

"LOSS... HOPE,"

*The problem of the missing soldiers  
of the Karabakh war*



This book was published in the framework of the project “Building Peace in the South-Caucasus”, implemented by the “Helsinki Citizens’ Assembly” – offices of Vanadzor, Telavi and Ganja through the support of the “Interchurch Peace Council” (IKV, the Netherlands) and the “Interchurch Organisation for Development Cooperation”(ICCO, the Netherlands).



The authors kindly thank the parents and relatives of the missing soldiers for their great contribution to this publication:

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*The authors of the book and the relatives of the missing soldiers express their gratitude to the publishing house “MIKA” of the hCa – Georgian National Committee, and the “Women Information Centre”, namely Marika Mamutshishvili and Helen Russetsky, for the collection of these materials and their inspiring commitment to prepare this publication.*

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THE PROBLEM OF THE MISSING  
SOLDIERS OF THE KARABAKH WAR




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## INTRODUCTION

After 10 years of strategic partnership between the “Interchurch Peace Council (IKV)” and the national committees of the “Helsinki Citizens’ Assembly” (hCa) in Armenia, Azerbaijan and Georgia, it was decided between all involved parties to focus on supporting the regional offices of the network and thereby break their isolation from the rest of the international civil society. The “Transcaucasian Dialogue”, a main characteristic of hCa in the Caucasus, should be widened to the regions of the countries and especially the groups in Ganja and Vanadzor would be provided with the possibility to further develop their relations. Interesting enough, both sides independently from each other proposed a joint project in the sphere of “missing soldiers/ persons” – I kindly ask you to accept my excuse for using this abstract expression and for having it used on the following pages.

Confidence and trust building as well as lobbying work for the situation of the families that have to live without one of their beloved became the main objectives of the initiative. And already by the fact that citizen diplomacy is conducted in the regions (and not just in the capitals) of the two conflicting countries can be considered as something special and hopefully a trigger for many more initiatives of a similar constellation. As one of the results of the joint project by hCa in Ganja and Vanadzor, the book you hold in your hands was published, and you will not be surprised to hear this did indeed meet some obstacles. Parallel to preparing the book, the groups were also carrying out monitoring of the border area, psychological rehabilitation work and updating the list of missing persons as well as meetings and consultations with other protagonists active in this field, among them the Personal Representative of the Chairman-in-Office on the Conflict Dealt with by the OSCE Minsk Conference, Ambassador Andrzej Kasprzyk, the ICRC and

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the Clasen Working Group. My colleagues and I express our appreciation for their cooperation and hope for their willingness to support our follow-up activities. Furthermore we want to thank also our friends of hCa Tbilisi and Telavi who have constantly acted as great facilitators during our project.

Through further meetings of relatives, information seminars and conferences with other experts on all levels, we aim at presenting this topic to a broader audience in all three countries, taking into account the interrelatedness of the region and the necessity for civil society – development with a cross-border perspective. We hope to have risen your attention and can count on you in supporting the peace movement for a Caucasus without conflict and war - of which we understand ourselves to be part of.

SIEGFRIED WOEBER

Int. advisor to the Caucasus (IKV)  
Liason manager (hCa – Caucasus)

*The “Interchurch Peace Council (IKV)” was founded in 1966 and works under the assignment of Dutch churches with the aim of promoting political solutions for crisis and war situations. It hosts the Dutch fraction of the “Helsinki Citizens’ Assembly (hCa)” within its organisation and since the beginning of the Nineties has given substantial support to hCa in the South Caucasus ...*

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## MISSING SOLDIERS

It was in the summer of 1992 when I began to realize the extent of the problem. An international delegation of the hCa was travelling by bus through the South Caucasus visiting the newly established national hCa committees in Georgia , Azerbaijan and Armenia. In Baku we met a man, around 60 years old in my eyes, acquainted with Arzu Abdullaeva, who told us that his son was missing. He had received some information that his son was taken hostage by an Armenian ‘family’, a nice word for clan, and he asked us to give him a lift with our bus so that he could meet with a representative of the Armenian ‘family’. We were shocked and moved at the same time by his story and invited him on board on our way to Armenia. Now, it was still in the middle of the war between Armenia and Azerbaijan over Nagorno Karabakh and it was hardly possible to cross the border. But in Kazakh and due to Arzu’s charm and reputation, we succeeded to convince the local military authorities that hCa was on a peace journey and they guided and navigated us right up to the borderline where, after some skirmishes, Armenian military men were ready to escort us to Idjevan.

In Idjevan, we met with a former KGB officer, who as it turned out was now the formal representative of a number of ‘families’ who were all involved in one way or another in the issue of missing people.

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Some had taken hostage Azerbaijani boys (or girls) wanting to exchange them against their own relatives who were missing and probably in the hands of 'families' across the border with Azerbaijan. Others were just as desperate as our man from Baku and willing to pay a fortune in order to get some information about their beloved ones. I remember very well that the KGB officer showed us a list with 169 names of hostages, dead or alive, that had been imprisoned somewhere in Armenia. Unfortunately, the son of our man from Baku was not on the list.

We all sat down at an emotional diner, Armenians, Azerbaijanis and internationals, where many people expressed their sorrow with the war and the gruesome experiences they had to face in their own families. Indeed, it is a never-ending unbearable burden for many people with missing relatives. At least, we should try to share the burden and bring people together so that they can help each other to move forward into the future.

MIENT JAN FABER

Political Director hCa  
General Secretary IKV



# “LOSS ...

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**DEAR FRIEND,**

You are holding a book in your hands. It is an unusual book. Of course, its plot is not exciting. But please don't hurry to put it aside. I would like to hold you by the hand and give you the contents of the book in two words: Truth and Pain. Don't pay any attention to the year of publication, 2002. The book has been written in the minds and hearts for ten years and it will continue to be written for a very, very long time until the fate of the last person missing in the whirlpool of the Karabakh war is clarified.

The book is about the victims of the war. It was not written by historians, politicians, military specialists, but by simple people (there are historians among them) who undertook the responsibility to search for and find the victims of a well-known conflict who disappeared in the unknown.

Wars have never been schools of morals anywhere. This one is twice immoral, as moral principles of the peoples of our Caucasus were trampled. A neighbour who had received bread and salt of his neighbour rose against him. Such wars end in the defeat of both sides.

Masses of people were taken hostage during the peak of military actions of the Karabakh War (1991 - 1993), not to talk about captured soldiers. Offers were made to pay ransom for them. This was a concrete material manifestation of the emerging “human business” or “human barter”. Money, cattle, gasoline, black oil, etc. were demanded in exchange for people. The prices grew permanently, so did the number of persons who acquired a taste for those bloody ways of income. One had to put barriers to this avalanche-like process.

The National Committees of the Helsinki Citizens' Assembly were founded in the three South Caucasus countries in the summer of 1992. Principles of elimination of the practice of taking hostage of peaceful residents, humane treatment of prisoners of war, exchange of all captives based on the “all for all” principle were the first issues of



their programmes. A special commission was formed in the National Committee of Azerbaijan. It was established aiming at collecting the names of all captives, hostages and the missing based on applications of their parents and relatives. This was a terrible list of 4812 people, including about 400 women, 97 children and 61 very old people. A boy from Lachin aged eleven months and a woman from Kelbajar aged 112 years were also among them.

Even mentally sick people, who are known to live in completely different dimensions, i. e. beyond nations and belongings to a state, were also captured. However, they as well were taken hostage in order to be sold and gained money from. This meant that one could speak about degradation of the people who wore arms.

Getting rid of false modesty, we can say now that we have managed to assist in liberation and exchange of hundreds of people, disseminate information about thousands of others, improve the conditions of captives, condemn cases of torture and humiliation of people in captivity. The appeal of a 22-year-old warrior who had experienced all infernal horrors of captivity happened to become our motto. He urged us to disseminate it everywhere: "People, be merciful to captives. They are not only enemies, but also someone else's dear fathers, beloved husbands or invaluable brothers. They are waiting for him at home!" We started demanding such attitude towards captives and protecting our position in all of our appeals and at all meetings. Of course, we found understanding.

Looking into our archives some time ago, my young assistant noted with bewilderment that all of our lists submitted to our Armenian colleagues and different international organisations were not numbered, i. e. numbers were not indicated together with names. "Why was it done so?" she asked. Yes, we did this on purpose. We refused to number human fates in our pieces of information, regarding this kind of blasphemy.



# “LOSS ...

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Isn't it inhumane to declare: “We are searching for this number of women and this number of children”?

Our credo is as follows: “WE HAVE BEEN SEARCHING AND WILL CONTINUE SEARCHING FOR EACH INDIVIDUAL, WE WANT TO IDENTIFY EACH INDIVIDUAL FATE!”

Lord shall forbid us to become indifferent to this work and getting reconciled with “irreparable losses”, the term often used by military structures.

Dead people also have rights. Their basic rights are as follows:

- To be buried in a manner worthy for a human being, in accordance with his/her rules and rituals;
- The right to memory about him/her.

Our people and we are backed up with such great cultural values such as Christianity and Islam. It does not do to dig pits and ditches which will then be carelessly stuffed with the dead bodies of our people. It is our task, the task of the living, to do the work even if it is very difficult.

*Dear friend,*

*If you happen to read this book, condemn the cruelty and violence towards people, this will be your help and contribution to the work which name may seem somehow stiff and dull - “The missing people project”.*

Thank you,

ARZU ABDULLAEVA  
Coordinator of hCa – Azerbaijan  
Co-Chair of hCa - International

... HOPE "



## **WOMEN WHO ARE MOTHERS WILL SAVE THIS WORLD OR OUR FORCE LIES IN UNITY**

When I was a small child (this was in the 60s of the century), in our large courtyard in the beautiful ancient town of Ganja (known in that period under the “Soviet” name of Kirovabad), there lived a woman whom everyone called Zumrud-Ana, which means Mother Zumrud. Everyone loved her very much for being very kind-hearted and responsive and cured people with herbs and methods of folk medicine. She was very religious and prayed every day. This was very rare at that time or, so to say, epoch of overall ostentatious and virtual atheism. We, children, were very curious. We often watched her and the same words and entreaties this woman pronounced each time a prayer was completed got engraved forever in the child’s memory of mine: “Oh, Allah! Let all the deceased return, including my Aslan!”

