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**SPECIFIC GROUPS AND INDIVIDUALS:  
OTHER VULNERABLE GROUPS AND INDIVIDUALS**

**Missing persons**

**Report of the Secretary-General**

**Summary**

The present report contains a summary of the replies received from Governments and international organizations pursuant to resolution 2004/50 of the Commission on Human Rights.

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## I. INTRODUCTION

1. In its resolution 2004/50, the Commission on Human Rights requested the Secretary-General “to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations” and “to report to the Commission at its sixty-second session on the progress made in the implementation of the present resolution”. The present report, which was prepared in accordance with resolution 2004/50, contains a summary of the replies received.

2. In response to a note verbale dated 13 September 2005, information was received from the Governments of Argentina, Armenia, Azerbaijan, Croatia, Mexico and Morocco. In response to a letter sent to various organizations on 13 September 2005, the International Committee of the Red Cross and Office of the United Nations High Commissioner for Refugees provided their comments.

## II. REPLIES RECEIVED FROM GOVERNMENTS

### Argentina

3. The Government of Argentina stated that in June 2005, the Supreme Court announced that the “full stop” and “due obedience” laws, approved in 1986 and 1987, respectively, were contrary to the Constitution and the human rights treaties to which Argentina was a party. These laws ensured the impunity of the middle- and low-ranking armed forces and security personnel who committed human rights violations during the military dictatorship from 1976 to 1983. This historic judgement recognized two basic precedents: the decisions of lower courts which began to review the validity of the impunity laws in March 2001, and National Congress Act 25.779, which in September 2003 declared the laws null and void. Argentina, through its principal court, eliminated legal hindrances to the prosecution of the perpetrators of the crime of enforced disappearances. The Supreme Court’s judgement in turn eliminated other obstacles to the course of justice. On the basis of its jurisprudence, it settled the discussion on the limitation of criminal proceedings. The Supreme Court decided that, in cases of crimes against humanity, there was no limitation on criminal proceedings and that enforced disappearances committed by the military dictatorship as part of a systematic plan were therefore not time limited. The Supreme Court’s decision enabled cases still pending to continue and cases that had been closed following the promulgation of the full stop and due obedience laws to be reopened.

4. The Government noted that the pardons for individuals convicted in the trial of the military juntas and other high-ranking military personnel had also been the object of judicial scrutiny. A decision concerning the compatibility of these presidential pardons with the Constitution and international human rights treaties was currently pending in the Supreme Court.

5. The Government further stated that some 60 judicial proceedings were in progress for the investigation of cases of enforced disappearances. Nearly all of these proceedings involve more than one case. In other words, it was not 60 enforced disappearances that were being

investigated but 60 groups of cases, covering a large proportion of all the victims reported. This grouping corresponded in general to circumstances common to a set of cases, such as the place and date where the offence was committed or the fact that the victims were held in the same secret detention centre. The ongoing proceedings were being conducted throughout Argentina. The proceedings also included complaints of the abduction of children and the altering of their identity. The data from a survey conducted up to June 2005 show that 183 individuals were being held for human rights violations during the military dictatorship from 1976 to 1983, while 24 were released for lack of evidence, 5 have been declared legally incompetent, 34 are fugitives and 72 have already died.

6. The Government noted that, at the same time, proceedings were being conducted in almost all Argentina's federal courts, in an endeavour to ascertain what happened to the victims of enforced disappearances under the last military dictatorship. In 2005, it was possible to establish the fate of five persons abducted in 1977, taken to the secret detention centre located in the Naval Engineering College and subsequently dropped into the sea from planes. The investigation was based on the compilation of existing data about the circumstances of the death of each of the victims and evidence concerning the existence of bodies that may be those of missing persons in various Argentinean cemeteries. One of the cemeteries on which the investigation concentrated was in the town of General Lavalle. A number of unidentified bodies, which had been washed up on the sea coast in December 1977 and February 1978, were buried there. With the assistance of the Argentinean Forensic Anthropology Team, six bodies were exhumed and samples of mitochondrial DNA taken. Analyses made it possible to identify five victims. The court in charge of the investigation handed over the remains to the families, thus ensuring their proper burial.

