright lawlessness that is widespread in the Armenian army.

A statement by the council charges the Military Prosecutor's Office with wrongly influencing the investigation, conviction and all related legal issues concerning the soldiers. It has done so, the group alleges, in an effort to protect company commander Ivan Grigoryan, who defenders of the convicted say is responsible for the murders.

The council also claims that the court has done nothing to suppress threats made against the defendants' families and attorneys by supporters of the prosecution.

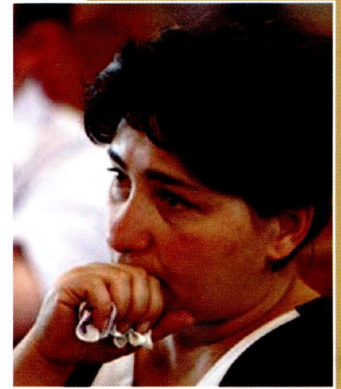
"The fact that the court takes no measures against such activities proves the court dependence on the Military Prosecutor's Office," the council's statement says.

The council (as well as lawyers for the defendants) also criticized the court for not calling Grigoryan to testify. Seyran Ohanyan, Defense Minister of Nagorno-Karabagh Republic sent a petition not to cause an action against Grigoryan, saying that the Karabakh war veteran is "a national hero and has regrets".

"What Ivan Grigoryan regrets has remained unanswered both during the preliminary and court investigations," the council statement says.

Supporters of Zalyan, Sargsyan and Serobyany have organized many press conferences and public appearances, including protest demonstrations in front of the Presidential Residence and the Prosecutor General's Office.

"We will declare war against the actions of the Military Prosecutor's Office," says human rights activist Artur Sakunts. "The only way is the formation of the council and the public actions that will be targeted not only at protecting the young people, but will also engage all those citizens who have suffered from the Military Prosecutor's Office."



ARAIK ZALYAN

Julia Sargsyan, mother
of one of the convicted

Annex 1

Lawyers and activists say the three soldiers are wrongly charged

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Meanwhile, an appeal's court has suspended hearing Sargsyan's case due to his bad health brought on by the hunger strike.

Lawyers defending Sargsyan – Zaruhi Postanjyan, Stepan Voskanyan and Ashot Atoyán – have not seen their client since August 25. Prison officials will not allow them to meet in Sargsyan's cell, and prison officials say he is too weak to walk to the attorney-client meeting room.

“Our right as defenders has been violated. We are deprived of an opportunity to meet our defendant for 22 days. If his condition is that bad why they do not move him to hospital?” complains Postanjyan, who believes his client isolation is meant to apply psychological pressure.

The prison head says Sargsyan's health is not so bad and that he will be moved to hospital should his health be endangered.

On Monday, attorneys received a note from prison authorities saying in part: “medical documents regarding health of imprisoned people are not given; the medical cards are secret documents.”

Lawyers for Sargsyan say the 19-year-old is suffering kidney failure, cannot walk, and can barely speak.

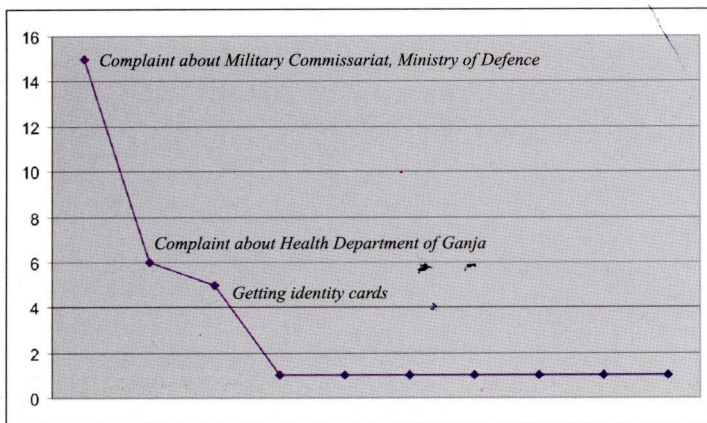
Razmik Sargsyan, Musa Serobyán and Arayik Zalyán Charged with murder have been Set Free (22/12/2006)

Razmik Sargsyan, Musa Serobyán and Arayik Zalyán, who were under arrest for already three years, will return home.

On December 22nd, RA Court of Cassation on Criminal and Military Cases finished the criminal case against Razmik Sargsyan, Musa Serobyán and Arayik Zalyán with an unprecedented sentence.

The case of Madaghis was overturned and sent to further examination; the soldiers who had been sentenced to life imprisonment in May 2006 by RA Court of Cassation on Criminal and Military Cases, were set free. As Vanadzor citizen Arayik Zalyán's sister informed, the relatives are going to the Nubarashen detention place to take their sons home.

Helsinki Citizens' Assembly - Ganja



Number of Applicants in 2005	Type of Problem or Issue	Description and Results
15	Complaint about Military Commissariat, Ministry of Defence	Necessary information was given, letters were prepared
6	Complaint about Health Department of Ganja	Necessary information was given, letters were prepared
5	Getting identity cards	Identity cards were given
1	Getting insurance in due time	Financial assistance and information was given
1	Assisting a parent in getting a status for her son	Articles were prepared on the issue
1	Case review by the Military Prosecutor's office	The documents were sent to the Republican Military Prosecutor's Office. In addition, IICA-Ganja provided the family with materials and information on how to get free treatment and medicines and appealed to Local Health Department
1	On an escape of a soldier from the military unit	Provision of necessary information
1	Torture in a military unit	Information was given on his rights and was assisted to be sent to hospital
1	Illegal recruitment	A lawyer and financial assistance was provided
1	Oppressions in the army	As a consequence of tortures the soldier became mentally disabled and appeals were made to the Ministry of Defence and the National Military Commissariat of Azerbaijan, investigation was made on the fact
Total 33		

During 2005, 33 relatives of missing persons and soldiers applied to the organization with various requests. Their applications were analyzed and they were provided with consultations. The problems concerned getting insurance, medical treatment, murder in the army, tortures in the army, and illegal army drafting.