Aslan was her husband who went (not of his own free will, of course, but drafted by the state) to the Soviet-Finland War in 1939 and “disappeared without a trace”. The war with fascist Germany followed. Many more people went away and did not return. They were killed or missing. Years passed. The war had finished long ago. It turned out from time to time that someone of the missing was alive. They had been captured, had undergone medical treatment or the destiny had hurled them to faraway countries. These rare cases, which looked like fairy tales that come true, had the magic force of keeping alive the hope of those who, it would seem, must have lost it long ago.

However, Zumrud-Ana seemed to have broken all conceivable and inconceivable records of faith and hope in this respect. She brought up five children alone, lived to an extremely old age, dying in 1997 when she was about ninety years old. She waited and hoped until the very last days of her life.

Another war started in 1988, this time on our native land – South Caucasus. Grief came again to numerous families. Thousands of



## “LOSS ...



people died, dozens of thousands were wounded or became invalids... Finally, we got long lists of “the missing”.

Our Ganja is a relatively little town with about 300 thousand residents. Everyone, as the saying goes, “has got common acquaintances here”. Besides, grief can bring people especially near to each other. When I started gathering information and documents about residents of Ganja that got missing in that war, people organised a sort of “living chain” to find each other and reach me. Each of such meetings made me recall Zumrud-Ana and the saying that hope dies last.

Exactly like her, they are waiting until now. They wait and hope. I don't know whether there is a force that could destroy their hope until they get exact and incontestable proofs of the death of the people they love. In 1994, one mother turned over and examined with her own hands about 120 dead bodies in the search of the body of her son. She failed to find it. This is why she believes that he is alive. Many hope that their sons or husbands (fathers, brothers, nephews, grandsons) have been taken prisoner and survived. They believe that if they are not in captivity, at least working somewhere, perhaps in an Armenian family. There have been such cases. Just like in other wars, some cases in this war resembled miracles. Those who were believed to have died long ago were suddenly found. They returned, among others with the help of non-governmental and international organisations. This is why they hope very much for a miracle. They have trust in us and in our help, too. And this is their right. One has got to be absolutely insensitive to remain indifferent to this problem.

One has only to listen to what arguments they press to prove why it was exactly THEIR beloved person who COULD BY NO MEANS have been killed if taken prisoner! “My son is so clever, so talented, nice, sensitive! Why should they kill him!? He must be kept in a family,” one of the mothers says with enthusiasm. “My husband can do anything. He is so bright! He has magical hands! He must be treated well in captivity. He must have some work. Aren't such people rare?”, the wife of another missing man says with confidence.



... HOPE "



Indeed, hope cannot be eradicated.

Yes, indeed, for each of them, exactly their children, husbands and grandsons (as well as ours for each of us) are the best of the best in the world. None of us can help being “subjective” in such cases. It is so easy to understand all this humanly. However, the “subjectivism” is truly sacred. Can it be otherwise? Should it be otherwise?

Nevertheless, when I look at the photos that have been kept and guarded so carefully by their relatives and delivered to me with so much hope, and listening to passionate stories full of pain and love about each of them, I cannot help believing that such marvellous people should not be killed. Isn't it true that not only their relatives, but also all of us need them? Our society needs them. They ought to have lived together with us, among us, building a new life together with all of us in the 21<sup>st</sup> century - a life free of wars and violence, pain and suffering, early and absurd deaths. However, wars have mercy with no one.

Wars are thought to be “fair” and “unfair”. However, any war means deaths of thousands of brilliant people, violence generating numerous new instances of violence – a vicious exclusive circle. It is our sacred obligation to break this circle. It is the obligation of all peacemakers and protectors of human rights, of those who build civil societies. We should not only do all we can to make return “the missing” that are still alive to their families, but also prevent new absurd deaths and new losses. We should not only stop the war, but also teach our societies, the societies of all those involved in conflicts or perhaps not yet involved (all “close” and “faraway” neighbours could be involved, as all of us are “neighbours” on this small planet), learn ourselves and teach everyone to resolve ANY problems **ONLY BY PEACEFUL WAYS!**

It may seem surprising, but relatives of the missing, especially their mothers and wives are our foremost allies in this noble effort. A vast majority of them oppose in a categorical way renewal of hostilities, as it is peace that gives them hope. However, this is not all that could



## “LOSS ...



be said. These women are not only devoid of the feeling of animosity and vengeance, but they would like to establish close contacts with Armenian mothers who are searching for their “missing” sons, as they can best understand their pain. Women would like to unite for mutual help and support. They urge us to help them unite.

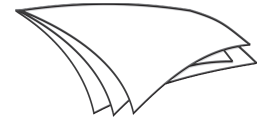
They say, “beauty will save the world”. However, I think it is exactly women, mothers, who are especially keen on feeling the value of life, as it is them who are pregnant with life and feel the beauty of the world in a specific way, as they want their children to live in a beautiful, not ugly world; it is such women, mothers who will save the world itself and its beauty. Unification of women, mothers from Ganja with women, mothers from Vanadzor for the purpose of finding the missing in this conflict, their meetings, mutual understanding and support could initiate a wide movement of mothers from Azerbaijan and Armenia against this war, against this conflict and its far-fetched causes and, in the long run, against any inter-ethnic discords in the Caucasus at present and in the future. They could unite for peaceful co-operation and mutual aid between our people, for the sake of prosperity of the entire region and peaceful and worthy future of our children and grandchildren.

AKIFA ALIYEVA

Coordinator of hCa - Ganja office



## WAR WITH NUMEROUS UNCERTAINTIES



The Karabakh war caused great damage to the societies involved in the conflict. There were great losses of manpower amounting to ten thousands of people according to some estimations. Besides, numerous people, both soldiers and civilians, disappeared without any trace because of military operations. For example, according to the data of the State Commission of the Republic of Azerbaijan for Affairs of Prisoners of War, Hostages and the Missing, 4959 people are missing of the Azerbaijani side, 747 of which are peaceful residents. Official data on the missing of the Armenian side have not been published. According to the estimates of independent experts (Fund for Legal Abuse), the number of the missing on the Armenian side reaches 900 people. Of course, the data should be made more accurate. However, this is not the only problem. The main problem is the responsibility of the authorities for the people who have disappeared without any traces. The authorities should be made responsible for their relatives and families who are unaware whether their husbands, sons or brothers are alive.

The death of a relative in a war whether he was drafted or went to the war as a volunteer is a great loss and pain. News about death is great grief. One can reconcile or not with the loss, but one is always certain. However, in case of the missing, the lack of information keeps their relatives under permanent mental stress. They cannot help thinking permanently whether he/she is dead or alive. If, thanks to God, he/she is alive, how could he/she be released? If dead, how could one get at least confirmation or his/her remains? The questions keep relatives under permanent tension. They live with this uncertainty.

Taking into account the great number of the military officers and civilians missing in the Karabakh war (about six thousand people), one can say that the war, which ended about eight years ago (in 1994), continues to exercise great psychological pressure on the societies involved in this conflict. Of course, the responsibility of the states and authorities is based on this point of view. They will continue to





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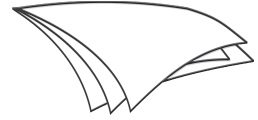
be responsible until the fates of each of the missing people are clarified. The responsibility of the authorities cannot be limited to giving out certificates that say: "This is handed over to certify that he was drafted on this date and disappeared without any traces during military operations". The authorities should be responsible to their citizens that are missing in military operations until they clarify information about his whereabouts and decide for sure whether he is dead or alive or return his remains to his family. From this point of view, the authorities of the Republic of Azerbaijan and the Republic of Armenia, as well as Nagorno-Karabakh structures will bear full responsibility for clarification of the information about the people missing in military operations during the Karabakh war, irrespectively of the nationality of the missing people. The problem is common and the responsibility should also be common. The authorities of Armenia and Azerbaijan, as well as representatives of Nagorno-Karabakh bear full responsibility to the missing Azerbaijani and Armenian people and their relatives. They should join their efforts and do all they can to get reliable information on the whereabouts and fate of the missing people and inform their relatives thereafter. Military operations have stopped, the armistice has been concluded, but the responsibility of the sides with respect to this problem has not expired.

During the implementation of our project, we held consultations with different people interested in the problems of the missing soldiers. The point of view of one high military official we fo)ve you to publish photos of our soldiers together with photos of our enemies!!! Have you asked the soldiers if they agree to it?" I will not make comments on those words, as everything should be quite clear here. We just have to take into account that such opinion exists in our society, too.

I would also like to know the opinion of the soldiers and ask them whether they agree on a publication of their photos and data alongside with the data and photos of their rivals. However, in order to ask them and get their opinion, I have to find them. I think that the problem of the missing soldiers is a common problem and pain, which cannot be divided into theirs and ours.

... HOPE "

This is why parents and relatives of the missing soldiers of both sides expressed their willingness to meet and join their efforts in collecting information about their relatives. Non-governmental organisations have to play an important role in resolving the problem. They should organise public movements and raise the problem to attract the attention of the authorities. The movement can gain sense and force if relatives of the missing and other citizens get involved. Being unable to get information from the authorities, they are in full isolation. This is why their involvement in public movements will break the isolation, raise their civil activity and enable them to resolve their own problems, eliminating many uncertainties.



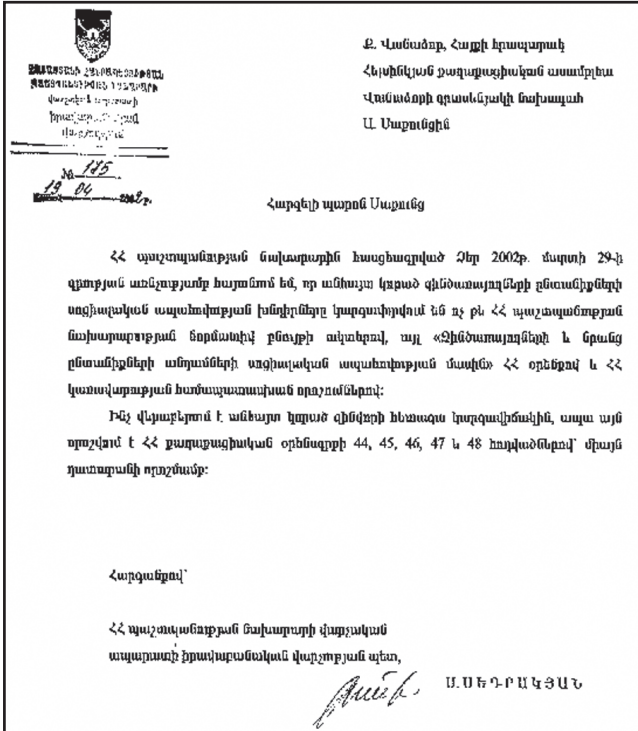
This kind of approach will also raise the effectiveness of peacemaking in South Caucasus. This is one of the real possibilities to convince the public that it is inadmissible to renew hostilities and that there are no alternatives to peaceful ways of solution of the Karabakh conflict.