7. The Government reported that proceedings were also being conducted in Court No. 5 of the National High Court of Spain, where Adolfo Scilingo, former frigate captain of the Argentinean Navy, was convicted for crimes of terrorism and genocide committed in Argentina during the military dictatorship. Proceedings were initiated in 1996 and were being conducted in accordance with the principle of universal jurisdiction. The Italian and French courts had also tried Argentinean military personnel in absentia for the disappearance of Italian and French citizens. In both cases, sentences were handed down against high-ranking military personnel. Courts in Germany and Sweden also initiated legal proceedings on behalf of German and Swedish citizens, but with fewer results. There are also cases of Argentinean nationals missing in Uruguay. At the request of the families of those missing persons, the Uruguayan authorities were carrying out investigations in order to establish what happened to them and where their remains are.

8. The Government also reported that the National Memory Archive was created by National Decree 1259/2003 for the purpose of obtaining, analysing, classifying, duplicating, digitizing and archiving information, testimonies and documents concerning human rights violations and the social and institutional response to them. This was another initiative to provide a response to society and relatives concerning the fate of the victims of enforced disappearances. In addition, since 1999, courts investigating cases of enforced disappearances have stipulated that archives in public offices containing information that may relate to or shed

light on the fate of missing persons must not be altered. This provision, known as the “no change” measure, included all military records, hospitals, cemeteries, prisons and civil registers, whether national, provincial or local. Furthermore, investigations were in progress into the operation of numerous detention centres where missing persons were held. In many cases, provision was made for recuperating them for historical, testimonial, archaeological and evidential purposes.

9. The Government noted that Argentina ratified the Inter-American Convention on the Forced Disappearance of Persons in 1994. The National Congress gave it constitutional status in 1997. Argentina had been actively involved in preparing a draft international convention for the protection of all persons from enforced disappearance, which was approved at the fifth session of the working group responsible for drafting that instrument. In particular, the delegation of Argentina had a decisive influence on the creation of an autonomous instrument to prevent the scourge of enforced disappearances and on the establishment of a new mechanism for efficiently monitoring this international crime. Argentina’s experience in combating enforced disappearances also determined the inclusion of specific provisions to protect children and a special provision concerning the right to truth. Furthermore, the Commission on Human Rights, at its sixty-first session, on the initiative of the delegation of Argentina, adopted resolution 2005/66, which recognized the importance of respecting and ensuring the right to truth so as to contribute to ending impunity and to support and protect individuals in the face of serious human rights violations.

### **Armenia**

10. The Government of Armenia submitted information provided by the State Commission on Captives, Hostages and Missing Persons of the Republic of Armenia (hereinafter “Commission”). The Commission, inter alia, stated that uncertainty about the fate of missing relatives keep their families under stress, which in turn resulted in their inability to reintegrate into society and undergo reconciliation. This is typical for families of the more than 1,100 missing Armenians, 600 of them peaceful civilians, in the zone of the Nagorny-Karabakh armed conflict. Since the beginning of the armed conflict, the authorities of Armenia focused on the issues of search for discovering, releasing and returning to their families of missing militaries and civilians. On 18 April 2000, the Decree of the President of the Republic established the State Commission on Captives, Hostages and Missing Persons, which included representatives of the interested ministries, National Assembly and non-governmental organizations. The President of the Republic also approved the State Commission Regulation, which was aimed at solving the issues of those missing. In a relatively short period of time, the Commission, in cooperation with the State structures, undertook effective steps directed at the solution of socio-economic, financial, medical-psychological and legal needs of families of the missing. The members of the Commission attached great importance to establishing direct working contacts with the State Commission of the Republic of Azerbaijan to solve existing problems.

11. The State Commission of the Republic of Armenia said that it believed that the absolute majority of missing at the Nagorny-Karabakh conflict perished during the combat activities, and if the Azerbaijani authorities displayed good will and spirit of cooperation, possible mass burial

places could be searched for and discovered. The Commission highly appreciated the effective cooperation with the interested international organizations, particularly with the International Committee of the Red Cross (ICRC), in addressing the issue.

