



Helsinki Citizens'
Assembly Georgian
National Committee

Vector4Peace

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August 30 International day of missing persons

There are no wars without victims; conflicts do not disappear completely without having left behind infinite lists of missing persons ... Disappearances has universal character. More than 90 countries are captured by this problem. There was not fund any uniform official statistics about number of missing persons. There are separate data on the certain countries for the different periods. According to Amnesty International: Syria – 85,000 (2011-2015), Mexico – 25,000 (2007), Bosnia and Herzegovina – 8,000 (as a result of the conflict in the 90th). According to the International Red Cross – more than 4,500 people as a result of the Nagorno-Karabakh

conflict were missing; over 1,300 people are considered as missing persons as a result of the conflict on Donbas. According to hCa GNC – during tragic events of the 90th of the last century and August war of 2008 in Georgia were missing and completely disappeared more than 3 thousand people.

Involuntary disappearances and kidnapping is not simply cold statistics written in documents. It is unexpressed pain and sufferings of mothers, fathers, brothers, sisters, sons and daughters. This is a lot of pain of expectation, without understanding, what and when to wait, uncertainty pain



concerning destiny of the disappeared people. On August 30, 1982 this day was celebrated for the first time at the initiative of the Latin American federation of relatives of the disappeared people of FEDEFAM. Later date became international. This date for relatives became day of a remembrance of the missing relatives and prayers for them.

One of the achievements of the Helsinki Citizens Assembly can be considered that since 2004 the International day of missing persons began to be celebrated on South Caucasus.

In fight against enforced disappearances and kidnapping is expediently effective to use all existing international mechanisms provided for fight against enforced disappearances. Since February, 2006 the Convention on protection of all persons against enforced disappearances was open for signatures. In 2007 the convention was signed by Azerbaijan (without ratification) and Armenia (ratification took place in 2011), in 2015 the Convention was ratified by Ukraine. Georgia doesn't appear in the list of the countries which signed the convention. Edition of Vector4Peace begins separate investigation why this convention is still not signed.

Situation in the Tskhinvali region

Events dedicated to the International day of missing persons took place in several cities of Georgia against a difficult situation in the Tskhinvali region.

Almost every day, information on kidnapping in the Tskhinvali region is being received. For residents of the settlements located along the dividing line whose daily activity is connected with fields, harvesting, preparation of firewood, a cattle pasture, or simply visit of cemeteries – is connected with risk to be kidnapped. The last of them: On August 22 3 persons were kidnapped from the village of Khurvaleti, on August 25 2 citizens of Georgia were detained in the village of Bershueti. After August, 2008 the military personnel of border troops of Russia arrested hundreds of citizens of Georgia. And this during the period till 2009.

According to the research conducted by "Institute of development of freedom of information" (IDFI) "more than 2 117 citizens of Georgia were illegally detained by the Russian invaders from 2009 to 2015 ... Within nearly six years when crossing the occupational line with Abkhazia by the

Russian so-called frontier guards detained about 1 416 persons, and on administrative border with the Tskhinvali region is arrested 701 persons.

As a rule, after several days of stay in the Tskhinvali insulator, they are released after payment of a penalty which according to the National defender of Georgia makes 2,000 – 11,000 Rubles, which is 100-600 Lari, depending on how many times the person was detained. For the majority payment of this sum represents a considerable financial burden as many of detainees are from socially unprotected group. But not all cases, come to an end with release.

For a solution there is no legal space. The Minister of Foreign Affairs of Georgia Tamar Beruchashvili called the kidnapping as unacceptable, having regarded such facts as violation of the Ceasefire Agreement of August 12, 2008. "Russia considers the occupational line of Georgia a frontier, and it is bitter and heavy reality", the special representative of the prime minister of Georgia concerning settlement of the relations with the Russian Federation Zurab Abashidze

declared. Tbilisi doesn't recognize the line of division as a "frontier". At the same time so-called "authorities of South Ossetia" threaten to toughen punishment for unintentional

crossing of border, promising renewal of criminal cases that can lead to a sharp aggravation of a situation in the region.

