



Doc. 11920
18 May 2009

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

Reply to Recommendation¹: Recommendation 1797 (2007)
Committee of Ministers

1. The Committee of Ministers fully agrees with the Parliamentary Assembly about the suffering which the failure to solve the issue of missing persons in Armenia, Azerbaijan and Georgia causes for the families concerned and the population of these countries in general. It can indeed fuel tension and impede the settlement of the conflicts in the region.
2. The Committee of Ministers also recognises the urgency of the problem. As the Assembly indicates, the longer it takes to implement efficient solutions, the less likely it will be for the missing persons to be identified and returned to their families.
3. Various initiatives have been taken to attempt to solve the problem, both by the authorities and NGOs in the countries in the region and also by international organisations, in particular the International Committee of the Red Cross (ICRC). The Committee of Ministers calls on the authorities of Armenia, Azerbaijan and Georgia to continue the efforts undertaken and, in particular, to co-operate fully with the ICRC.
4. It is in the light of the above initiatives that the appropriateness of possible supporting action by the Council of Europe should be assessed. It is indeed essential to co-ordinate the efforts in order to avoid duplication and have the best chances of success.
5. With regard to the recommendations made to it, the Committee of Ministers wishes to reply as follows to the Assembly:
6. The Committee of Ministers recalls the obligation of states to observe and respect and ensure respect for the rules of international humanitarian law, *inter alia*, as set out in the Geneva Conventions of 12 August 1949 and, where applicable, in the Additional Protocols thereto of 1977.
7. As underlined in the 17th general report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the CPT's mandate extends to all forms of deprivation of liberty by a public authority that occur within the jurisdiction of a State Party to the Convention for the Prevention of Torture, irrespective of whether the deprivation of liberty is lawful or not and regardless of the identity of the public authority involved. In this respect, the Committee of Ministers believes that the authorities of the respective countries will further facilitate possible action by the CPT which could be useful upon any concrete and credible information which it receives about possible unlawful detentions and will take all appropriate measures to solve the problem of missing persons.
8. With regard to the initiatives which the Assembly recommends that the Steering Committee for Human Rights (CDDH) be asked to take, the Committee of Ministers notes that conferences on the issue of missing persons have already been held in the past. It cannot be said with certainty that a fresh conference would

1. adopted at the 1056th meeting of the Ministers' Deputies (6 May 2009)



offer significant added value for solving the problem. With regard to the proposal that a resolution or guidelines be drawn up on the steps to be taken by member states to protect the rights of missing persons and members of their families during and after conflicts, the Committee of Ministers will consult the CDDH as to whether such action is appropriate. It will keep the Assembly duly informed of the outcome.

9. At its 1048th meeting held on 11-12 February 2009, the Committee invited the Secretary General to report on a regular basis on the human rights situation in the areas affected by the conflict in Georgia, in close co-operation with the Commissioner for Human Rights. The decision also requests the Secretary General to provide as soon as possible an update of the report on the initiatives carried out, under way or planned within the Council of Europe to address the consequences of the conflict, including information on the findings of the various monitoring mechanisms of the Council of Europe. The Committee will thus provide the Assembly with the updated situation, *inter alia*, concerning the missing persons.