### **Azerbaijan**

12. The Government of Azerbaijan stated that 20 per cent of its territory had been occupied by Armenia. More than 1 million people had become refugees or displaced persons and had been deprived of their basic rights. Roughly 18,000 people had been killed, and 50,000 had been disabled. Some 5,000 citizens were missing, while 1,378 persons had been released from Armenian captivity. The State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons was established in 1993 for the purpose of searching for and obtaining the release of prisoners of war, hostages and missing persons. Since its establishment, the State Commission had been guided in its work by the principles and norms of international humanitarian law and had carried out searches with a view to ensuring the right of families to know the fate of loved ones missing as a result of armed conflict. To this end, the State Commission was working closely with a number of international organizations, including the International Committee of the Red Cross and the International Working Group to Search for the Missing, Hostages and Prisoners of War, which comprises human rights activists from Germany, the Russian Federation and Georgia.

13. The Government reported that data were regularly collected and analysed, and that a special database had been created in order to organize the search for and determine the fate of missing persons. To date, the State Commission's database contained information on 4,681 missing Azerbaijanis and 414 missing Armenians. In the course of their investigations, officials of the State Commission continuously updated their lists, gathered new information and tried to find witnesses. Ongoing attention was given to keeping the families of missing persons informed. Information provided by individuals enquiring about missing persons was carefully studied, analysed and taken into account in the search for such persons. The list of missing persons submitted by ICRC in April 2004 was compared with the State Commission's own list and studied in depth, and the required analysis and research were conducted. Officials of the State Commission were endeavouring to remove discrepancies between the State Commission's list of missing persons and ICRC's list. Information on missing persons received by the State Commission between 1993 and 1995 was being updated and sent to the Baku Office of ICRC. Contact was made with the relatives of missing persons who had not registered with ICRC, who were invited to visit the offices of ICRC in Azerbaijan and to make search requests.

14. The Government said that the occupation of Azerbaijani lands was accompanied by the mass extermination of the local population and hostage-taking. The State Commission had collected a large quantity of materials which showed that many of those missing were captured or taken hostage by the Armenian armed forces and were held in the occupied territories of Nagorny-Karabakh and in neighbouring districts, or were removed to Armenian territory. These reports were being investigated and witnesses' testimony was being verified. Among those presumed to be prisoners of war or hostages were people who, owing to age, illness, disability,

wounds or other reasons, were unable to leave the occupied territory. Particular mention should be made of the many cases of Azerbaijanis being captured or held in Armenian captivity, as was evident from the testimony of people who had been released from Armenian captivity. These irrefutable reports of the taking of prisoners of war and hostages made it possible to determine the fate of those who are missing. However, all attempts to organize a search had been thwarted by the uncooperative position of the Armenians, who concealed facts concerning the fate of missing persons. For this reason, actions undertaken in this area had not produced the desired results. International organizations' lack of control over the occupied territories further aggravated the state of affairs, as it allowed Armenia to use the territory for criminal ends. There was information that prisoners and hostages were being exploited as slaves on drug plantations, in hard and hazardous work and in various experiments on the human body. Women hostages were used as "slave production factories". Many women were trafficked.

15. The Government reported that the State Commission had repeatedly appealed to various international organizations, including ICRC, with a view to organizing a search and establishing the fate of these persons, and had provided full information about witness accounts and the presumed places of detention. However, all the efforts of international organizations had been fruitless. The Government gave three examples of missing persons and stated that, in violation of all generally accepted international human rights standards and of all international conventions, Armenia refused to provide truthful information about their fate. According to the Government, there were many other similar cases that could be cited to prove that Armenia was deliberately concealing information about the fate of missing persons.

16. The Government reported that the State Commission's databases collected and systematized various testimonies, including those concerning deaths and burials, with a view to using them in searches. The information that had been obtained by the State Commission from various sources, including eyewitness accounts, indicated that many people, including children, women and the elderly, who were taken prisoner or hostage by the Armenians were brutally killed soon after they were captured or died in Armenian captivity as a result of torture, intolerable conditions and illness. According to information as at 1 December 2004, there were more than 500 such persons. The families of those who died were not informed, and the place of burial was not always known. The State Commission was also collecting information about deaths in battle, places of burial and mass graves.