Situation in Abkhazia

Situations with kidnapping and involuntary disappearances of people are actual also for Abkhazia the population of which is under fear and terror.

For the Gali area - these cases became the ordinary. Especially kidnapping for the purpose of repayment which is characterized by seasonality is spread. The number of kidnapped significantly increases during harvesting of a filbert (July-August-September) - one of the main sources of the income for local population. And during this period the criminal situation becomes aggravated and the panic among the population grows.

Problems of kidnappings in the Gali area are recognized also by the representatives of the government of unrecognized Abkhazia. According to the Minister of Internal Affairs

of de facto Republic of Abkhazia, Raul Lolua, Gali area is the most criminal in Abkhazia. "Annually there are fixed about 10 crimes connected with kidnapping, thus the very often kidnapped don't address to law enforcement agencies, preferring to agree with extortionists and to pay them repayment. Therefore, according to the minister, it is impossible to call exact quantity of similar crimes".

The chairman of the Supreme Council of Abkhazia Gia Gvazava, declared that the local militia doesn't cope with the criminal situation which developed in Gali. According to his information for the last three years only from one village, Nabakevi 40 people were kidnapped and robbed. He stated fear that de facto power of Abkhazia can use this situation and complicate transition of the citizens from the Gali area to Zugdidi.

Missing People

Timur Akiev

Annually, in a number of the countries the International Committee of Red Cross holds events which are urged to keep the remembrance of those whose destiny is still unknown.

August 30 - International Day of the Disappeared. In the North Caucasus, a significant portion of the missing people - are victims of enforced disappearance. In most cases, these crimes remain unsolved.

International Day of the Disappeared for most Russians is an inconspicuous date. According to statistics, over the past 15 years in Russia there are over 100 thousand people whose location is not identified by any reliable information. Annually new cases are being recorded, but most of the missing people are being found. As a rule, these are people who have lost touch with their relatives or got lost under different circumstances. Such is the national trends, but each region has its own specifics. In the North Caucasus the majority

of missing persons are the victims of kidnappings and murders.

According to the Center of Civic Assistance of Missing People in North Caucasus during the peacemaking mission named after General Lebed, the fate of the 7621 human remains unknown. As stated on the website of the organization, people disappeared during the conflict in the North Caucasus. In other words, were kidnapped or taken hostage. The Criminal Code of the Russian Federation described such crimes in several articles: kidnapping, unlawful confinement, murder, and others. Meanwhile, in international law, such acts qualify as "enforced disappearances".

It has its own statistics and the republics. Thus, according to the Human Rights Center "Memorial", during carrying out in Chechnya "counterterrorist operation" were kidnapped, according to various estimates, from three to five thousand people. In Ingushetia, since 2002, over the next ten years, according to the same organization, as a result of kidnappings missing about 150 people. More detailed



statistics on the residents of Ingushetia gives the local human rights organization "MASHR". In her list there are 227 missing. There is a statistics according to republics as well. Thus, according to the Human Rights Center "Memorial", during carrying out "counterterrorist operation" in Chechnya,

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Among them is Bashir Mutsolgov, brother of the head of the Mashr organization Mohammed Mutsolgov.

Mohammed wrote on the anniversary of kidnapping of his brother in the blog: "11 years later ... the investigation is suspended because of the impossibility to identify the personalities of kidnappers, and this despite a set of proofs in the case papers and the decision of ECHR which came into force.

Uncertainty and ignorance became destiny of hundreds of families, whose family members were kidnapped and are missing for the last 12 years in the republic".

Indeed, investigating authorities have nothing to brag. The majority of criminal cases are suspended and consequently the search of the missing is not conducted. The last chance for the relatives of the victims of kidnapping is the appeal to the European Court of Human Rights. Research of materials of the criminal cases on the North Caucasus presented by Russia to Strasbourg shows that the most necessary investigative actions in most cases were not conducted. The speech actually is about sabotage of the search of the guilty committing crimes, by the staff of the state departments.

The European convention provides not only the responsibility for the crime committers but

also but also and the obligation of the state to prevent and investigate the committed crimes. So far there is only a hope that sometime the situation regarding the investigation of cases of enforced disappearances of residents of the North Caucasus will change to better. Every year, the International Committee of the Red Cross carries out activities in several countries, which are intended to preserve the memory of those whose fate is still unknown.