Otherwise, our passivity will increase uncertainty in our societies and our region and it is well known that uncertainty and vacuum of information is the best environment for different kinds of stereotypes (forming the image of enemies) and falsehood (misinformation). All kinds of populists, generals and pseudo-patriots can easily drag such societies and its members into armed conflicts and exploit them to increase the number of stars on their shoulder straps.

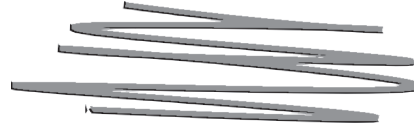
We should clarify the fates of our citizens and our lives, too.

ARTHUR SAKUNTS  
Coordinator of hCa – Vanadzor office

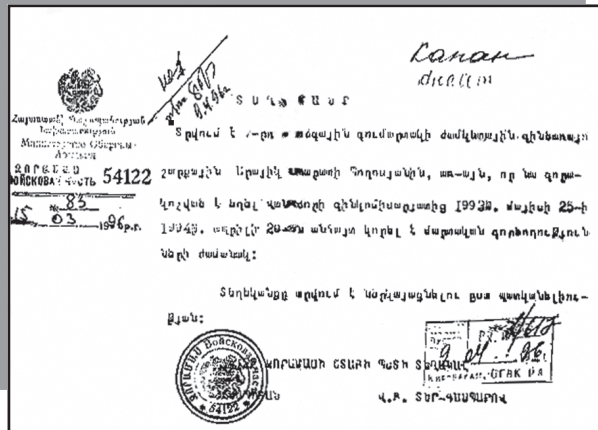
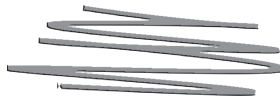




Answer of the head of the juridical administration of the Armenian Ministry of Defence - to the letter of hCa – Vanadzor office about the status of missing soldiers and the social support of their relatives.



The letter was issued on the 15<sup>th</sup> of March 1996 by the deputy chief of the head of the unit 54122 Cpt. W.B. Ter-Gasparov..., informing that Araik Pogosyan got missing in the course of military fighting on the 20<sup>th</sup> of April 1994.



## **THE PROBLEM OF MISSING SOLDIERS AND THEIR FAMILIES IN THE LEGISLATION OF THE REPUBLIC OF AZERBAIJAN**

The legislation of the Republic of Azerbaijan concerning the protection of the rights and guarantees for victims of armed conflicts is in accord with the requirements of international conventions and agreements, including:

- The Geneva Convention of 8 June 1977 on the “Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field and Protection of Victims of International Armed Conflicts”;
- The Geneva Convention of 12 August 1999 on the “Treatment of Prisoners of war”;

In accordance with the current legislation of the Republic, the rights of civilians and non-military persons are inalienable and governed by:

- The Civil Code of the Republic of Azerbaijan (Articles 40 and 41) adopted 28 December 1999;
- The Civil Procedural Code of the Republic of Azerbaijan (Chapters 27 and 28, Article 301) adopted 28 December 1999;
- The law adopted by the Milli Meclis (Parliament of the Republic of Azerbaijan) No 36 on 25 December 1991, which defines the status of military officers and provides for the protection of the rights of military officers and citizens who suffered in the conflict zone (captives, hostages, the missing) (Chapter V, Articles 28 and 29);
- The Division of Registration of the Missing formed by the Ministry of Defence;

However, there are no laws that would define the responsibility of structures of power in finding the final whereabouts and fate of missing military officers, in making clear the fate of the civilians who found themselves in the zone of military actions and are missing.

In spite of the fact that the Republic of Azerbaijan and the Republic of Armenia signed the Resolution No 15-8 of 13 June 2000 “On the Protection of Civilians and the Rights of Prisoners of War” adopted at the 15<sup>th</sup> plenary session of the Interparliamentary Assembly of CIS Member Countries, Article 31, which provides for disciplinary, administrative and criminal responsibility for violation of the law, it has not been implemented yet.

Negligence of laws generates permissiveness in violation of all international conventions and agreements. Because of this, we encounter facts of capture of soldiers and hostages from among peaceful residents even during peaceful periods.

For example, during the period from 1999 to 2002 (a period of the so-called cease-fire), dozens of soldiers serving in border areas were killed and more than a hundred captured. There are registered cases of taking hostage of civilians. (The data are available only on the Azerbaijani side, however, similar cases are known to have taken place on the other side, too.)

### **The Status of Missing Soldiers in the National Legislation**

The legislation contains the special Article 40, which provides for recognition of natural persons as missing. However, none of its five paragraphs defines the status of missing:

- Soldiers;
- Peaceful civilians in the zone of military operations;

Paragraph 2 of Article 41 (Recognition of Natural Persons as Dead) contains the following: “Soldiers or other natural persons missing in military operations can be recognised by the court as dead not earlier than a period of two years after the end of the military operations”.

According to Paragraph 4 of Article 41, in cases mentioned in Articles 41.1 and 41.2 of the Code, the court may recognise the day of assumed death of the person as the day of his death.

## **Proposals**

1. A norm defining the status of civilians and soldiers in the zone of military operations should be added to the legislation of the Republic of Azerbaijan.
2. The status should be equated to that of dead soldiers without recognising them dead until the fact of their death or return home is not confirmed, in order to simplify the procedure and enable families of this “category” to receive social allowances with respect to their loss and needs.
3. Related bodies (military commissariats or other state bodies of the Republic of Azerbaijan) should be obliged to treat each case involving a missing civilian or soldier individually by a way of official inquest, defining each of the facts accurately and handing out documents for consequent court decisions to members of their families.
4. A mechanism of responsibility for non-fulfilment of Article 31 of the Resolution No 15-8 of 13 June 2000 “On the Protection of Civilians and the Rights of Prisoners of War” should be submitted for discussion by both sides of the conflict.

## **Alternative Service in Azerbaijan**

Paragraph 2 of Article 76 of the Constitution of the Republic of Azerbaijan guarantees the right of alternative service instead of the military one. “If beliefs of citizens are contrary to military service, military service can be substituted by an alternative service in cases provided for by the legislation”.

Articles 9 and 10 of the law of the Republic of Azerbaijan “On the Armed Forces of the Republic of Azerbaijan” adopted by the Milli Meclis on 9 October 1991 confirms the existence of the legislative norm providing for the right of young people to deny military service because of their beliefs and substitute it by an alternative one.

The right is provided by Article 2 of the law of the Republic of Azerbaijan “On the Basics of Drafting for Military Service” adopted on 10 June 1992, which says that “Citizens of

the Republic of Azerbaijan who cannot be drafted for military service because of their beliefs or other causes defined by the law, shall undergo an alternative (labour) service during 24 months.”

The rights of draftees to alternative service are published in the collections of articles named “Basics of Military Law of Azerbaijan” compiled in 1997 by the Head of the Secretarial Department of the Milli Meclis of the Republic of Azerbaijan, Mr. Namik ALIEV.

Based on the mentioned laws, the 1993 and 1994 decrees of the President of the Republic of Azerbaijan concerning the drafting to military service also mention the obligation of military commissariats to ensure drafting to alternative service.

For unknown reasons, drafting to alternative service was not at all mentioned during drafting to military service from 1995 without any amendments being made to the existing legislation. A bill “On Alternative Service” was submitted for Discussion in the Milli Meclis in 1997 (?!).

Besides, wilful interpretation of the laws of the Republic of Azerbaijan by the Ministry of Defence led to the situation where a criminal suite was brought in March 2002 in Khatay District against the leader of the religious community Jehovah’s Witnesses, Mr. Leonid MOROZ, who applied to the military commissariat of Khatay District with the request to draft him for alternative service.

Thanks to competent treatment of the case by the judge of Khatay District, Mr. Rauf AKHMEDOV, the suit against L. MOROZ was cancelled and the materials were returned to the Prosecutor’s Office of Khatay District. However, due to unknown causes, the preventive measure against MOROZ (a written undertaking not to leave the place) was not cancelled, which means that the case may again be forwarded to the court.

*Juridical group*

*Helsinki Citizens’ Assembly – National Committee of Azerbaijan*

## **THE PROBLEM OF MISSING SOLDIERS AND THEIR FAMILIES IN THE LEGISLATION OF THE REPUBLIC OF ARMENIA**

In order to solve the problem of missing soldiers and their families, the National Assembly and the Government of the Republic of Armenia have adopted a number of laws and legislative acts in an attempt to resolve the legal tasks related to missing soldiers or other citizens.

Before starting the analysis of the documents, we would like to name them:

- Civil Code of the Republic of Armenia (Articles 44-48) adopted 5 May 1998;
- Law of the Republic of Armenia on Social Security of Military Officers and their Families adopted 27 October 1998, amended 15 May 2001 and 27 July 2001;
- Decision of the Government of the Republic of Armenia on Measures Ensuring Implementation of the Law of the Republic of Armenia on Social Security of Military Officers and their Families, adopted 27 November 2000 (No 778), amended and supplemented 28 June 2001 (No 571) and 9 March 2001 (No 178);
- Decision of the Government of the Republic of Armenia on Refund of Charges for the Production and Installation of Tomb Monuments and Construction of Tombs of Soldiers Missing during the Military Service and Considered Dead by 10 October 2000, adopted 12 March 2002 (No 220).

### **ON THE STATUS OF THE MISSING SOLDIERS IN THE NATIONAL LEGISLATION OF THE REPUBLIC OF ARMENIA**

***The legislation of the Republic of Armenia does not provide for special mechanisms and norms of recognition of the status of a missing soldier. The Civil Code of the Republic of Armenia contains a number of articles concerning citizens whose whereabouts are not known. Based on an application of interested persons “a court may recognise a citizen missing, if no information on his whereabouts has been available at his place of residence for a period of one year” (Part I, Article 44 of the Civil Code of the Republic of Armenia). This article also defines the moment where the calculation of the term of recognition of the status of the missing shall start.***

***Paragraph 2 of Article 44 states:*** “In case that it is impossible to identify the date the last information was received, calculation of the term of recognition of the status of the missing will start on the first day of the month following the receipt of the last



information on the missing person. If it is impossible to identify the month, the term starts on 1 January of the following year”.