17. The Government said that the difficulty of searching for missing persons was further complicated by the fact that a definitive settlement of the conflict was being dragged out, while time destroyed important evidence. The information that had been gathered was useless owing to Armenia's uncooperative position with regard to searches, and the lack of any opportunity to carry out investigative measures at the scene of the events, that is, in the territory of Nagorny-Karabakh, occupied by Armenia, and the seven neighbouring districts. For these reasons, there was a long overdue need to develop, plan, fund and organize tangible measures to allow the search for missing persons to be conducted in situ and for remains to be identified. Even more urgent was the need for negotiations with Armenia in order to create the necessary conditions for the work of search groups. The work of the search groups would not only provide

an opportunity to ascertain places of burial but might also make it possible to establish the fate of those who, owing to age, illness, disability or wounds, or other reasons, were unable to leave their homes. It had been proposed that search groups should comprise specialists and volunteers from both parties to the conflict, with the participation of representatives of international organizations. The composition of the groups should be flexible and should change in relation to the specific nature of each search. The Government expressed its hope that efforts to draw the attention of broad sectors of the international community to solving the problem of organizing searches for missing persons would provide an opportunity to coordinate efforts, to develop a real mechanism for providing all-round assistance in this area and to obtain tangible results.

### **Croatia**

18. The Government of Croatia stated that it welcomed the adoption of Commission resolution 2004/50. Having directly encountered the problem of missing persons, the Republic of Croatia had been implementing international humanitarian law since 1991, and especially such provisions as stipulated by the Geneva Conventions and Additional Protocols pertaining to missing persons. Since 1991, the Republic of Croatia had established and developed institutional mechanisms for dealing with this problem. This resulted in the development of the “Croatian model for tracing missing persons”, which included positive experiences of international organizations and countries that addressed this issue, while considering geopolitical, cultural and other characteristics of the Republic of Croatia.

19. The Government noted that the basis for resolving the issue of missing persons in Croatia included the following principles: every person’s right to life, liberty and security of person; prohibition of cruel, inhuman or degrading treatment or punishment; and every family’s right to know the truth about the fate of their loved ones. The issue of missing persons was also closely related to other priority issues in Croatia, including the return of displaced persons and refugees, the establishment of coexistence as a precondition for normalization of relations in the previously occupied territories, and normalization and improvement of relations with neighbouring States.

20. The Government specified that, out of 18,000 persons registered as detained, missing and forcibly abducted in 1991, 7,666 persons were exchanged and released by the Government of Serbia and Montenegro (the then Federal Republic of Yugoslavia), the government of Bosnian Serbs, and paramilitary forces from the previously occupied parts of the Republic of Croatia. The tracing process was resolved for many persons once they had been found and reunited with their families. To collect all relevant information, the relevant bodies of the Republic of Croatia had renewed in 1994 requests to search for missing persons. Consequently, 3,053 persons, mostly ethnic Croatians and non-Serbs, were registered missing and taken away by force. Detailed information on missing persons was collected, including ante-mortem data. This approach for tracing was later adopted by Bosnia and Herzegovina, Serbia and Montenegro, including Kosovo, as was implemented by international institutions as well. Additionally, information was also collected according to the forms supplied by the United Nations Centre



for Human Rights (now OHCHR) and delivered to the United Nations special process on missing persons in the territory of the former Yugoslavia. The efforts of the Government of Croatia had resulted in the exhumation of 141 mass graves and over 1,200 individual graves. Out of the remains of 3,573 persons, 2,972 were positively identified and returned to the families. Relevant authorities organized burials and reimbursed the expenses for all the identified victims, whose burial took place in accordance with their families' wishes.

21. The Government further stated that, even though the above measures resulted in resolving the fate of most missing and detained persons, the fate of 1,149 missing and forcibly abducted persons still remained unknown. This made it the most difficult humanitarian issue as a result of armed conflict in the Republic of Croatia. Out of 1,149 persons still sought, 51 per cent were civilians, 20 per cent were women, and as many as 29 per cent were senior citizens. Twelve persons, whose fate was still unknown, were minors at the time of disappearance.