In the North Caucasus, these actions are carried out with the assistance of the Russian Red Cross. This year, on the eve of anniversary of the Ingush branch of PKK volunteers distributed calendars, reminding that we live among people who know nothing

about the fate of their loved ones. These shares are also an occasion to call on the authorities to step up the search for these people.

The preamble of the UN Declaration on the Protection of All Persons from Enforced Disappearance states that enforced disappearance undermines the deepest values of any society committed to respect the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity.

<http://www.ekhokavkaza.mobi/a/27216912.html>

Over than 1300 people are reported missing as a result of conflict between Ukraine and Russia

During the anti-terrorist operation, law enforcement officers have registered 5.5 thousand proceedings with respect to missing persons and abducted citizens of Ukraine. Told reporters Deputy Head of the Main Investigation Department of the Ministry of Internal Affairs Igor Talantay.

“During the time of the ATO internal affairs authorities registered more than five and a half of the criminal proceedings on the fact of missing and kidnapped citizens of Ukraine”, – said I.Talantay.

According to him, among this number more than 1 thousand. 300 missing persons are Ukrainian military.

The Parliamentary Assembly of the Council of Europe (PACE) has said that more than 1,300 persons have been reported missing in east of Ukraine. "PACE discussed a report on a very sensitive issue 'Persons Missing for the Period

of Conflict in Ukraine'. This list totals 1,200 people (according to Ukrainian Security Service), Red Cross gives a huge figure – 1,300 [people missing], taking into account losses of other [conflicting] side," MP Iryna Heraschenko wrote on her Facebook account on the results of the PACE sitting in Strasbourg. She stressed that Ukraine "doing its best to find missing people, to identify persons killed."

"We insisted on involving International Committee of the Red Cross (ICRC) to the work [to find people missing]. And now the ICRC ready to join this work," the parliamentarian said.

Moreover, she underlined the importance of that the last PACE resolution "for the first time in the documents of the international organizations registered a term 'Russian aggression in Ukraine.'"

According to the west media, UK PACE delegate Jim Sheridan said that under an official data, more than 1,300 persons have been reported missing, including soldiers, civilians and volunteers since the beginning of the conflict in Donbass in early 2014.

He also said there is no official number of killed Russian soldiers in the east of Ukraine. But now this is more than 2000 missing (or killed) Russian servicemen.

1.5 year of repressions: missing Crimean Tatars in occupation

Kirk Douglas, Canada, Toronto

Murders, kidnapping, mass searches and arrests – these are the realia that Crimean Tatars had to face after the Russian occupation of the peninsula.

The Crimean Tatars were some of the most active opposers of the Russian occupation. That had been staging multiple protests from the time of the appearance of unmarked military personnel in Crimea (who Putin later admitted to be regular Russian troops).

Over 20 Crimean Tatars were reported missing in the Crimea last year. This figure was announced by the leader of the Crimean Tatar people, the former Chairman of Majlis Mustafa Dzhemilev. Some of them were contacted later, others were found dead. According to human rights activists, the destiny of five people is still unknown.

The Crimean militia is reluctant to investigate cases on missing people. As of February 2015, only four Crimean Tatars were searched by the Investigation Committee of the Russian



Federation in the Crimea, but there was no progress in investigating these cases of kidnapping.

Human rights activists note: the so-called "self-defense" that is subordinate to the local authorities may be involved in at least four of these crimes. And it makes the search and punishment of guilty people almost impossible.

Reshat Ametov was the first Crimean Tatar to die: he was kidnapped on 3 March 2014 from

the building of the Crimean parliament where he was standing in solitary protest by three men from the so-called 'self-defence' paramilitaries.

His mutilated body was found on 15 March. The Crimean Human Rights Field Mission reports that the murder investigation has been suspended, with no reason given.