The legislation does not mention circumstances and causes due to which a citizen may be considered missing. Can't a person leave his home voluntarily without notifying his/her relatives, change his/her name and settle in another place? In such cases, his/her relatives, wife or husband who get different legal problems as a consequence of his/her “disappearance” can appeal to court with the request to recognise him/her as missing. The citizen missing usually leaves his/her place of residence because of everyday problems (1. to find a job - when starting to feel home in the new place of residence and at the same time cutting off all relations with the family; 2. because of problems within the family, in order to evade alimony payment or payment of financial debts, etc.). In such cases, relatives or the family are aware of the causes of his/her absence and perhaps his whereabouts.

**The situation is quite different with soldiers who serve somewhere not on their own free will, but on the decision of the authorities.** In such cases the authorities are responsible for the causes that lead to the situation where the whereabouts or the fate of a citizen become not known. Isn't it their order, instruction or decision that caused the citizen to find him in such kind of situation?

We are getting affirmed that this aspect is not reflected in the legislation. We are even getting the impression that the authorities are knowingly evading the responsibility they bear to the missing people (in this case, soldiers). Relatives of a missing soldier are obliged to appeal to courts with the demand to recognise their husband, brother or son as missing in order to resolve legal problems, just like in the cases of citizens that are missing under peaceful conditions.

Thus, according to the legislation of Armenia, the status of a missing citizen is equalled to the status of a missing soldier. Due to this fact, the status of a person (in this case a soldier) missing because of the actions of the authorities is transformed into the status of a citizen who is absent under peaceful conditions or on his own free will. **It is noteworthy that an excerpt from the answer to the letter of our organisation sent to the Ministry of Defence of the Republic of Armenia reads exactly as follows: “As for the further status of a missing soldier, it is defined only by a court decision based on Articles 44, 45, 46, 47, 48 of the Civil Code of the Republic of Armenia”.**

**Let us now follow the “fate” of a missing military officer “on the fields” of the Civil Code of the Republic of Armenia. According to Paragraph 1 of Article 47, “a court may decide to recognise a person dead if during three years nothing is known about his/her whereabouts in his/her place of residence. If a person disappeared under conditions regarded as dangerous for life or providing grounds to consider him/her dead as a consequence of certain accidents, the court may recognise the person dead during a period of six months”.**

**Paragraph 2 of the same article makes the following provisions: “A military officer or a citizen missing in military operations can be recognised dead not earlier than in two years after the end of the military operations”.**

The concept of “missing” is used in Article 47 of the Civil Code of the Republic of Armenia without prior legal definition, just like in case with the definition of “recognition of a citizen as missing”. The law also defines the deadline – two years – after which a missing military officer or any other citizen are automatically recognised as dead.

According to the law, the authorities are responsible to missing soldiers or other citizens and their relatives only in the course of two years (?!).

**It is unclear how and basing on which reasoning the two years as the term of responsibility of the authorities was defined. To say the truth, neither the Civil Code nor any other law provides for direct responsibility of any structure of the authorities in finding or specifying the information regarding “soldiers or other citizens missing in military operations”. The only related provision of the Civil Code of the Republic of Armenia contains: “If the whereabouts of a person recognised as missing are revealed or discovered, the court will reverse the judgement through which it recognised him/her as missing”.**

The analysis presented above brings us to the conclusion that it is necessary to make related legal amendments to ensure protection of the rights of missing soldiers or other citizens.

- An article should be added to the Civil Code of the Republic of Armenia that would define the status of soldiers or other citizens missing in military operations or military service.
- The legislation of the Republic of Armenia should define the responsibility of the official

structures in finding final information on the whereabouts and the fate of missing soldiers or other citizens.

- The legislation should contain a norm guaranteeing that a soldier or other citizen missing in military operations can not be recognised as dead before the actual confirmation of his/her death.

### ***SOCIAL SECURITY OF FAMILIES OF MISSING SOLDIERS AS PROVIDED BY THE LEGISLATION OF THE REPUBLIC OF ARMENIA***

When preparing databases of the missing soldiers from the Lori District of the Republic of Armenia, we also examined the social conditions of their families. The analysis of the data showed the following:

- Families of missing military officers are, as a rule, socially precarious. Wives and other members of their families are unemployed, parents are retired, and only rely on their pensions.
- There is no clear regularity in finding sources of social support (apart from the families that receive social support both from bodies of local self-government and the central government. Others do not receive anything at all. There exists no periodicity of cash benefits either. The amount of cash benefits varies from 10 to 20 US dollars).
- In spite of the identical status, they become part of the system of social security based on different parameters (only two families received a military pension and three families received allowances for the socially-in-need).

The situation may have different explanations. This is either due to the non-existence of a social security system to families of missing soldiers caused by their unawareness of the law, or unfair work of institutions of social security. On the other hand, this may be due to problems in the legal system itself.

The Parliament of Armenia adopted the law “On Social Security of Soldiers and Their Families” on 27 October 1998. According to Article 3 of the law on social security, the provisions of the law also apply to the families of soldiers that are missing in execution of their obligations, as well as those recognised as missing or dead with accordance to the legislation of the Republic of Armenia. According to Article 6, survivor’s social benefit pensions are granted to families of dead soldiers.

The pension is granted irrespectively of the term of service (Article 7). Though families of military officers have the right to different state pensions, in accordance with the law “On State Provision of Pensions for Citizens of the Republic of Armenia”, they have the right to choose only one of the pensions. Articles 15, 16, 17, 18, 19 define the conditions of provision and the amount of social pensions for families of military officers that lost their bread-winners, depending upon the number of the family members and their age.

The decision of the government of the Republic of Armenia No 778 “On Measures of Implementation of the Law of the Republic of Armenia “On Social Security of Soldiers and Their Families” adopted 27 November 2000 defines rules and lists documents to be submitted to related bodies of social security in order to be granted a pension. It is noteworthy that according to the rules, relatives have to submit a court decision, which recognises the missing military officer as dead. This means that the responsibility of the authorities to identify the whereabouts and make inquiries on the fate of missing soldiers is “evaporated”.

Due to the hard social and economic situation in the entire republic, relatives have to go to court themselves and request recognition of their relatives as being dead. The insignificant sum they will receive consequently is indispensable for them. It is necessary to submit about twenty documents retrieved from different organisations to be granted a pension. Taken into account the bureaucracy in many of the state services, one can easily imagine how difficult it is to get the documents necessary to be granted a scanty pension of ten to twenty US dollars. It is no secret that many services are located very far from settlements, especially in rural areas. Therefore people have to pay (a comparable high amount of) money to get there.

Decision No 220 of the Government of the Republic of Armenia, made on 12 March 2002, allocated about 630 USD for each of the soldiers families of missing military officers recognised as dead before 10 October 2000 (a total of 93 soldiers). We are not aware whether the families indeed received the money or if they did not, or whether tombstones were erected, but it is clear that this can be considered a kind of compensation for missing soldiers. It is not clear enough whether such compensation can solve the problem. On the other hand, however, the families are in acute need of this money.

*Juridical Group  
Helsinki Citizens' Assembly – Vanadzor office*



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*WORKING GROUP FOR SEARCHING OF THE MISSING AND  
HOSTAGES AND RELEASING CAPTIVES OF THE KARABAKH  
CONFLICT*

“My friend’s relative was arrested in Azerbaijan. He has been kept in a camp in Azerbaijan since 1996. They suspect he is a terrorist. This is all because he is an Armenian who fell in love with an Azerbaijani girl. Let us go to Azerbaijan together. I hope we will be able to get the consent to release him”.

February 1997. Svetlana Gannushkina, member of the human rights centre “Memorial” asked Bernhard Clasen to do something jointly for her friend who was taken to an Azerbaijani prison by chance.

Svetlana Gannushkina would have very much liked to speak to a responsible person in the Azerbaijani Ministry of National Security. However, there was no reaction to her inquiry. She succeeded in arranging a meeting in the Ministry of National Security with the help of the German deputy Helmut Lippelt and the German Embassy. Svetlana Gannushkina and Bernhard Clasen arrived in Baku together very soon. We met the Minister of National Security, Mr. Namik Abbasov, and were allowed to see Armenian prisoners of war. Some time after we had left Baku, they released Felix Tamoyan.

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Our working group has been focusing on captives, hostages and the missing in the Karabakh conflict for several years now. We co-operate with the authorities, the ICRC and OSCE. We always visit captives on all sides if being kept by them.

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## Who are we?

Svetlana Gannushkina has visited the region of the Karabakh conflict several times since 1989. She always tries to be objective in evaluating the developments. She was the organiser of the first meeting between Azerbaijani and Armenian intellectuals. She handled lists of hundreds of Azerbaijani and Armenian captives and hostages at the times when there were almost no official contacts between the Armenian and Azerbaijani sides. In January, Svetlana Gannushkina met Armenian and Azerbaijani intellectuals.

Bernhard Clasen has maintained contacts with Armenia and Azerbaijan for several years. In August 1994, he visited camps of refugees in Azerbaijan. In 1994, he organised a three-month holiday programme for a hundred Azerbaijani refugee children in Germany. Since 1994, he has visited many times both sides of the Karabakh conflict, meeting Armenian and Azerbaijani captives together with Svetlana Gannushkina in 1995 and 1997.

Paata Zakareishvili headed the Committee for Human Rights and National Minorities of the Parliament of Georgia before 2000. Later, he worked in the Ministry of Justice. Now he works independently. From the very beginning of the conflict in Abkhazia (Georgia) in the summer of 1992, he led a special Georgian service dealing with the exchange of captives, search for the missing and the protection of the rights of peaceful residents in the zone of military actions. He led the evacuation of more than three thousand peaceful residents from the conflict zone, participated in talks dedicated to the exchange of more than three hundred prisoners of war and was involved in the re-burial process of dead military officers. He has got five years of experience in searching for missing persons in Abkhazia.



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## Joint work with prisoners of war, the missing and hostages

The case of Felix Tamoyan convinced us that we could work effectively together. We asked Paata Zakareishvili to work with us in early 1998. Since 1997, we have visited the region of the Karabakh conflict several times a year. We meet prisoners of war, the authorities, non-governmental organisations, the ICRC and OSCE.