22. The Government stated that the issue of missing persons was of priority relevance in its relations with Serbia and Montenegro, which had access to information and documentation on missing persons in the Republic of Croatia, and the remains of unidentified victims have also been buried on its territory. However, after a prisoner-of-war exchange in 1992, the then Federal Republic of Yugoslavia (Serbia and Montenegro) suspended the negotiation process on missing persons. Similarly, it refused any cooperation with the United Nations special process on missing persons in the territory of the former Yugoslavia. This was one of the main reasons for passing resolution 1995/35 at the fifty-first session of the Commission on Human Rights, urging the Federal Republic of Yugoslavia to cooperate in tracing missing persons. Having signed bilateral agreements and a Protocol on cooperation between commissions on missing persons in 1996, some slow improvement on resolving the issue of missing persons was made. Most cases of missing persons would be resolved if Serbia and Montenegro's dossiers were opened and information made available. Meanwhile, the Republic of Croatia undertook all measures and activities to resolve the fate of about 200 missing citizens of Serbia and Montenegro who participated in the war against the Republic of Croatia. During the implementation of the tracing activities, as in current cases, the presence of observers from international organizations and expert observers of interested parties had been enabled.

23. The Government stated that, in addition to the cases mentioned, a considerable number of persons, mostly its citizens of Serb ethnicity, disappeared during the liberation of the previously occupied areas of the Republic of Croatia in 1995. Since Croatia is committed to resolving the fate of all its missing citizens regardless of their origin, ethnicity, religion etc., information concerning 867 missing persons from that time was collected at its initiative and in cooperation with ICRC. Following the identical approach to resolving the fate of missing persons, 499 persons had been exhumed, out of which 292 were positively identified and returned to their families. Burial, according to the families' wishes, was ensured to all identified persons.

24. The Government further advised that the system for tracing was further complemented by outstanding care for the families of missing and forcibly abducted persons. All families of the missing persons, regardless of their origin, ethnicity, religion or any other affiliation, including

circumstances of their disappearance, had been encouraged to file tracing requests to relevant governmental bodies, in accordance with the highest standards of ICRC and the Commission on Human Rights. Families were being continually informed of the tracing process through direct individual contact, cooperation with relevant non-governmental associations concerned with missing and detained persons, and by public statements. Once the fate of a missing person was confirmed, the tracing process was closed with the approval of the family. Beside this aspect of family participation, and considering the vulnerability of family members, psychological and social care had been made available to family members and they were granted, through legislation, special status rights.

25. The Government further noted that, since 1991, the Republic of Croatia had cooperated with international organizations whose mandate concerns the issues of missing persons. Since the establishment of its Office in the Republic of Croatia in 1991, ICRC was enabled to fully implement its mandate on its territory. During the war years, intensive cooperation between the Government and ICRC took place on the issue of missing persons. By accepting the standards of ICRC, the Republic of Croatia confirmed its acceptance of respect to and implementation of, humanitarian principles concerning the issue of missing persons. A joint project of the Government and ICRC concerning the collection of ante-mortem and other types of dates relevant for the tracing process was successfully completed. Other projects currently under way included the establishment of a system for, and operational cooperation in the organization of, identification processes and burial of post-mortem remains. Additionally, the Republic of Croatia cooperated with other international organizations, including the International Commission on Missing Persons (ICMP) in Bosnia and Herzegovina.

### **Mexico**

26. The Government of Mexico stated that the Department for Crime Prevention and Community Services of the Office of the Attorney-General of the Republic ran a social support programme for relatives of missing or abducted persons, which consisted of the dissemination at the national level of flyers containing a photograph and the physical description of the missing person. A comprehensive care system had also been implemented. The system provided multidisciplinary support in the areas of legal assistance, social work and psychological support with a view to helping family and friends to cope with the absence of the loved one. Within the institution, this programme liaised with the Office of the Assistant Attorney-General for Organized Crime Investigation, the Federal Investigation Agency, Interpol Mexico and the Office of the Assistant Attorney-General for Human Rights, Victim Care and Community Services. There is a coordinating office for missing or abducted minors. It has also supported the National Human Rights Commission in its programme on persons presumed missing.