Collection and Compiling Information 2005

Within the framework of the project HCA Ganja (interviews, travel, database), HCA Georgian National Committee (investigative mission, including publication) and Helsinki Initiative-92 (database and interviews/research) compiled an information database on missing persons; and the collected data was analyzed by each office to find out the possible whereabouts and the fate of missing persons in their area.

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Helsinki Citizens' Assembly-Ganja

During the project implementation HCA Ganja worked on creating a database on missing persons, and a list was sent to the State Commission on Missing Persons and Hostages. HCA Ganja regularly kept in contact with the relatives of missing persons in order to keep track of their problems; furthermore, they were provided with legal support.

Helsinki Initiative-92

Within this activity Helsinki Initiative-92 of Stepanakert held activities on creating a database on missing persons from information gathered from interviews and Ante Mortem questionnaires. During 2005, Helsinki Initiative-92 prepared about 50 Ante Mortem questionnaires and sent the lists of missing to the State Commission on Missing Persons and POW-s, as well as International and local NGOs dealing with the issue. During 2005, Helsinki Initiative-92 constantly worked with Nagorno Karabakh State Commission on Missing Persons, POW-s and ICRC in preparing a list of missing persons.

Helsinki Initiative-92 carried out an activity called "Investigations into the Location of Possible Prisons" with the goal of discovering the burial places of soldiers and finding missing persons, POW-s and hostages.

The activity included visits to the various districts of Nagorno Karabakh, talks with witnesses of battles and burial places. Information was collected on burial places, how this or that soldier was killed or captured, or how the person disappeared. There were visits to prisons in Nagorno Karabakh for investigation

into the existence of POW-s and hostages. Raising public and international attention on this issue could promote the release of POW-s and hostages. Articles were written on the issue. There were visits to possible burial places and investigations were carried out.

Helsinki Initiative-92 visited 3 Azerbaijani POW-s in Stepanakert, then they visited the Ministry of National Security, and after that they communicated with Arzu Abdullayeva, the head of HCA Azerbaijani National Committee and Akifa Aliyeva, the coordinator of HCA Ganja, and informed them about these POW-s including their addresses and identities. In May, Karabakh authorities released these 3 POW-s after lobbying of Helsinki Initiative-92. The event was covered by the Azeri and Nagorno Karabakh mass media.

In Mardakert and Martuni districts, Helsinki Initiative-92 located and investigated 2 places where Azeri soldiers were suspected to have been burnt. They took photos of a site where, according to witnesses, 21 Azeri soldiers from the troops of Sumgait were burnt. Cooperation was formed with the chairman of the state commission on POW-s and missing persons, Mr. Viktor Kocharyan, on the investigation of a place where possibly 100 soldiers from Mingechaur troop were burnt.

Annex 2

Visit of Karen Ohanjanyan to one of the Stepanakert Detention Centres

In April 2005, the coordinator of Nagorno Karabakh Committee "Helsinki Initiative-92" visited one of the detention centres in Stepanakert where prisoners of war from Azerbaijan are kept: Bakirov Ruslan, born in 1985, Tagiyev Khikmet, born in 1984, and Abdullayev Khayal, born in 1985. Karen Ohanjanyan was interested in the conditions they are kept in, their schedule, hygiene, and access to press. According to Karen Ohanjanyan, all the prisoners of war are in good condition in line with Geneva Conventions. In answer to a question of the newspaper "Civil Forum" he said: "The level of keeping conditions in this detention centre shows the responsible approach of the Karabakh authorities to follow Geneva Conventions and other international / legal standards. This is a serious starting point not only for solving the humanitarian problems, but also for the peaceful resolution of the conflict."

In connection with the visit to the POW-s and hostages from Azerbaijan, K. Ohanjanyan pointed out the role of NGO-s on all sides in finding a solution to the problems of POW-s and hostages. "We implement the project "Yellow Tulips" with our Azeri colleagues from HCA Azerbaijan National Committee and HCA Ganja, as well as with HCA Vanadzor, HCA Georgian and Armenian Committees. It enables us to coordinate the activity of the civil sector in the solution of problems connected with POW-s and hostages, to search for missing persons, give necessary support to families who were the victims of the war. I am sure," he said, "that with joint efforts civil societies can overcome hostility and successfully solve such humanitarian issues as the problem of POW-s."

Karen Ohanjanyan stated that Nagorno Karabakh Committee "Helsinki Initiative-92" carries out lobbying in relevant state structures of Nagorno Karabakh and international structures with the aim of a quick release of the three Azeri POW-s.

Alexander Russetski
Coordinator of HCA Georgian National Committee

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Helsinki Citizens' Assembly Georgian National Committee

Helsinki Citizens' Assembly Georgian National Committee carried out daily information monitoring of Media (print and electronic) interviews, questionnaires, and also field visits. Collection of information was carried out on the general situation in Georgia, Abkhazian region, and the South-Ossetian region.

Monitoring was carried out in order to enable them to make recommendations to non-governmental, state and international organizations.

Based on data gathered during monitoring activities, statistics were prepared on involuntary disappearances in the Abkhazian region. Inquiries were made of the authorities of Gali region in order to receive statistical data on involuntary disappearances after the cease-fire of 1994 – 2005.

The same activity was held on the Abkhazian region.

In April 2005, a survey was made in Tamarasheni village (former North South Osetia Autonomous Oblast). 10 hostage takings and disappearances were revealed through questioning of former hostages and relatives of missing persons.

Promote the Adoption of the Draft Law

Helsinki Citizens' Assembly - Vanadzor

The work on the problem of missing persons helped to reveal shortcomings in the Armenian legislation. In order to give solutions to the problems of missing persons and their relatives as well as to define the legal status of missing persons, HCA Vanadzor initiated drafting a law "On Missing Persons."