### Mailman's work

There is a direct telephone line between Stepanakert and Baku for the discussion of humanitarian issues concerning the missing and prisoners of war. However, the line has been silent for six years now. We perform a kind of "mailman's work", i. e. we receive questions and inquiries from the authorities when we are in Stepanakert. All the documents are submitted to related structures of Azerbaijan during our next visit to Baku and vice versa, we submit questions/inquiries received in Baku to related authorities in Stepanakert and Yerevan.

### Search Work


In a case where almost no contacts exist between the sides, rumours are often exaggerated. Rumours are spread on both Azerbaijani and Armenian sides that hostages are kept in a certain area. We visit the places which the opposite side believes are places of detainment of hostages. For this purpose, we have visited military units, prisons and detention centres on both sides. Our aim is to check and expose myths generated in any conflict due to the lack of reliable information.

### Prisoners of war

During each visit, we meet prisoners of war. All sides of the conflict give us the opportunity to meet prisoners of war freely.


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We can speak to them for a long time without the presence of guards. We do all we can to improve the fate of captives and hostages of the Karabakh conflict and release them. We make photos of captives and send them to their relatives. We have repeatedly stated to the authorities that it is unacceptable to keep captives when so much time has passed after an agreement on cease-fire has been reached and demand their release (we do not use the word “exchange” in this context). Our group holds to the opinion that the concept of “exchange” should be excluded from the vocabulary of both sides during peacetimes. We agree that each concrete case of detainment of civilians or soldiers that illegally crossed the border and found themselves on the opposite side should be followed by necessary check-up and unconditional release. We also believe that any willingness to achieve equality in numbers in the process of exchange induces the opposite side to get new captives or hostages at any price, ungrounded detainment of civilians on the border, trade with people, private deals and other illegal actions instead of giving it the incentive to search for the missing. The authorities are not keeping any captives at present, at least officially. Last captives were released in the summer of 2000.



#### Former Prisoners of war

We keep in contact with captives even after they had been released and live in their motherland. We have come to the understanding that former prisoners of war are in bad need of help. They are traumatised and find it difficult to get integrated in the society after a long period of captivity. Furthermore, former prisoners of war are not respected by the authorities, their fellow citizens and officials for their alleged inability to fight courageously enough and not surrender to the enemy. We are now implementing a programme of aid for former prisoners of war. In the context of this programme, they receive aid and get the opportunity to be trained at computer courses. Our local staff instructs them.







### Registered organisation

We decided to found an organisation in 2000. Our working group was registered in the District Court of the city of Moenchengladbach (Germany) on 18 August 2000 as a non-profit organisation, registration number VR 2123.

### Restoration of Trust

We think that our work can help restore trust between the sides in conflict and their ability to work together.

### Our staff

After several years of work in South Caucasus, we understand that we can intensify our work only in case we find people who support us actively on the spot. The people are responsible for preparing our visits, collecting information and searching for the missing of the other side.

BERNHARD CLASEN



## **LEGAL MECHANISMS FOR SOLVING THE PROBLEMS OF MISSING SOLDIERS OR OTHER CITIZENS BASED ON THE GENEVA CONVENTIONS AND ADDITIONAL PROTOCOLS TO THEM**

The searching for and collecting of qualified information about the fate of missing soldiers or other citizens are among important humanitarian issues. Taking into account the urgency of the problem in the South Caucasus, it is important to analyse the Geneva Conventions and additional protocols to them in order to clarify the related mechanisms of solving the humanitarian problems of the missing. The main aim of the analysis is to point out the role of power structures of the conflicting sides in implementing those mechanisms.

In the context of this analysis we will consider all conventions with supplements and additional protocols to them:

- 1) The First Convention for the “Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field”;
- 2) The Second Convention for the “Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea”;
- 3) The Third Convention relating to the “Treatment of Prisoners of War”;
- 4) The Fourth Convention relating to the “Protection of Civilian Persons in Time of War”;
- 5) The First Protocol Additional relating to the “Protection of Victims of International Armed Conflicts”;
- 6) The Protocol Additional relating to the “Protection of Victims of Non-International Armed Conflicts”.

The names of the mentioned documents make it clear that there is not a special convention relating problems of the missing. However, we could discuss how the problem is presented in the abovementioned documents.

Parties to the conflict shall “record as soon as possible, with respect to each wounded, sick or dead person of the adverse Party falling into their hands, and any particularities

that may assist in their identification” (The First Convention, Article 16).

The Convention does not provide for the situation where there is no information about a person (whether he is wounded, sick or dead) who fell into the hands of the enemy. Article 122 of the third Convention defines the responsibility in identification of the person and transfer of the information to the opposite party of a state or a party to conflict capturing the mentioned person.

It is important that a state or a party to the conflict, which keeps a citizen of the other party, is responsible for the person until his final repatriation. From the very beginning of the conflict, the parties to the conflict “establish an official Inquiry Office for the data on prisoners of war under their control. States that are neutral and not involved in the war ... shall do the same thing with respect to the persons” (The Third Convention, Article 122). It is noteworthy that the parties to the Karabakh conflict did not establish such bodies from the very start of hostilities.

However, the Third Convention does not envision mechanisms, which would help to resolve the problem due to the fact that one of the parties to the conflict does not collect information on the prisoners it is keeping or conceals the information. The Convention does not envision cases where soldiers or other citizens fall into the hands of unofficial structures or private persons.

The First Protocol Additional adopted in 1977 includes a section (Articles 32, 33, 34) relating to the missing. Article 32 of the First Protocol Additional defined the general principle relating to “the right of families to be informed on the fate of their relatives”. Only Article 33 of the First Protocol Additional defines the following mechanism of resolution of the problem of the missing:

1. 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. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches.
2. In order to facilitate the gathering of information pursuant to the preceding paragraph, each Party to the conflict shall, with respect to persons who would not receive more favourable consideration under the Conventions and this Protocol.”

It is clear that Article 33 of the First Protocol Addition directly related to the missing is based on the principle of “as soon as circumstances permit”, “relations between adverse parties” and “at the latest from the end of active hostilities”.

We think that the First Protocol Addition should define more precisely the responsibility and obligations of the parties to conflict to the families of the missing until final clarification of their fate or whereabouts. The obligations of the parties to conflict should start from the very beginning of hostilities. Such provisions, in this case added to Article 33 of the First Protocol Addition, will raise the responsibility of the parties in conflict in finding the missing. On the other hand, they will enable international and other organisations to get more concrete legal mechanisms for finding the missing. The problem is that the concept of “as soon as circumstances permit” is too expansive from the point of view of its definition and fixation and this could cost human lives.

Paragraph 4 of Article 33 of the First Protocol Addition provides that “the Parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party”.

The wording “the Parties to the conflict shall endeavour to agree” does not take into account situations where the parties do not endeavour and do not agree. A mechanism of solution should exist for such kind of situations. It is evident that there are situations where parties to conflict or one of them do not endeavour or they intend to conceal possible crimes.

The aforementioned enables us to make the following conclusions:

- 1) The conventions and protocol additions should move the responsibility of the parties to conflict in gathering and transmitting to families the information concerning the fate of the missing relatives to a higher level.
- 2) There are no legal mechanisms that oblige parties to conflict to gather and transmit to families the information concerning the fate of their missing relatives.

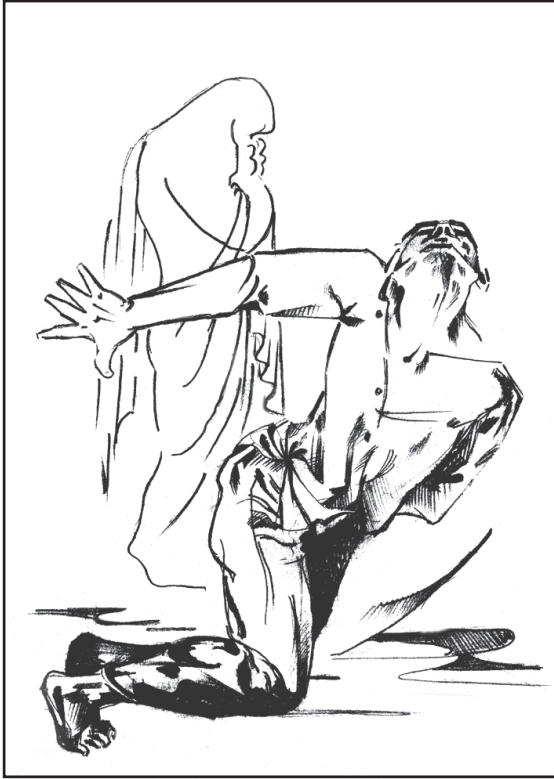
During the implementation of the project, we discussed the problem of the missing people with government and international structures, and families of the missing. After the discussions and the analysis of the Geneva Conventions and additional protocols we came to the conclusion that it would be necessary to propose the following amendments and supplements:

- 1) The following amendments and supplements should be made to Article 32 of the First Protocol Addition after the words “prompted mainly by”:
  - a) Families have the right to demand that the parties to the conflict make efforts to gather and transmit information concerning the fate of their missing relatives. The demand is valid until the final clarification of the fate of soldiers or other citizens;
  - b) The responsibility of the parties to conflict to gather and transmit information has no statute of limitation and lasts until the final clarification of the fate of soldiers or other citizens;
  
- 2) The following amendments and supplements should be made to Article 33 of the First Protocol Additional:
  - a) *The wording of Paragraph 1 should be amended as follows:*  
“From the very start of hostilities, each Party to the conflict shall bear full responsibility for the search for the persons who have been reported missing by an adverse Party and transmission of information concerning their fate. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches”.
  - b) *Paragraph 4 of Article 33 of the First Protocol Addition should be worded in the following way:*  
“The Parties to the conflict shall agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party.”