### **Morocco**

27. The Government of Morocco stated that, with regard to Commission on Human Rights resolution 2004/50 concerning missing persons in the context of armed conflict, it cherished the humanitarian principles contained in the international humanitarian law conventions. In particular, Morocco stressed two issues. First, the Moroccan Constitution and some national

laws contain provisions that are affirmed by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and by international humanitarian law conventions. These provided foreigners the same rights as nationals, including the right to life, which was protected under criminal law, and the prohibition of arbitrary detention and torture, which were considered a crime under Moroccan criminal law. Second, Moroccan law considered that propaganda for war was illegal under article 188 of Moroccan criminal law and was punishable by 5 to 30 years of imprisonment. Morocco is a country that advocated peace. Any person who committed an assault with the aim of causing a civil war was punished by the maximum punishment under article 201 of Moroccan criminal law. Based on these provisions, Morocco advocated peace but was forced into a war, in which it took a defensive position.

28. The Government identified the following consequences of this war. According to the Third Geneva Convention, prisoners of war were not subject to the authority of soldiers that captured them, but to the authority of the State. Morocco provided them with protection and human treatment. Their capture was not a punishment or revenge, but a way to prevent the prisoners of war from causing harm. Those released were provided with documentation. Prisoners of war were provided with medical care, food, and contact with the outside world, particularly with ICRC. As their capture was not a punishment, they were released the moment of the cessation of the military hostilities. In this way, Morocco provided a model implementation of the Third Geneva Convention. However, the Moroccan prisoners of war were not released, despite the ceasefire. They lived under difficult conditions in Tindouf, Algeria. They were subjected to inhuman and degrading practices. They were forced to perform hard work and were enslaved, contrary to article 50 of the Third Geneva Convention. Morocco raised their situation during the fifty-ninth session of the Commission. This human tragedy ended with the release of 404 prisoners of war in 2005.

29. The Government furthermore stated that, according to international humanitarian law, parties to the conflict had to allow for the search for the missing persons once the circumstances permitted, and informed their State, or the central tracing agency. Morocco released all prisoners, and cooperated with ICRC concerning the issues arising from this conflict. The other party to the conflict, however, still hid information about the missing Moroccans. The legal responsibility rested with the State that sponsored this conflict, allowed for the grave breaches of international norms, did not cooperate with regard to the fate of the missing and dead and did not allow access to the humanitarian agencies as stipulated by article 26 of the Fourth Geneva Convention. The Government noted that the fate of the deceased and their graves, as regulated by article 120 of the Third Geneva Convention and article 130 of the Fourth Geneva Convention, remained unclear. The graves had to be marked and protected, so they could be identified and registered in an official record.

30. The Government also said that article 16 of the Universal Declaration of Human Rights stated that the family was the natural and fundamental group unit of society. The war that Morocco was forced into had undermined family life. The families kept in Tindouf suffered greatly. These Moroccan families were detained in camps without the necessary basis for living

and under difficult circumstances. Morocco was doing its utmost to facilitate family reunification in cooperation with ICRC, UNHCR, and the Moroccan Red Crescent. The Government also said that children were the group most affected by conflicts, not as victims but also as holders of weapons. They played a role in conflict as they received military training. Morocco recognized the especial protection for the rights of the child, as provided in articles 23 and 24 of the International Covenant on Civil and Political Rights and article 10 of the International Covenant on Economic, Social and Cultural Rights. Morocco was trying to align its domestic laws with these conventions. Children under 18 years of age could not be recruited in the armed forces or be subjected to military training. Morocco in April 2002 became a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Shortly, it will submit its report to the Committee on the Rights of the Child in the context of this Protocol. In this context, it should be mentioned that, when some Moroccan families were moved to the southern part of Algeria, children were systematically recruited from the camps to guard these families. Around 6,000 children were separated from their families and sent to Cuba.