Timur Shaimardanov, a 34-y.o. businessman, and Seyran Zinedino, a 33-y.o. hauler, close associates that participated in demonstrations against annexation of the Crimea and helped the Ukrainian military during the blockage of their military units by the "self-defense" and "little green men," disappeared in May. On 25 May 2014, Timur Shaymardanov left for work, and nobody saw him ever since. His friend Seyran started a search for him, but went missing after 5 days.

Criminal cases for murder were opened, but, according to relatives, the investigators were more interested in the political views of the victims than their whereabouts.

On September 27, the 18-year-old Islyam Dzhapparov and his 23-year-old

cousin Dzhevdet Islyamov were kidnapped by unknown men in black uniforms. Law enforcement agencies have shown negligence in searching for the victims; relatives suspect that they themselves are involved in the crime.

23-year-old Eskender

Apselyamov disappeared in Simferopol on 3 October 2014 after leaving for work. 25-year-old Edem Asanov was found dead a week after his disappearance on September 29. On October 13, two 18-year-old students, Artem Dayrabekov and Belyal Bilyalov, disappeared in Simferopol. Bilyalov's body was found on the outskirts next evening with signs of cruel torture. 29-year-old Usein Seitnabiyev had been missing since 31 October 2015.

Apart from Crimean Tatars, other civic activists have been kidnapped in Crimea: Vasyl Cherysh, an Automaidan activist who left for Crimea when Russian forces disguised as "self-defense" troops began seizing government buildings, was already reported missing on 15 March 2014, a day before the so-called "referendum."

Leonid Korzh had gone missing a couple of days before Shaimardonov.

Program "Yellow Tulips"

Work began in 1990 when hCa GNC published the newspaper "Resonance" first publication was devoted to enforced disappearance. Since the establishment of national committees in the Caucasus of hCa problem of prisoners of war and hostages became one of the main areas of work. In the early stages - it was volunteer work of



activists, peacekeepers and human rights defenders.

With joint activities of Azerbaijani, Armenian, Georgian and Russian partners in the working group of release of the hostages and prisoners of war, with the support of international organizations, more than 500 prisoners and hostages were released.

cooperating with local authorities, with institute of the National Defender, and also with other public organizations both in Georgia, and in Russia. Concentration of the international attention, in Telavi in 1998 organization of the international conference on problems of modern terrorism, association of relatives of hostages in the movement against terror and violence and some other actions



Nineli Andriadze (Molodini) and Siegfried Weber (Interchurch Council of the World)

hCa GNC was engaged not only in the process of technical assistance to negotiations, but also directly to the release of ethnic Armenians and Azerbaijanians – citizens of Georgia. So, for example, the citizen of Georgia, the ethnic Armenian Khachatryan who was the hostage of illegal military formation "Gray wolves" in Azerbaijan was released and returned to his family.

hCa GNC took active part in release of the hostages who are in the Pankisi Gorge,

created additional conditions for release of dozens of hostages connected with the North Caucasus conflicts.

From 2003 to 2006, on eradication of disappearances and kidnapping in Georgia and in the Caucasus, hCa carried out the Yellow Tulip program with assistance of the Dutch organization "Interchurch Council of the World".

hCa GNC has been working with the following groups:

- Missing during the armed operations and prisoners of war
- Hostages
- Kidnapped people
- Involuntary disappeared
- Illegally detained

The work related to both the victims and their families and was conducted in the following areas:

- Monitoring of the situation (the media and field trips)
- Meetings with interest groups and the development of joint approaches
- Analysis of legislation and lobbying for positive changes
- Informing the public and groups at risk
- Cooperation with Government

hCa promoted the process of self-organization of the former victims of enforced disappearances and abductions, as well as their families. Great contribution in the search for missing persons has made one of these organizations composed by the relatives of the missing "Molodini" ("Expectation"), led by Nineli Andriadze. Much work has been done by the Working Group on the search for missing persons and the release of prisoners and hostages of the Karabakh conflict.

hCa GNC raised the problem of the lack of a clear legal categorization of victims of enforced disappearances and abductions, and as a consequence, the lack of legal framework to protect the rights, providing social and psychological support to victims and their

families. The analysis of this problem has been presented in the publication "Problems of disappearances and kidnapping in Georgia: public and state response", which remains relevant to this day. (Information on Publication is provided below on the last page)

hCa GNC intends to continue to work in the following areas:

- Formation and implementation of a system of civil control and response to the facts of involuntary abductions and disappearances in regional and trans-regional dimensions (systematic monitoring, working with interest groups in informing, equal involvement of all groups in the problem-solving process, the consolidation of interest groups, the impact on the national and international policy).