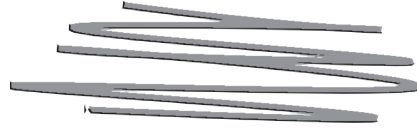
*Juridical group of hCa – Vanadzor office*

**DATA OF MISSING SOLDIERS FROM GANJA, THE DISTRICTS  
OF DASHKESAN AND SHAMKIR OF AZERBAIJAN AND OF  
THE LORI AND TAUSH DISTRICTS OF ARMENIA.**

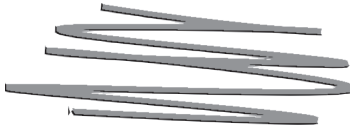




Artist: Gasimov Gasim  
**Ganja**

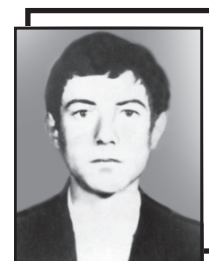


Artist: Artak Oganyan  
**Vanadzor**



## Abbasov Adalet Vilayat

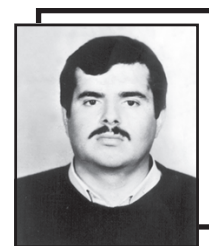
Born on 11 May 1970 in the town of Dashkesan, Republic of Azerbaijan. Address: Village of Khashbulag, Dashkesan, Republic of Azerbaijan. Unfinished secondary education. Drafted on 12 November 1992. Served in military unit No 123. Missing since 17-18 November 1992 in the village of Chyldyran. Single. Mother and two brothers. The family has received material aid from January 2002 from local authorities of Dashkesan.



Probable location: Republic of Armenia...

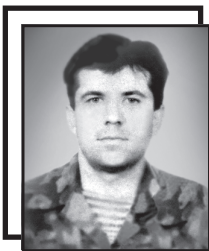
## Abdullayev Rafael Yashar

Born on 29 May 1963 in the town of Rustavi, Republic of Georgia. Address: 47<sup>b</sup>, Gulustan Settlement, Apt, 11, Ganja, Republic of Azerbaijan. Unfinished secondary education. Volunteered in October 1993. Served in military unit No 703 in Ter-Ter District. Missing in the battle in Ter-Ter District since 13 April 1994. Married. Two sons (1986 and 1990) and a daughter, a brother, two sisters, father born in 1939 in the village of Okhchuoglu (Amasiya District, Republic of Armenia). The family received material aid from the humanitarian organisation ADRA from 1994 through 2001 and from the Embassy of Kuwait from 2002 on.



Probable location: Republic of Armenia...



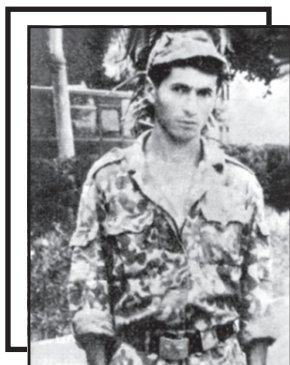


### **Abdullayev Vagif Huseyn**

Born on 2 January 1963 in the town of Shemkir, Republic of Azerbaijan. Address: 34, village of Morul, Shemkir. Unfinished secondary education. Drafted. Served in Agder. Missing since the battles on 6 February 1993 in the village of Dranbom in Agder (wounded). Married. One son and one daughter. His mother is Russian (He was called "Russian Vova"). The family received material aid from the local authorities.



Probable location: Town of Shusha...



### **Abdullayev Vugar Nagi**

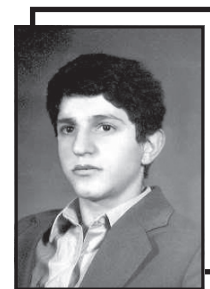
Born on 6 January 1973 in the town of Ganja, Republic of Azerbaijan. Address: Alekper Seyfi St., 4<sup>th</sup> Lane, Ganja, Republic of Azerbaijan. Unfinished secondary education. Volunteered in November 1993, served in military unit No 181. Missing since 10 December 1993 on Kharam Plain (Beylegan District). Single. Mother and three sisters. The family received material aid from the humanitarian organisation ADRA from 1999 through 2001 and from the Military Commissariat of Nizami District of Ganja.



Probable location: Republic of Armenia...

## Agajanyan Romik Rafiki

Born on 24 March 1974 in Tumanyan (near Alaverdi, Lori District of the Republic of Armenia). He lived in the same location and was drafted from there on 23 November 1992. Last duty station was in Goris (Zangezur, Syunik District of the Republic of Armenia). Missing since the battles near the village of Goradiz (Fizuli District of the Republic of Azerbaijan). In spite of his mother's numerous appeals to the Ministry of Defence, investigation aimed at making clear R. Agajanyan's fate was not carried out. Different bodies (the head of Zangezur Commandant's Office, the Deputy Military Prosecutor of the Republic of Armenia, the head of the Social Welfare Department of the Ministry of Defence of Armenia, the commander of the military unit, in which Romik served) indicate different dates of his disappearance – 9 January 1994; 30 January 1994 and 20 February 1994. The only thing clear is that Romik Agajanyan was wounded in his head and disappeared during the evacuation to the rear from the field hospital located in Fizuli (Republic of Azerbaijan). Single. One brother (born in 1971). The brother is married, has got two children. The father died on 1 July 1994 without being aware of the fate of his son.



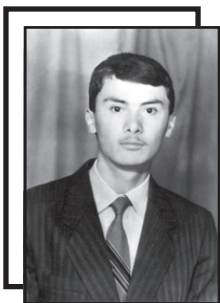
No information available on the probable whereabouts...

## Aliev Vagif Sardar

Born 28 May 1966 in Gedeбек District (Republic of Azerbaijan). Address: 5, Narimanov St., 2<sup>nd</sup> Lane, Apt. 42, Ganja, Republic of Azerbaijan. Unfinished secondary education. Drafted in 1983 and received military education. Late in May 1992 continued service in military unit No 17072 in the town of Ganja. Sergeant. Missing since 29 September 1992 in the village of Syrkhavent (Agder District). Married. One daughter (1990), three brothers, one sister. The family received material aid from humanitarian organisations Arabian Humanitarian Aid from 1999 to 2001, ADRA – from 1998 to 2001, Imdad Xomeyni from 1998 and from local authorities.



Probable location: Republic of Armenia...

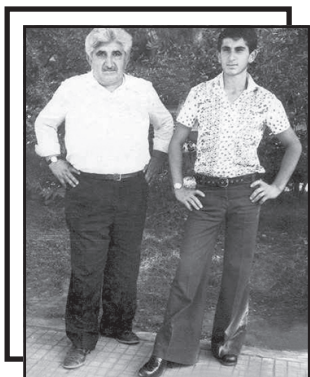


### **Aliev Vugar Sabir**

Born on 2 May 1974 in the town of Ganja, Republic of Azerbaijan. Address: 40, Yeni-Ganja Settlement, Apt, 26, Ganja, Republic of Azerbaijan. Unfinished higher education at the Technical Building School. Drafted on 16 October 1992. Served in military unit No 67987 in the village of Agder (Agdam District). Missing since 22 March 1993 in the village of Galachylar (Agdam District). Single. Parents, one brother and two sisters. The family received humanitarian aid from the humanitarian organisation ADRA from 1995 through 2001.



Probable location: Republic of Armenia...

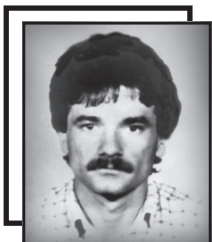


### **Ambartsumyan Kamo Yakovlevi**

Born on 20 April 1959 in the village of Maraga (Mardakert District of Nagorny Karabakh). Address: Village of Maraga (Mardakert District of Nagorny Karabakh). His family now lives in the town of Stepanavan (Lori District, Republic of Armenia). Joined self-defence units at the start of hostilities. Missing since the battles on 10 April 1992. Kamo Ambartsumyan was captured together with his father, wife Karine Pogosyan and two children (three-year-old son and 1,5-year-old daughter). The wife and son were exchanged six months later. The daughter was found in a children's house in Ganja (Republic of Azerbaijan) with the help of the Red Cross and returned to her mother.



No information available on the fate of K. Ambartsumyan and his father...



### **Arzumanyan Aramais**

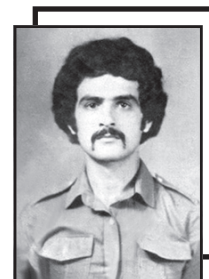
Born in 1931 in the Republic of Azerbaijan. Drafted in 1994. Served in Mardakert District of Nagorny Karabakh. Missing since May 1994. Disappeared in Mardakert. Married, daughter born in 1993.



No information available on the probable whereabouts...

## Askerov Ramiz Jamil

Born on 18 March 1959 in the town of Ganja, Republic of Azerbaijan. Address: 8, Narimanov St., Apt. 1, Ganja, Republic of Azerbaijan. Unfinished higher education. Drafted on 17 March 1993. Served in military unit No 701, Lieutenant. Missing since April 1993 in Kelbajar District. Two brothers, three sisters. Married. One daughter. The family received material aid from humanitarian organisations ADRA from 1994 to 2001, Imdad Xomeyni from 2000 and from the central authorities.



Probable location: Republic of Armenia...

## Balayan Igor Yenoki

Born in 1974 in Vanadzor (Lori District, Republic of Armenia). Lived in the same town. Drafted in June 1993 from the same town. Last duty location was the village of Goradiz (Fizuli District, Republic of Azerbaijan). Missing since the battles on 7 January 1994 near the village of Goradiz.

Single. Two sisters who live in Russia. Mother (unemployed). His mother is disabled (II degree). All family members are unemployed. His father searched for him for a long time, but failed to gain any information.



No information available on the probable whereabouts...

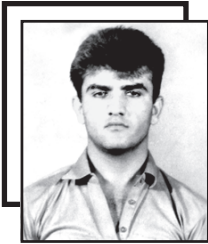


### **Boyuk-zade Elshan Boyuk**

Born on 17 August 1972 in the town of Ganja, Republic of Azerbaijan. Address: 43, I. Gaibov St., 43, Apt, 1, Ganja, Republic of Azerbaijan. Unfinished higher education in Baku General School of Military Commanders. Drafted in 1993. Served in military unit No 701 as commander of the company of chemical defence. Missing since 11 February 1994 in the village of Yanshak (Kelbajar District, Republic of Azerbaijan). His comrades say he was wounded in the chest or throat. Single. Parents and two sisters. The family received material aid from the humanitarian organisation ADRA from 1998 through 2001 and from local authorities.



Probable location: Republic of Armenia...



### **Budagov Fuad Veli**

Born on 22 December 1972 in the town of Ganja, Republic of Azerbaijan. Address: 1, 3<sup>rd</sup> District., Apt. 33, Ganja, Republic of Azerbaijan. Unfinished higher education at Azerbaijani Technological Institute (5<sup>th</sup> year). Drafted on 25 October 1993. Served in the military unit No 776. Missing since 29 January 1994 in the Ter-Ter District (Kodekburun Peak) (Akop Komari). Single. Parents, one brother and one sister. The family receives material aid from the local authorities.