### III. REPLIES RECEIVED FROM INTERNATIONAL ORGANIZATIONS

31. **The International Committee of the Red Cross (ICRC)** stated that it had pursued its activities aimed at addressing the issue of people who go missing as a result of armed conflict or internal violence and the plight of their relatives. Following up on the Agenda for Humanitarian Action adopted by the 28th International Conference of the Red Cross and Red Crescent (2-6 December 2003), ICRC pledged at the International Conference to strengthen its operational practices, to work with relevant authorities and organizations, notably in implementing the recommendations and best practices based on the “ICRC Report: The Missing and their Families” and on the Agenda for Humanitarian Action, and to contribute to the strengthening of relevant international and domestic law.

32. ICRC stated that, having included the recommendations and best practices in its operational instructions, it continued to reinforce its traditional activities in this field whenever necessary. Furthermore, it sought to promote best practices among all relevant actors through a plan of action to be implemented progressively over the years ahead. The plan provided for:

- Promoting existing international law, developing legal guidelines for non-international armed conflicts and supporting the development of a new international instrument to effectively protect persons from enforced disappearance;
- Supporting the enhancement of domestic law;
- Cooperating with armed forces and regional military organizations, and facilitating contacts between them in order to ensure, for instance, that military personnel wear some form of identification and can regularly exchange news with their families, and that human remains and information on the dead are properly handled on the battlefield;
- Enhancing family news networks and their capacity to manage information;

- Promoting standards regarding the proper handling of the dead for use by forensic professionals and non-professionals, such as staff from humanitarian organizations;
- Promoting guidelines regarding the specific needs of families and means of meeting them.

33. ICRC further stated that it had actively contributed to the drafting of a new international instrument for the protection of all persons from enforced disappearance, through its participation in numerous informal meetings as well as at formal sessions, on 31 January to 11 February 2005, and from 12 to 23 September 2005 of the intersessional open-ended working group, which prepared the text of this new instrument. ICRC had also organized workshops to raise awareness among lawmakers and other official representatives and had been taking advantage of opportunities at conferences to promote ICRC work on the missing, particularly from a legal perspective, with due focus on the need for national measures. The issue of the missing had been systematically included in all regional meetings on the national implementation of international humanitarian law. ICRC gave a specific presentation on data protection and the missing in September 2005 at a training course for diplomats and NGO professionals at the University Centre for International Humanitarian Law in Geneva. The ICRC database on national measures to implement international humanitarian law was regularly updated on the ICRC website ([www.icrc.org/ihl-nat](http://www.icrc.org/ihl-nat)) to also include the texts of national measures adopted by States relating to the missing (preventing persons going missing, data protection, identification of human remains, etc.).

34. ICRC stated that, during the period under review, it had directly approached the Inter-Parliamentary Union (IPU) to consider the formal proposal made by the Swiss delegation to make the missing issue the main theme of its 3rd permanent commission during the October 2006 Assembly. This proposal was accepted by the 113th IPU Assembly in October 2005. With regard to other international organizations, all opportunities were seized during 2005 to push forward the issue of “the missing and their families”, namely at meetings of the Council of Europe, the Organization of the Islamic Conference and the Organization of American States, which adopted a resolution in June 2005 on the subject matter. ICRC also promoted, with military staff, appropriate mechanisms, in particular National Information Bureaux and Grave Registration Services, to ensure collection and centralization of relevant information on victims of armed conflicts and transmission to the concerned families. Since the beginning of 2005, ICRC had launched a new project aimed at developing the tracing capacities of the national societies and of the International Red Cross and Red Crescent Movement as a whole. Indeed, the Red Cross/Red Crescent family news network was of utmost importance for responding quickly and efficiently to the needs of families split apart by armed conflicts and other situations of violence.

35. ICRC further reported that, in November 2005, it published “Missing people, DNA Analysis and Identification of Human Remains - a Guide to Best Practice in Armed Conflicts and Other Situations of Armed Violence”. Since the beginning of 2005, ICRC public communications on the issue of missing persons and their families had been focusing primarily on ICRC operations in this domain (Timor-Leste, Sri Lanka, the Balkans). In advance of the

tenth anniversary of the Srebrenica massacre in Bosnia and Herzegovina, ICRC produced a number of updates, articles and an editorial, each focusing primarily on the continuing plight of the families of persons missing of all communities in the country. The issues of missing persons and disappearances were also regularly mentioned in media coverage of some conflicts, such as Iraq and Chechnya in the Russian Federation.