Within the framework of the project, HCA Vanadzor actively lobbied, public discussions and round tables were organized during which the proposed law was presented to NGOs, to Members of Parliament, and to relatives of missing persons. After public discussions and brainstorming, HCA Vanadzor sent letters requesting the recipients to promote the adoption of the proposed law by the Parliament. Letters were sent to the chairman of the National Assembly, to the head of the state Commission of the Ministry of Defence of RA on missing persons, hostages, prisoners of war, to the commission of National Security and Internal Affairs of the National Assembly, to the commission of the state-legal issues of the National Assembly and to all political parties. In October 2005, a meeting was held with the head of the Armenian Revolutionary Party (Dashnak Party). As a result of discussions with him it was decided that the law should be split up and two kinds of work should be done: to make amendments in the law "On Social Security of Soldiers and their Families" and to change the law "On Missing Persons" into "On Information Bureau of Missing Persons." In January of 2006, we were invited to the Ministry of Defence to discuss the law. Cooperation was formed and we started to work together on the law. HCA Vanadzor received technical support and consultation from the specialists of the Ministry of Defence. As a result of the discussions the sides agreed to form a body, which would be independent.

An important part of this activity was a meeting with Leo Platvoet, reporter of the PACE Committee on Migration, Refugees and Population, dealing with issues on missing persons of Armenia, Georgia and Azerbaijan; and with Mark Neville, Secretary of Committee on Migration, Refugees and Population of the Parliamentary Assembly.



Leo Platvoet, reporter of the PACE Committee on Migration, Refugees and Population

Statement by Leo Platvoet, rapporteur on missing persons in Armenia, Azerbaijan and Georgia, following his visit to these three countries (4-9 June 2006)

**MISSING PERSONS IN
ARMENIA, AZERBAIJAN AND GEORGIA**

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The Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe is preparing, under the Rapporteurship of Mr Leo Platvoet (the Netherlands), a report on “Missing persons in Armenia, Azerbaijan and Georgia”.

In the context of the preparation of this report, Mr Platvoet has visited Armenia, Azerbaijan and Georgia between 4 and 9 June 2006. During this visit he has met, in each country, families of the missing, the Commissions set up to deal with the issue of missing persons, Government representatives, Parliamentarians, Ombudsman institutions, the International Commission of the Red Cross (ICRC) and others.

The aim of the mission has been to examine the progress and process of resolving the issue of missing persons in the region with a view to preparing a report with recommendations to the countries of the region on how to resolve many of the outstanding issues in relation to missing persons. The aim of the mission has not been to find individual missing persons.

A number of important issues were examined during the course of the visit. These include:

- the needs of the families of the missing, including their need to know the fate of their relatives and also their material, social and psychological needs
- the operation and functioning of the Commissions established to look into the issue of missing persons
- the mechanisms for co-operation existing between the different Commissions operating in the region
- the role that the Ombudsman institutions in the three countries of the region could play in helping to solve the issues of the missing
- the role of the ICRC

Throughout the visit to the region, the dangers of politicisation of the issue of the missing persons has been highlighted and the importance of treating the issue of missing persons as a humanitarian and human rights matter has been stressed.

<http://assembly.coe.int/ASP/APFeaturesManager/defaultArtView.asp?ArtId=470>

HCA Vanadzor presented their projects and activities on the problems of missing persons, as well as approaches to solving those problems. In the process of revealing the whereabouts and fate of missing persons, the necessity of detailed investigations into the circumstances of the disappearances, as well as contribution from both European and national mechanisms, was stressed. The importance of involving the Council of Europe in the protection of the rights of missing persons and their relatives of South Caucasus was also underlined. As a result, Leo Platvoet, mentioned the importance of the draft law “On Information Bureau of Missing Persons” in his recommendation to the government of Armenia.

For raising public awareness, a social ad presenting the problem of missing persons and relatives was made and transmitted in three regions of Armenia.

***Helsinki Citizens’
Assembly - Ganja***

HCA Ganja and HCA Baku prepared a draft law on “Insurance of Missing Persons.”

Conferences with Experts and Relatives

Helsinki Citizens' Assembly - Ganja

In 2005, HCA Ganja held a conference titled "Army as a Part of Society" with participation of relatives of missing persons of the Karabakh War and their families, soldiers whose rights were violated during the military service and their relatives, former officers, former soldiers, members of Youth organizations, members of the organization "Soldiers' Mothers" and members of the initiative group "Soldiers' Family". They were presented the work of the organization in the field of protection of soldiers' rights and current problems in this sphere. The conference also covered the issue of recruiting sick youngsters into the army. Suggestions were made on establishing a Lawyer Institute Centre to prevent such negative cases in the army. They discussed current problems in the army and pointed out the main problems: bad relationships between officers and soldiers, lack of control over the army by society and NGO-s, corruption in the army, soldiers being unaware of their own rights.

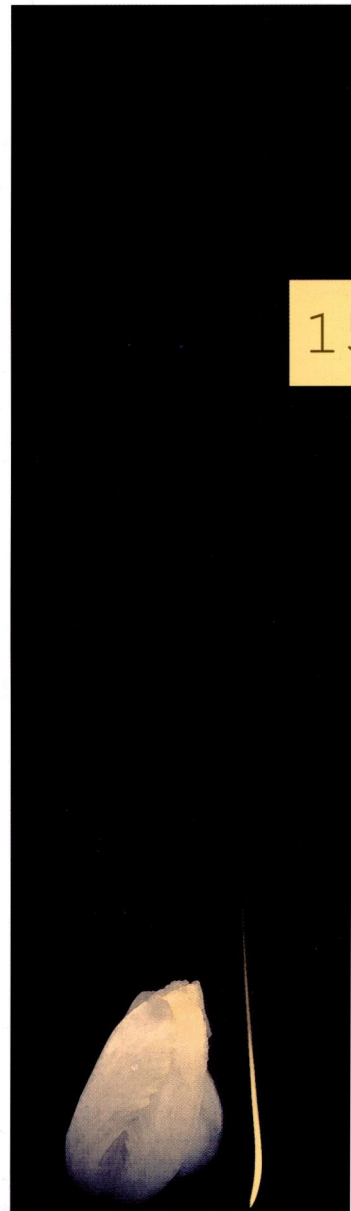
Helsinki Citizens' Assembly Georgian National Committee