- Organization of monitoring of the situation and the preparation of regular reports on the issue of trust.

- Lobbying for changes to optimize the state policy in this sphere and eradicate problems (changes in national legislation, including social legislation regarding the protection and rehabilitation of victims and their families).

- organization of conferences and seminars on various aspects of the issues, as well as regular working meetings, which would allow to combine efforts of experts, victims, their families and international organizations.

The publication "Problems of disappearances and kidnapping in Georgia: Public and state response" is published with assistance of IPC (Interchurch Peace Council) within the frameworks of Yellow Tulips project. The material entered the publication and is prepared by the expert group of the project who are members of the Helsinki Citizens Assembly Georgian National Committee (hCa GNC) and the Caucasus Institute for Regional Security (CIRS).

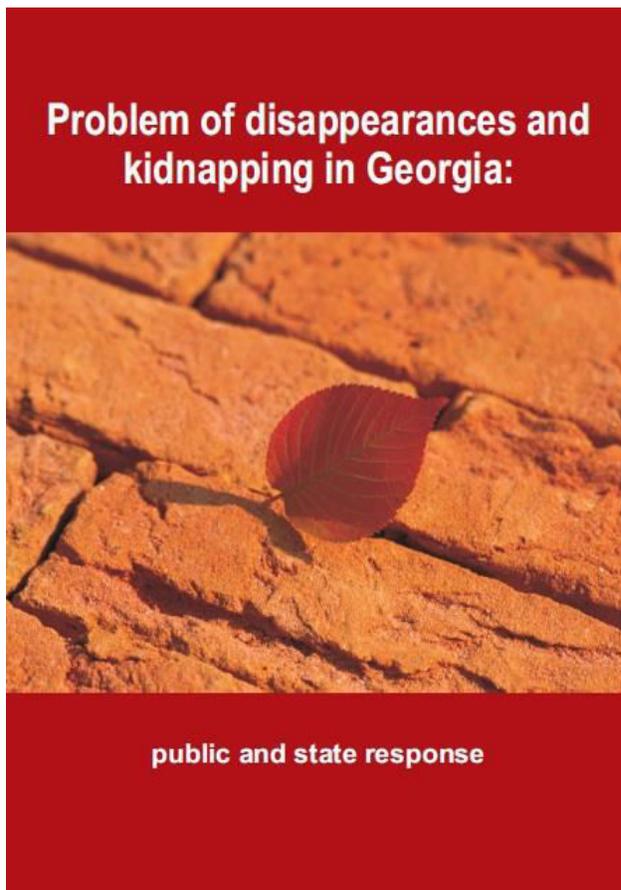
The edition is devoted to a problem of a kidnapping, disappearance of people and is based on results of fourteen years' fight of the Helsinki Citizens Assembly, its partners and branches with these crimes.

The historical retrospective of process of this fight, results of analytical researches of the Helsinki Citizens Assembly Georgian National Committee and Caucasus Institute for Regional Security and everything that accompanied this process is presented in the publication which is directly connected with human lives, hopes, tragedies and expectations.

The Declaration against kidnapping and disappearance of people signed by activists of civil society in the summer of 2006 is presented in the publication. Authors of the declaration are the experts of the Georgian and international community and also people who directly became victims of violence and wars.

The offered publication consists of two parts: the first part narrates about legal aspects of a kidnapping; the system of protection against enforced disappearance, and also history of joint activity of CIRS/hCa GNC in this sphere is considered here.

The second part of the publication is allocated for the description of the situation existing in Georgia, and also methods of fight against kidnapping and enforced disappearance of people. In the publication there are being considered and explained the meanings of the terms and definitions used in this sphere; international legal instruments and methodology of fight against kidnapping and disappearance of people; various recommendations are provided.



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