36. ICRC stated that recent natural disasters, such as Hurricane Mitch in Central America or Katrina in the United States, flash floods in Venezuela and Haiti, earthquakes in the Islamic Republic of Iran and Turkey and, most recently, the earthquake in the Kashmir region, had caused enormous destruction and thousands of fatal casualties and had challenged the countries directly affected and the international community in their capacity to adequately respond to and manage large numbers of dead victims. The devastating tsunami that affected South-East Asia in December 2004 happened shortly after the publication of PAHO/WHO's *Management of Dead Bodies in Disaster Situations* and ICRC's *Operational Best Practices Regarding the Management of Human Remains and Information on the Dead by Non-Specialists*. The tragedy in South-East Asia has paradoxically offered an opportunity, in light of lessons learned, to review the recommendations included in these publications, with a view to their improvement where necessary, and to promote their wide dissemination and effective implementation by all concerned stakeholders, including governmental institutions, inter-governmental organizations and humanitarian agencies to help better respond to future disasters. For this purpose, the Pan American Health Organization and the International Committee of the Red Cross convened to organize in Lima (16-17 May 2005) an international workshop to discuss challenges and review existing recommendations on the management of dead bodies in disaster situations.

#### **Office of the United Nations High Commissioner for Refugees**

37. The Office of the United Nations High Commissioner for Refugees (UNHCR) acknowledged the particular role of ICRC and of the parties to armed conflict in addressing the challenge of missing persons and noted that this challenge was only indirectly linked to the plight of refugees and to UNHCR's international protection mandate. UNHCR, however, wanted to share the following observations and to report on some measures which may contribute to addressing the challenge of missing persons. Situations of armed conflict not only constituted the environment in which many persons went missing, such situations often were also the root cause of displacement, including mass displacement. Some of the people unaccounted for as a result of armed conflict or internal violence, in particular civilians, might in fact find themselves as refugees beyond the borders of the country or countries affected by the particular conflict. Proper refugee protection mechanisms, and in particular mechanisms to properly register asylum-seekers and refugees, were an important element, contributed to more comprehensive efforts to clarify their fate and were a precondition to assist families to reunite. Based on the understanding that the implementation of the 1951 Convention on Refugees and more generally international protection of refugees was strengthened in situations where there was an early and continuing process of registration, UNHCR in recent years had given enhanced attention to the challenge of timely and accurate registration of asylum-seekers and refugees. Building on the publication of a provisional UNHCR Handbook for Registration, which is currently the Office's key source of standards for registration practices, population data management and documentation, a new IT and registration database tool, the Global Registration System ("ProGres") has been developed and put into application.

38. UNHCR reported that, during 2004, comprehensive training and new registration tools were provided in 19 country operations at 54 individual sites. In all, over 600 UNHCR staff were trained in best practices for registration and use of Project Profile's new registration database application, ProGres and in applicable standards and procedures, including the fundamental principle of confidentiality. ProGres was already being used successfully to register new arrivals individually, manage refugee status determination, strengthen protection interventions and provide assistance, streamline resettlement processing, and plan and facilitate voluntary repatriation. An estimated 2 million refugees and other persons of concern had individual registration records in progress and almost 1 million had digital photographs, which not only significantly increased knowledge about refugees and their profile. As, in line with UNHCR's confidentiality guidelines under certain conditions such data may be shared with authorized partners for tracing purposes, it would also assist in efforts to clarify the fate of missing persons. ProGres was being used not only for capturing basic personal data, it also served the proper management of assistance, RSD, resettlement and voluntary repatriation. New applications were also being considered. By the end of 2005, 30 more country operations were scheduled to receive ProGres, which would include a biometric capability to supplement digital photographs, where necessary. Acknowledging that the primary responsibility for registration of asylum-seekers and refugees lay with the host States, ProGres software would also be made available to governmental partners as well as, where appropriate, to NGOs.

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