In 2005, HCA Georgian National Committee held a round table with the involvement of experts:

Zurab Erkvaniya – chairman of commission on search and re-burial of missing persons,
Ruzgen Berishvili – former deputy of Ministry of Internal of Abkhazia
Vahtang Kolbaya – former vice-speaker of Georgian Parliament, SCIRS expert
Nana Kardava – representative of Ministry of Refugees and Settling issues
Aleksandr Ruseckii – HCA Georgian National Committee
Rimma Gelenava – Center of terrorism and political studies
Sofiko Vardiashvili – Center of Abkhazian Conflict research

During the meeting hostage taking trends, specifically in the Abkhazian conflict zone, and in Georgia in general, were discussed, along with possible preventive measures. Furthermore, the discussions included problems in the sphere of legislation, in particular the inconsistency of legislation with normative acts, international treaties and agreements; as well as issues of inefficient coordination of state bodies.

The participants of the meeting pointed out the importance of:





Meeting of experts in Georgia

- Adoption of a special document that will include recommendations on measures to prevent hostage takings.
- Attracting the attention of state and society to the importance of implementing the recommendations put forth in the aforementioned document.

The participants decided that further research on involuntary disappearances in the territory of Abkhazia is called for. The research should be conducted jointly with a number of organizations.

UNDP representative Mrs. Emmi McGoldrick helped HCA Georgia form ties with "Spectrum," an NGO working in Gali, headed by Manana Gohohiya. UNDP also helped HCA Georgia attempt to establish relations with human rights organizations in Sokhumi.

Work involving Experts

Another meeting was held on June 7, 2005 involving experts, by initiative of HCA Georgian National Committee. The experts were:

- Makoi Kvachadze – Professor of International Law Chair of TSU
- Gela Khutsishvili – Expert on military issues
- Jemal Gabelia – Deputy of Investigation department of Ministry of Internal Affairs of Georgia
- Aleksandr Ruseckii – HCA Georgian National Committee
- Rimma Gelenava – Center of terrorism and political studies

As a result the concepts of missing persons and involuntary disappearances were added to the dictionary of International Humanitarian Law published by the faculty of international law of Tbilisi State University. Those terms have not been used in Georgian jurisprudence yet.

Annex 4

Helsinki Initiative-92

In July 2006, Helsinki Initiative-92 held a conference with the participation of human rights defenders, public actors and relatives of missing persons of Armenia, Azerbaijan and Georgia. The goal of the conference was to synchronize the work of organizations that work on the problems of missing persons of South Caucasus; to reveal problems; to formulate objectives; and to present the results and achievements of this sphere.

There are No Azeri Kept in Karabakh

“Nagorno Karabakh does not have hostages, POW-s in its territory,” officially announced Viktor Kocharyan, head of the state commission on missing persons of Nagorno Karabakh. He gave a positive answer to the question whether hostages had been kept in Karabakh before.

“The Karabakh war was a mockery for two nations,” announced the coordinator of HCA Azerbaijani National Committee Arzu Abdullayeva during the conference organized by Helsinki Initiative-92, “and we understood that if it were an Armenian problem then we could sit and talk at a table.” During the one-day conference human rights defenders, public actors and relatives of missing persons of Armenia, Azerbaijan and Georgia discussed the consequences of the Karabakh war and the influence of the current conflicts of South Caucasus on civilians.

With support from Interchurch Peace Council (IKV) the organizations of HCA South Caucasus network implemented activities for the search of missing persons, identified and formulated solutions for social issues of their families. More importantly, HCA South Caucasus network members are looking to provide solutions in the legislative field. After the war, the three countries have not settled the problems of missing persons yet. The problems that are not fixed in legal acts create difficulties in the field of social support for their families. In order to get any assistance, the family must recognize that its missing relative has died. The parents of missing persons, who were present at the conference, were against this mechanism and they think it is time to introduce regulative measures. Arzu Abdullayeva said that their organization had presented about 80 cases to the court. The court decided to keep the status and allocated USD 1100 to families. During the conference, Arthur Sakunts, the coordinator of HCA Vanadzor, presented a draft law, which defines the status of missing persons of the war and afterwards the social problems of their families and roadmaps to solutions. The Dashnak party is interested in the draft law. Pre-operational works are carried out to put the law on the agenda of the National Assembly. The joint work of Georgian and Abkhazian NGOs served as an example of cooperation between conflicting sides. Nineli Andriadze, a representative of the Georgian organization “Molodini” and a member of the state commission on missing persons, told about the activities carried out jointly with the Abkhazian side. They exchanged the bodies of POW-s, carried out repatriations, created a museum of missing persons and POW-s, and compiled a database on missing persons. Even more importantly, as a result of Georgian-Abkhazian events, the mutual image of the other as the enemy was transcended, and Nineli



In July 2006, Helsinki Initiative-92 held a conference with the participation of human rights defenders, public actors and relatives of missing persons of Armenia, Azerbaijan and Georgia.