Probable location: Town of Shusha or Khankendi...

## Garakyan Gurgen Artashi

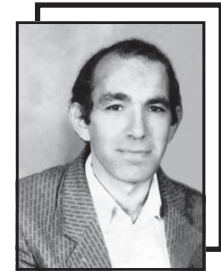
Born on 18 January 1961 in Baku (Republic of Azerbaijan). Address: Village of Mikhaylovka, Lori Distric, Republic of Armenia. Drafted on 4 April 1994. Missing since the battles in Mardakert District of Nagorny Karabakh on 24 April 1994. Three children (two daughters and one son). The daughters were born in 1986 and 1988, the son in 1992.



No information available on the probable whereabouts...

## Gevorkyan Oganeg Grigori

Born on 5 April 1958 in the village of Azatavan (Artashat District of the Republic of Armenia). Address: 10/19, Ani St., Tashir, Lori Distric, Republic of Armenia. Drafted on 4 April 1994. Missing since the battles in Mardakert District of Nagorny Karabakh on 24 April 1994. Wife, daughter and two sisters.



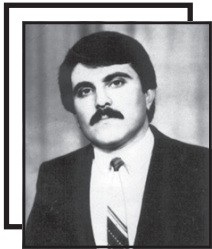
No information available on the probable whereabouts...

## Ibrahimov Arzu Rafig

Born on 18 June 1973 in the town of Ganja, Republic of Azerbaijan. Address: 20, Ozan St., 2<sup>nd</sup> Dead Lane, Ganja, Republic of Azerbaijan. Unfinished secondary education. Drafted in June 1992. Served in the village of Saratovka (Gedebek District). Missing since February 1994 in Murovdag. Single. Parents, one brother and two sisters. The family hasn't received any material aid.



Probable location: Republic of Armenia...

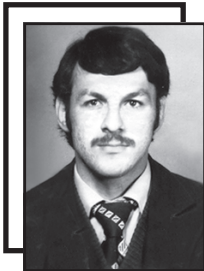


### **Ismailov Nasib Samed**

Born 11 August 1962 in the town of Ganja (Republic of Azerbaijan). Address: 9, Avtozavod St., 9, Apt, 30, Ganja, Republic of Azerbaijan. Unfinished higher education at the Polytechnic Institute. Drafted on 16 October 1993. Served in military unit No 17072 in the town of Ganja. Retired lieutenant. Missing since 20 April 1994 in the village of Ilkhychylar (Agdam District). Married. Two sons (1991 and 1994) and one daughter (1992). The family received material aid from the humanitarian organisations ADRA from 1998 to 2001, Imdad Xomeyni from 1998 and from the central and local authorities.



Probable location: Town of Shusha...



### **Israfilli Gasan Husseyyn**

Born on 5 March 1958 in the town of Ganja, Republic of Azerbaijan. Address: 29, Shakh Ismail Khatai Ave., Apt. 15, Ganja, Republic of Azerbaijan. Unfinished education at the polytechnical school. Drafted on 18 March 1992. Served in the village of Khanabad (Agdam District). Missing since 19 June 1992 in the village of Khanabad (Agdam District). Married, one daughter and one son. The family received material aid from humanitarian organisations ADRA from 1995 to 2001, Imdad Xomeyni for three or four years and from the local authorities.



Probable location: Republic of Armenia...

## Kamandarov Movsun Kasym

Born on 20 September 1953 in the village of Shadly, Goranboy District, Republic of Azerbaijan. Address: 389, Military Settlement No 38, Apt, 39, Ganja, Republic of Azerbaijan. Unfinished secondary education at the Department of History at the Ganja Pedagogical Institute. Worked as a police captain in Goranboy District Police Department. Drafted in 1991. Served in the village of Buzlug (Gullustan District). Missing since 14 September 1991 in the village of Buzlug (Gullustan District). Married. Two daughters, two brothers and one sister. The family received material aid from the humanitarian organisation ADRA from 1998 through 2001 and from local and central authorities.



Probable location: Republic of Armenia...

## Karagezyan Grigor Vaginaki

Born on 16 October 1971 in the village of Kokhb (Taush District). Lived in the same village. Drafted on 17 August 1992. Last duty location was the village of Chldran (Mardakert District). Was severely wounded in the head during the battle on 2 September. Disappeared on the way to hospital situated at a distance of 15 km from the village of Chldran (the village of Kichan, Mardakert District). Single. Parents, one sister and three brothers.



No information available on the probable whereabouts...





### **Kasumov Yusif Telman**

Born 13 August 1968 in the town of Ganja (Republic of Azerbaijan). Address: 9, Avtozavod St., 9, Apt, 35, Ganja, Republic of Azerbaijan. Unfinished higher education at the Police School in Orjonikidze. Drafted in 1990. In 1992, he was moved to the frontline in Kelbajar District. Missing since 19 June 1992 in the battles in the village of Atek. The family rented a room for Yusif Kasumov Telman oglu's wedding party on 2 June 1992. Everything was ready for the wedding ritual, including the flat, furniture etc. Single. Parents, one brother and two sisters. The family received material aid from humanitarian organisations ADRA.



Probable location: Republic of Armenia...



### **Khachatryan Artur Grachiki**

Born on 6 September 1971 in Vanadzor (Lori District of the Republic of Armenia). Address: 3/36, Batumi St., Vanadzor, Lori District, Republic of Armenia. Drafted on 20 June 1992. Served in Yerevan. Later, he was sent to Karmravan front in Mardakert District of Nagorny Karabakh by the order of the Minister of Defence. In the battles in Mardakert District on 3 June of the same year he served in a tank company. On 6 or 7 June of the same year, information was received that Artur Khachatryan was missing. Single. Parents and one brother (married, three children, unemployed). Characteristics: height – 140 cm, weight – 55-60 kg, traces of surgery on the right hip. Blood group tattooed on the right hand.



No information available on the probable whereabouts...

## Koteyev Leonid Mishai

Born on 10 January 1975 in the town of Tashir (Kalinino, Republic of Azerbaijan). Address: 2, Krupskata St., Tashir, Lori District, Republic of Armenia. Drafted on 17 May 1993. The village of Karamkar was his last duty station. Missing since the battles near the village of Gani Fizuli District of the Republic of Azerbaijan on 24 April 1994. Married, no children. Two brothers and two sisters.



No information available on the probable whereabouts...

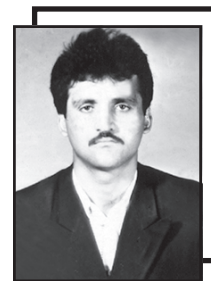


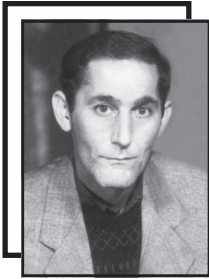
## Magerramov Mushfig Muzaffer

Born in 1970 in the village of Chyragly, Dashkesan District, Republic of Azerbaijan. Address: village of Chyragly, Dashkesan District, Republic of Azerbaijan. Unfinished secondary education. Drafted for the second time on 15 March 1992. Served in the village of Surkendi (Jabrail District). Mushfig's brother was drafted together with him. Missing in the battles in the village of Surkendi (Jabrail District). Single. Two brothers, parents. The family received material aid from the humanitarian organisation ADRA for two months. In the family of the missing Mushfig, his brother Mugerramov Fizuli (born in 1972), veteran of the war cannot undergo medical treatment.



Probable location: Republic of Armenia...



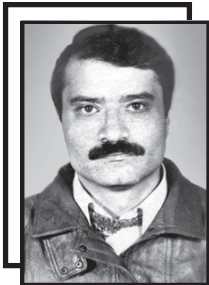


### **Mamedov Agakhasan Firuddin**

Born on 24 October 1957 in the town of Ganja, Republic of Azerbaijan. Address: 13, Kaverishkin St., Apt, 17, Baku, Republic of Azerbaijan. Unfinished higher education at the Azerbaijani Agricultural Institute. Drafted in September 1993. Served in the village of Salakhly (Agdam District). Missing since 31 December 1993 in the village of Salakhly (Agdam District). Married. One son and one daughter, parents, two sisters. His friend Javid who returned from captivity said that he saw Agakhasan together with Ilgar in Agdam District.



Probable location: Agdam District...



### **Mamedov Asaf Agasi**

Born on 19 March 1955 in the town of Ganja, Republic of Azerbaijan. Address : 27, Daga-Gorgud St., Apt, 33, Ganja, Republic of Azerbaijan. Unfinished secondary education. Volunteered on 25 May 1992. Last duty station Jebrail District. Missing since 15 August 1992 in Jebrail District near the site of intersection of borders of Iran, Armenia and Azerbaijan, in the siege of Armenian military forces. Married. Two sons, one brother. The family received material aid from local and central authorities.



Probable location: Town of Shusha...

## Mamedov Nazim Tofiq

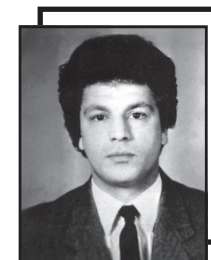
Born on 12 February 1963 in the town of Ganja, Republic of Azerbaijan. Address: 47<sup>a</sup>, Gulustan Settlement, Apt. 8, Ganja, Republic of Azerbaijan. Unfinished higher education at the Mechanisation Department of the Polytechnic Institute. Drafted in April 1994. Served in the Ter-Ter location near the village of Jalilli, where he was also missing since May 1994 after battles. Married. One son (1993) and one daughter (1990), three brothers. The family received material aid from the humanitarian organisation ADRA from 1999 until 2001, Imdad Xomeyini from 1995 and from central and local authorities.



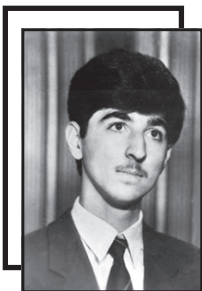
Probable location: Republic of Armenia...

## Musazade Konul Adil

Born on 10 December 1963 in the town of Ganja, Republic of Azerbaijan. Address: 36, Yeni-Ganja Settlement, Apt. 17, Ganja, Republic of Azerbaijan. Unfinished higher education in Technical School No 15. Drafted in 1994. Served in the military unit No 172. Missing since 1994 in Murovdag. Single. Two brothers and sisters. The family has not received any material aid.