Andriadze – who does not have any information on the whereabouts of her son – spoke about Abkhazian soldiers with love “as they protected their motherland.” The representative of HCA Georgia and Ukraine presented the conference participants the provisions of International Humanitarian Law and the rights of missing soldiers and citizens in South Caucasus. There was a suggestion to apply to relevant structures of the three countries with a statement stressing the urgent solution of the problems of missing persons and their families. Karina Ohanyan, a journalist from Karabakh, shared her journalist's experience on publications about the problems of missing soldiers and POW-s. The Armenian, Azerbaijani and Georgian delegations met with Arkadi Ghukasyan, president of Nagorno Karabakh. The head of the country, not recognized by international society, welcomed such meetings and the necessity of participation of civil society from the viewpoint of peaceful regulation of the Karabakh conflict; he appreciated the visit of Azerbaijani delegation to Karabakh and mentioned that Nagorno Karabakh should take part in negotiations. At the same time, regardless of participation, Armenian and Azeri societies must be ready to listen to one another and accept each other not as enemies but as sides in conflict. The participants of the conference visited Gandzasar, Shushi, a detention centre in Shushi, to become familiar with the conditions of the prisoners. The representatives of the Azerbaijani delegation had the opportunity to see the prisoners themselves and to disperse their suspicions that there are Azeri people there.

Naira Bulghadaryan
<http://www.yellowtulips.hcav.am>



ICRC

Public Campaign

Helsinki Citizens' Assembly - Vanadzor

Since 2004, HCA South Caucasus network has started to commemorate August 30 as the International Day of Missing Persons.

During the project, HCA Vanadzor organized events to raise public awareness on the problem of missing persons. In 2005, the film "Hope Dies Last" was presented to relatives of missing persons, media and NGO representatives, representatives from the ICRC and the OSCE. The film was another way to show the problems of missing persons and their families and was a way to stress once more the importance of supporting them and finding solutions to their problems on social, legal and other levels.

During the commemoration day in 2005, the problems of missing persons in conflict areas (Nagorno Karabakh, Chechnya, South Ossetia, Kashmir) were presented. By mentioning the existence of the problems of missing persons during Nagorno Karabakh, Chechnya, South Ossetia and Kashmir conflicts it was shown that the problem is not of local but of global importance. This is exacerbated by the fact that there is no worked out legal mechanism that could aid actions aiming to solve this issue. A letter was made and sent to the RA State Commission on Missing Persons demanding to publicize the list of missing persons of the Karabakh war to make the search easier.

On this day, the International Committee of the Red Cross issued press releases about the International Day of Missing Persons in Armenian and Russian. The representative of the ICRC, Catherine Patronoff, presented their actions in the search of missing persons.

In 2006, a statement was sent to media and international and local organizations mentioning the importance of the problems that missing persons and their relatives are having.

The Commemoration day was covered by a number of national and local media outlets.



In Armenia the event of Commemoration Day was covered by information agency "REGNUM," 1st public channel of Armenia, the newspaper "168 zham," "Azatutyun" radio station, "MIR" TV company.

Helsinki Citizens' Assembly - Ganja

On the Commemoration Day, HCA Ganja, together with "Geneva 2002" initiative group, held a round table dedicated to the International Day of Missing with participation of family members of missing of the Karabakh War and representatives of Media. The main problems of the families of missing persons were discussed. The participants made a declaration that they then submitted to the President of Azerbaijan, the Parliament of Azerbaijan, the State Commission on Missing and Hostages of the Karabakh War. The declaration demanded that an official day of missing persons be set up; and that a memorial complex for missing persons be built.

Helsinki Initiative-92

On the Commemoration Day in 2005, Helsinki Initiative-92 attracted the attention of the public, authorities, international organizations accredited in Nagorno Karabakh to the problem of missing persons to promote the solution of the problem of missing persons, including effective, productive search as well as social and psychological rehabilitation of the relatives of missing persons.

They conducted seminars in Stepanakert and other regions of Nagorno Karabakh with the participation of more than 150 people. Representatives of other NGOs, mass media, authorities, and the ICRC participated. A visit was organized to the memorial of missing persons.

TV was invited to cover the roundtables. The interviews and coverage of the roundtables attracted people's attention to the problem of missing persons and the social and psychological problems that their families are subjected to.

On August 30, 2006, "Helsinki Initiative-92" held meetings in the regions with the relatives of missing persons, representatives of the state commission on the problem of POW-s, hostages and missing persons, journalists and NGO's representatives.

In Stepanakert, the office of NKC "Helsinki Initiative-92" met with Mr. Viktor Kocharyan, the chairman of the state commission on POW-s, hostages and missing persons. Mr. Kocharyan who commented to the relatives of missing persons, NGO-s' representatives and journalists that "it is very important to commemorate this day since this demonstrates the fact that we still have hope to find out the ways of solving the many problems of missing persons and their relatives." Representatives of the meetings expressed some recommendations on the actualisation of work connected with the search for and exchange of information on missing persons.





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The ANC-HCA invited families of missing persons, clergy members, civil society and government representatives to a commemoration ceremony at Martyr's Alley



During this silence the sea was so quiet as if it was also sharing the sorrow of all missing persons

Viktor Kocharyan described the activities of his commission, about the difficulties connected with the refusal of the Azerbaijani side to coordinate directly with the Nagorno Karabakh state commission on this issue.

Participants mentioned the necessity of clarifying the list of missing persons, as well as that of strengthening the state commission's role in finding a solution to the social problems of missing persons' relatives.

Karen Ohanjanyan described the project "Yellow Tulips," which is implemented by the offices of HCA in South Caucasus. Representatives of this meeting mention the necessity of coordinating efforts of all interested sides and relatives of missing persons in finding a solution to this complicated humanitarian problem.

On August 30th, the state TV channel of Nagorno Karabakh aired the meeting in Stepanakert and also covered the other meetings.

Helsinki Citizens' Assembly Azerbaijani National Committee

On the 30th of August, the international day of Missing Persons, HCA Azerbaijani National Committee (ANC-HCA) invited families of missing persons, clergy members, civil society and government representatives to a commemorative ceremony at Martyr's Alley. Arzu Abdullayeva gave a speech on the day of missing persons and acknowledged the deep grief of the mothers of missing persons. She also spoke about missing persons from the era of repression under Stalin, and their terrible fates. Participants also shared their feelings and agreed on a mutual desire for all missing persons to be returned, and promised to do their best to settle the conflict and to bring happiness to all. The participants then proceeded by boat to Nargin Island, a site where many missing persons have been shot and thrown into the sea. The day ended with discussions on a round table.

Television Programs

Helsinki Citizens' Assembly - Vanadzor

With the aim of reaching public understanding of the problem of missing persons and their families, HCA Vanadzor organized a TV Program in 2006. The talk show was held within the program called "5th Wheel" on the 1st public channel of Armenia. Several important figures were present at the program, including the head of the working group on missing persons adjacent to the state commission on missing persons, hostages and POW-s; NGOs dealing with the issue; a representative from the criminal investigative department of RA Police, relatives of missing persons; and students. The relatives had a chance to present their problems in detail. This had left a lasting effect on the auditorium, based on results of on-line voting. The results of the on-line voting showed that 89% of the participants thought that the problem is current. A large percentage of the public participated on the on-line voting, comparatively. Numerous people called in to share their opinions and viewpoints after the program.

Helsinki Initiative -92

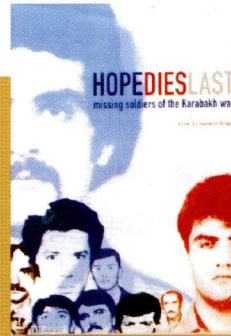
An airing of the film, "Hope Dies Last," was organized by Helsinki Initiative-92. The aim was

- To increase public interest on Nagorno Karabakh and on the problems of missing persons
- To create an anti-war atmosphere
- To combine the efforts by international actors with those of relatives of missing persons in searching for missing persons

The relatives could understand that they were not alone with their problems and the film demonstrated that life went on and besides searching, it was also very important to live a normal life.



The talk show was held within the program called "5th Wheel" on the 1st public channel of Armenia.



"Hope Dies Last"

Watching the Film "Hope Dies Last"

On April 22nd, 2005, a session of the "Discussion Club" took place in the office of Nagorno Karabakh Committee "Helsinki Initiative-92" within the project "CBP." Representatives of NGOs, journalists, students, and relatives of missing persons were shown the film "Hope Dies Last" about missing persons of the Karabakh war. The participants of the "Discussion Club" stressed the importance of a balanced and humanitarian approach in covering the problem of missing persons. They hoped that the film would enable them to understand the problem better.

Summary by Month					
Month	Monthly Totals				
	Sites	Visits	Pages	Files	Hits
Feb-07	314	3259	599	2950	3620
Jan-07	354	3135	883	3464	4461
Dec-06	263	2272	705	2021	2798
Nov-06	212	2096	638	2634	3181
Oct-06	201	2164	588	3018	3551
Sep-06	212	2100	462	2562	3172
Aug-06	241	2185	442	2487	3112
Jul-06	170	1672	505	1801	2317
Jun-06	147	1844	432	1473	1987
May-06	165	1577	419	1615	2139
Apr-06	162	1638	514	1472	1973
Mar-06	160	2395	583	1952	2838
Totals	26337	6770	6770	27449	35149

Website

Helsinki Citizens' Assembly - Vanadzor

During the implementation of the project "Yellow Tulips," HC Vanadzor set up a web-site (www.yellowtulips.hcav.am) that presents all the activities carried out by all the project partners finding a solution to the problem of missing persons. During the course of the project, the activities within the project were made available through the site, as well as information from other sources on the issue. The web-site was a means to present the course of the project for a wide audience. Through it, public awareness was raised on the importance of finding a solution to problems not only inside Armenia but also for other conflict zones, for countries and organizations affected by this issue.

Up to February 2007, 26,337 people visited the web-site. The statistics show that the web-site visitors came from Russia, France, the Netherlands, the United Kingdom, Belgium, the USA, Canada, etc.

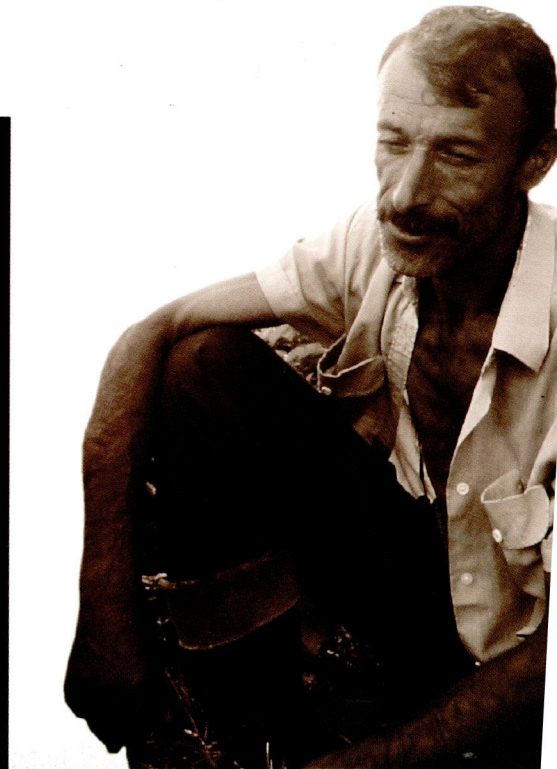
Booklet

Helsinki Citizens' Assembly - Vanadzor

An electronic booklet with stories on the life of POW-s was made with the aim of familiarizing the public with their problems and promoting their integration into society. Meetings were held with 4 POW-s, one declined to be publicized.



Rashid Sarukhanyan, participant of war



Six Months as a POW

Though he is only 40 years old, former prisoner of war Arthur Minasyan has already lost his health. He is blind in one eye; the other is weak. He often awakened at night by pain from the old wounds on the legs and back. Nine years ago, when he decided to apply for disability status, they asked him to pay a bribe. "I wouldn't give them 100 dollars, and they gave me permanent status as third-degree disabled, for my 50% loss of vision and head

injury during the Artsakh war," Arthur Minasyan recounted.