Probable location: Republic of Armenia...

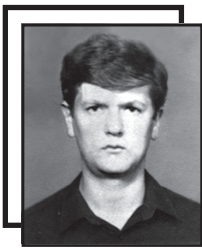


### **Pashayev Mushfig Teymur**

Born on 25 May 1973 in the town of Ganja, Republic of Azerbaijan. Address: 15, 4<sup>th</sup> District, Ganja, Republic of Azerbaijan. Unfinished secondary education. Drafted on 18 May 1991. Served in the police battalion of military unit No 5476 in Agder in July 1992. Missing since July 1992 in the village of Atek. Single. Parents, two brothers and one sister. The family has not received any material aid.



Probable location: Republic of Armenia...

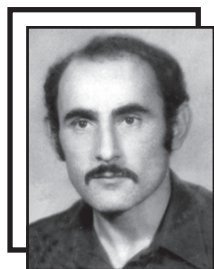


### **Pogosyan Araik Ararati**

Born on 22 June 1974 in Vanadzor (Lori District of the Republic of Armenia). Address: 9<sup>a</sup>, Tumanyan St., Apt. 28, Vanadzor Lori Distric, Republic of Armenia. Drafted on 25 May 1993 from Vanadzor. Served in Kafan (Syunik District, Republic of Armenia) (military unit 54122). Missing since the battles near the village of Goradis (Republic of Azerbaijan) on 20 April 1994. Single. One brother.



Probably kept in Bailovskaya Prison in Baku...



### **Saakyan Aramais (Babken) Arshaki**

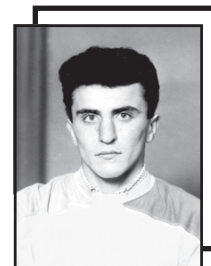
Born on 20 May 1951 in the village of Lorut (Lori District, Republic of Armenia). Lived in the same village. Drafted on 19 January 1990. Last duty location was the village of Yeraskh (Ararat District). According to unofficial data, he was first in Nakhijevan. According to unofficial data (again), he was in Baku after 1998. Married. Two sons and one daughter.



No information available on the probable whereabouts...

## Safaryan Karen Ediki

Born on 15 October 1974 in the town of Vanadzor (Lori District of the Republic of Armenia). Address: Belarus Area 19<sup>E</sup>, Apt. 2, Taron-4, Vanadzor, Lori District, Republic of Armenia. Drafted on 7 January 1993. Served in the 3<sup>rd</sup> Company of Division Training Centre. Kelbajar was his last station of duty. Missing since the battles in Kelbajar District (Republic of Azerbaijan) on 27 January 1994. Mnatsakan Yetimyan who was in captivity in Azerbaijan saw Karen's photo and said he had seen him after 15 February 1994 in Baku in Morskoy Hospital, wounded in shoulder and arm.



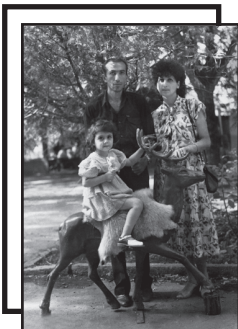
Probable location: Republic of Azerbaijan...

## Saryan Grachya Ismaili

Born on 30 January 1974 in the village of Odzun near Alaverdi (Lori District). Lived in the same village. Drafted on 18 May 1994 from the same village. Last duty location was the town of Kapan (Zangezur, Syunik District, Republic of Armenia). Missing since the battles on 20 April 1994 near the village of Goradiz (Republic of Azerbaijan). After the battle neither he nor his dead body was found in the trench. Single. One brother (born 1976). His mother is disabled (II degree). All family members are unemployed. His father searched for him for a long time, but failed to gain any information.



No information available on the probable whereabouts...

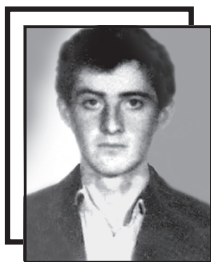


### **Unanyan Eduard Sagateli**

Born in 1958 in the town of Sumgait (Republic of Azerbaijan). Address: 52<sup>E</sup>, Apt. 4, Taron-4, Vanadzor, Lori District, Republic of Armenia. Drafted on 16 January 1995. Served in the village of Magadis (Mardakert District of Nagorny Karabakh). Missing since the battles near the village of Magadis on 22 February 1995. Married, two daughters born in 1989 and 1990. In 1997, there existed information that he was kept in Shuban prison in Baku (Republic of Azerbaijan). No information available thereafter.



Probable location: Republic of Azerbaijan...



### **Verdyan Valeri Arami**

Born in 1961 in the Republic of Azerbaijan. The family escaped from Azerbaijan in 1989. Address: 28, Getapnya St., Tashir, Lori District, Republic of Armenia. Drafted on 4 April 1994. Missing since the battles in Mardakert District of Nagorny Karabakh on 24 April 1994. The only son of his parents. Single.



No information available on the probable whereabouts...



### **Voskanyan Pavel Abraami**

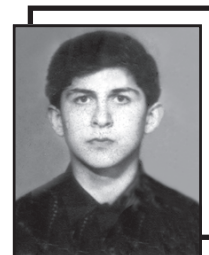
Born on 17 September 1973 in the village of Aygedzor (Krasnoselsk, Shamshadin, Taush District, Republic of Armenia). Address: Lived in the native village. Drafted from the same village on 1 November 1993. Served in military unit No 84029. Missing since the battles on 5 January 1994 near the village of Goradiz (Fizuli District, Republic of Azerbaijan). His father was first told that his son was missing, but two months later, they told him he was dead (official document was given on 11 July 1994). The document said, "the body was impossible to evacuate due to difficulties caused by military operations".



No other information has been found so far...

## Yegshatyan Vage Vaginaki

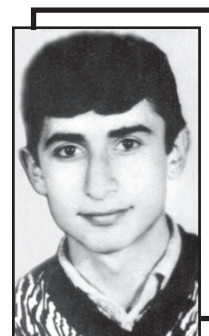
Born on 27 May 1975 in Vanadzor (Lori District of the Republic of Armenia). Address: 86/21, Vardanyants St., Vanadzor, Lori District, Republic of Armenia. From 21 May 1993 served as tank commander in the tank unit of the 4<sup>th</sup> defensive district. Missing since the battles in the locality of Akop Kamari of Nagorny Karabakh on 16 June 1993. Single. One sister.



No information available on the probable whereabouts...


## Zakaryan Aram Armenaki

Born on 15 February 1974 in the town of Tumanyan near Alaverdi (Lori District, Republic of Armenia). Address: 2<sup>nd</sup> District, Tumanyan. Drafted on 23 November 1992. Last duty location was the town of Goris (Zangezur) (Syunik District, Republic of Armenia). Missing since the battles on 7 January 1994 near the village of Goradiz (Fizuli District, Republic of Azerbaijan). Was standing sentinel and failed to retreat in an unexpected attack of Azerbaijani units, as he was not warned on time. His father says he was told the following in the Ministry of Defence of Armenia: "Find the whereabouts of your son and we will submit him for the exchange of three to five Azerbaijanis"(!!!). Single. Two brothers (1972 and 1979). The family consists of eight people – father, mother, married brother with his wife and three children, and his younger brother.




No information available on the probable whereabouts...





**Resolution**  
**of Relatives of Soldiers missing as a result of the Karabakh conflict about**  
**establishing the organization “Geneva Initiative - 2002”,**  
**representing the towns - Vanadzor (Armenia) and Ganja (Azerbaijan)**  
**(27 August 2002, Tbilisi)**



We, the relatives of the missing, traveled to Tbilisi from the towns of Vanadzor (Armenia) and Ganja (Azerbaijan) to meet each other. During the meeting organized by hCa - Vanadzor and hCa - Ganja within the frames of the project “Peace-Building in the South Caucasus”, implemented with support of the Interchurch Peace Council (IKV, Netherlands), we

- 1) discussed the situation in the field of search for information as well collection of facts about our relatives' fates and locations,
- 2) pointed out the importance of the international organizations' (especially the International Red Cross, the Clasen Group and the Armenian and Azerbaijani National Committees of hCa) efforts in this direction,
- 3) analyzed a range of reasons representing obstacles to the efficient implementation of activities in the fields of search for information and collection of facts about the destiny and location of the missing, i.e.
  - the lack of cooperation mechanisms between state bodies and relatives of the missing, as well as with the Armenian and Azerbaijani NGOs,
  - the lack of bilateral mechanisms in search for information, collection of facts, depicting and exchange on the destiny and location of the missing between the Armenian and Azerbaijani official structures, as specified in the Geneva Conventions,
  - the met problems while carrying out search for information, collection of facts and depicting the fate and location of the missing due to political aims,
- 4) taking into consideration that in spite of the contribution of our own initiative and with respect to our resources, in the last 4 - 5 years our activity on search for information, collection of facts and depicting of the destiny and location of the missing decreased sharply because of the absence of our own financial means, lack of support of state structures, as well as of the limited access to the information of state sources,

with the aim of:

- facilitating and ensuring the efficiency of activities in the search for information, collection of facts and depicting of the fate and location of the missing,
- lobbying for the realization of I Additional Protocol, pursuant to Article 32, “families have the right to know about the fate and location of their relatives ”

**We announce**

the establishment of the organization of relatives of people missing as a result of the Karabakh conflict - “Geneva Initiative 2002”

**Avakyan Slavik**

Abovyan, Republic of Armenia

**Aliyeva Akifa**

Coordinator of hCa - Ganja  
Republic of Azerbaijan

**Beyukzade Beyuk Ilyas oghly**

Ganja, Republic of Azerbaijan

**Sakunts Arthur**

Coordinator of hCa - Vanadzor  
Republic of Armenia

**Woeber Siegfried**

International Advisor of the project  
“Peace building in the South Caucasus”  
(IKV), The Netherlands

**Kasumova Khanum**

Ganja, Republic of Azerbaijan

**Poghosyan Ararat**

Vanadzor, Republic of Armenia

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**PLEASE DO NOT HESITATE TO CONTACT US FOR COMMENTS, QUESTIONS AND REACTIONS. WE ARE ALWAYS OPEN FOR COOPERATION.**

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Interchurch Peace Council (IKV)



Helsinki Citizens' Assembly (hCa)



# Loss...Hope

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Tbilisi  
Georgia  
2002