At the same time, they wrote in the medical report that he could work as an inspector. His pension is only 26,000 a month, barely enough to cover the electricity and gas bill and one bag of flour. His family sold their only apartment in order to keep Arthur out of prison.

The Senior Lieutenant who fought in the Karabakh war and spent six months in captivity has difficulty doing manual labor. Nevertheless, in order to feed his wife and two young daughters, he does construction work in Yerevan. Once every two or three weeks he goes to Yerevan, earns money on construction jobs, goes back home to rest up, and then goes back to work. His poor health doesn't permit him to work during the winter months, so his family has to survive on his pension and help from their relatives.

"If I had a second degree disability, I would have some privileges," Arthur said. Last year he applied to change the degree of his disability. But he couldn't stand the bureaucratic hassle, getting hold of all the necessary papers, being shuffled back and forth. "I am tired of it. I can't take it anymore." Arthur was in the Vanadzor volunteer brigade, and was first wounded in November 1991. Arthur's nickname was Bear, a name he got from his comrades because he ate a lot of honey. When he recovered, Arthur fought in Martakert, participated in the

Former prisoner of war Arthur Minasyan has already lost his health.



Helsinki Citizens' Assembly - Vanadzor

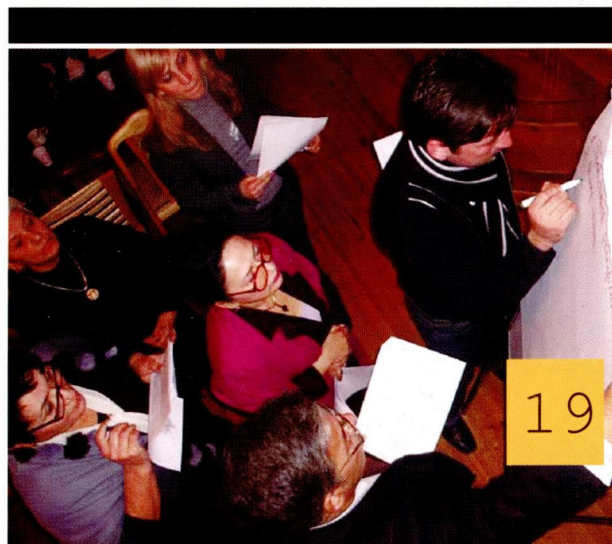
On November 24th – 25th, 2006, HCA Vanadzor organized a regional conference “The Problems of Missing Persons in South Caucasus.” Partners from HCA South Caucasus (Georgia, Azerbaijan, Nagorno Karabakh and Armenia) and NGOs dealing with the problems of missing persons from South Caucasus (Armenian Foundation “Against Violation of Law”, NGOs “People's Harmonious Development Society”, “Union of Missing Persons of RA”, Georgian organization “Molodini”), representatives of ICRC in Yerevan and relatives of missing persons were invited. 28 persons attended the 2-day conference. On the first day of the conference the participants discussed European and international mechanisms (Geneva and UN mechanisms) regulating the problems of missing persons, they presented the legislations of their countries and the shortcomings of the laws, their activities done within the project and on the situation in general.

The coordinator of HCA Vanadzor, Arthur Sakunts, spoke about the law “On Information Bureau of Missing Persons,” which was worked out by the organization. He also talked about the ways that HCA Vanadzor is lobbying for this law. Other NGOs of the region dealing with the problems of missing persons shared their experience and activities they carried out.

On the second day, they prepared the following two documents:

- A joint resolution addressed to the governments of Georgia, Azerbaijan, Armenia, as well as the UN, the Council of Europe, the OSCE, and the ICRC; wherein the participants demanded more attention to be paid to the problems of missing persons and enforced disappearances.
- A joint program of future steps towards solving the problems of missing persons and enforced disappearances.

Additionally, various suggestions were made that could really increase the effectiveness of activities; such as international structures' involvement in the search for missing persons, the existence of a joint database on missing persons, and coordination between different organizations for activities and agreement with one another.



On November 24th – 25th, 2006, HCA Vanadzor organized a regional conference “The Problems of Missing Persons in South Caucasus.”

Annex 6

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He spent six months as a prisoner of war.

liberation of several villages, and was wounded again. He was wounded a third time during the capture of Kelbajar. He recalled how in 1993 they entered Kelbajar, spent a month there, and then created a unit and went to Fizuli.

“We fought unequal battles with the enemy. There were six of us and 50 of them. I was wounded and captured. It was February 17, 1994,” Arthur said.

He spent six months as a prisoner of war. He was kept one month in Baku, and the remaining five in the Gobustan prison. The prison warden kept sheep. For the Armenian POW, beatings got to be like breakfast. In the early days of his imprisonment he was beaten so frequently that he remembers how he used to run away so fast he fell down. But the beatings and inhumanity gradually gave way to ordinary human relations. After a few months he was beaten less frequently; the prison administrators would even share some of their food with him. He befriended one criminal who, in exchange for getting his prison cell cleaned, didn't let anyone beat Arthur.

Arthur says he owes his survival to International Red Cross, whose representatives visited him, brought him food and clothes, and helped him send letters home. Ultimately he was exchanged for five Azerbaijani POWs.

In 2006 the government gave Arthur a medal of honor for his service to his homeland, and eight months ago he was awarded another medal, established by Vazgen Sargsyan in 1993.

Only three of the 25 members of the Vanadzor brigade have stayed on in the military. Arthur's health makes it impossible for him to serve in the Army. Or as he explains it, he doesn't have the right connections.

Naira Bulghadaryan
www.hetq.am

Preventing New Disappearances

Informing Risk Groups

Helsinki Citizens' Assembly - Ganja

Roundtable on Geneva Convention

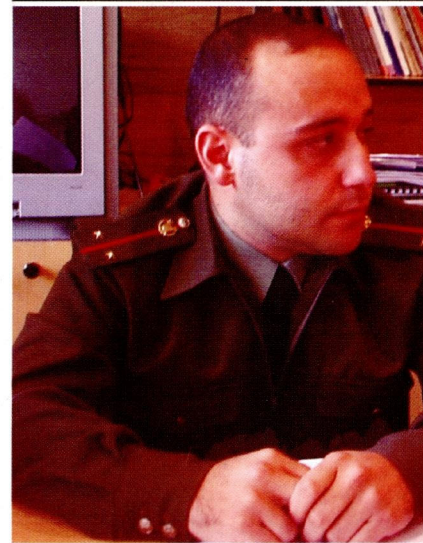
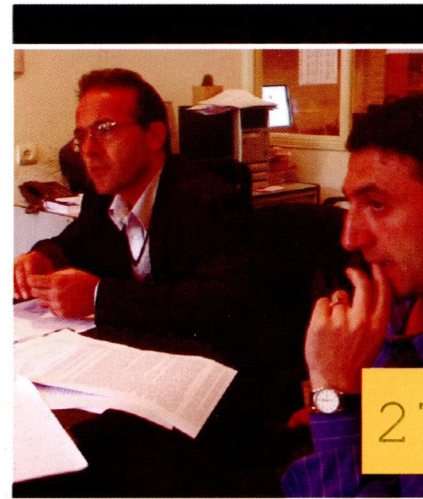
On 14th of June, 2005, HCA Ganja organized a round-table on Geneva Conventions for youth, journalists, members of youth organizations and citizens with the aim of discussing the violations of the rights of citizens, missing persons and hostages by military officers from both sides during the war in 1988 - 1994. The round table was facilitated by an ex-officer. The participants were provided with the rules of Geneva Conventions on how to behave with missing persons, hostages, and injured soldiers and citizens.

Helsinki Citizens' Assembly - Vanadzor

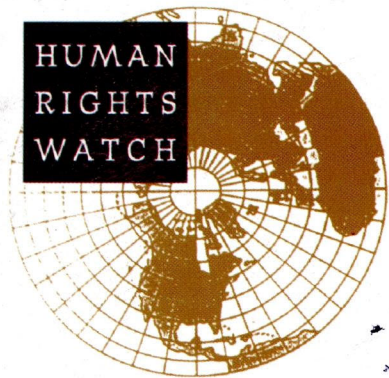
Monitoring on the Law "On Alternative Service"

The juridical department of HCA Vanadzor carried out monitoring on the implementation of the law "On Alternative Service" to reveal problems with its implementation. A report was made that included an analysis of how national legislation corresponds with international standards. It also included cases of violations and views of political actors.

A report on alternative service was prepared and discussed during regular round tables with the participation of NGO-s, military aged youth, military officials, religious minorities, members of Parliament, and recruits choosing alternative service. The goal was the control and provision of the application of the law "On Alternative Service" and raising public awareness on the provisions of the law.



Round Tables on Alternative Service



Manual on Geneva Conventions



Round tables at schools

Annex 7

Armenia

Freedom of Religion

Despite military service reforms adopted in 2004 mandating that conscientious objectors be provided with alternative service opportunities, the civilian service is run by the army and imposes military regulations on participants. According to the Helsinki Citizens' Assembly Vanadzor office, many conscientious objectors prefer to go straight to jail rather than perform alternative service. As of November 2006, 43 Jehovah's Witnesses are serving prison terms for evading service, and five are awaiting trial.

From Report of Human Rights Watch— 2007

During the meetings, participants were presented with the principles of the law “On Alternative Service” and those points that are not in-line with international standards, findings on the implementation of the law “On Alternative Service,” and the results of monitoring carried out by the organization. The participating sides presented concrete problems and failings of the law.

Manual for High Schools- Geneva Convention

For this activity, HCA Vanadzor researched whether 8th to 10th grade students study Geneva Conventions at their Human Rights classes. It was found out that they study Humanitarian Law in general; they do not cover the Geneva Conventions in depth. In order to fill the gap, within the project the juridical department of HCA Vanadzor worked out several provisions from the Geneva Conventions and made them available and easier for students to understand. The booklet, presenting the rules of treating POW-s, was published with illustrations (500 copies) and was disseminated among students in Vanadzor and Taush region during 5 round tables.

The electronic version of the manual is available on the web-site of Yellow Tulips: <http://www.yellowtulips.hcav.am/vanadzor.htm>

Meetings in Chechnya

Helsinki Citizens' Assembly - Vanadzor

Within the framework of this activity, we researched the situation of missing persons in Chechnya. This was important from a strategic viewpoint. Our experience showed that both in North Caucasus and in South Caucasus the problems were the same and that it is necessary to observe them in unity. Between December 17th and 25th, 2006, Arthur Sakunts left for Chechnya to get information on the situation of missing persons there. He held meetings with relatives of the missing, NGO-s, media representatives, such as "Memorial", information centre CHO, newspaper "Chechenskoye Obshestvo" ("Chechen Society") "Positive" LAM centre of dissemination and research of Chechen culture. According to data, over 4,000 persons are victims of enforced disappearances. Unlike our case here the information bearers, mainly relatives, are afraid of giving any information to any structure, organizations like the ICRC or law enforcement bodies, especially if their relative participated in military actions against federal troops. In this way, they avoid being persecuted by power structures. Facts have been brought forth that even after informing the ICRC about the disappearance; relatives were oppressed and illegally arrested.

A report on the visit to Chechnya has been made, which can be found on the web-site of Yellow Tulips
http://www.yellowtulips.hcav.am/vanadzor_materials_3.htm

One of the most important results of the activity was that a suggestion has been made to Leo Platvoet (reporter of the PACE Committee on Migration, Refugees and Population, dealing with issues on missing persons of Armenia, Georgia and Azerbaijan) within which the necessity of a similar report on Chechnya was mentioned. L. Platvoet asked for data to present to relevant colleagues.

Meetings in Chechnya



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