

Question 8: What steps did your party and the adverse party take to clarify the fate of person reported missing since 1990 by the ICRC, their families, or by the party to which they belonged? In which cases were those steps successful? If they were not, why?

The Government of Georgia is party to the main international agreements of humanitarian law, among them the Geneva Conventions of August 12, 1949 and their two optional protocols of June 8, 1977. These mechanisms envision the implementation of norms directed at the protection of the rights of families to be informed about the fate of missing relatives. Georgia is also member of the international human rights protection treaties, mainly the International Covenant on Civil and Political Rights dated December 16, 1966 and the European Convention on Human Rights and Fundamental Freedoms dated November 4, 1950.

With the aim to fulfill its obligation in regard to the support of the families of missing persons, on March 6, 1996 the Commission was established according to the Presidents No 218 Degree. The commission was renewed by the N479 Presidents Decree dated 2004. In 2005 the amendments were added to the Decree, and in 2006 the Commission was transferred under the administrative authority of the Ministry of Refugees and Accommodation of Georgia.

The main achievements of the Commission are as follows:

1. The important information of Georgian nationals missing was gathered and organized;
2. The contribution was made in adoption of the law on supporting families of missing military personnel;
3. Based on the Statute, the different forms of support were offered to families of the missing military – provision with documents, financial aid, medical insurance etc.

Gathering and management of information on missing persons

For many years the commission has been gathering important information on missing persons: military investigation, approximate maps of possible places where the persons were buried compiled by eyewitnesses, records from the work history etc. This information is properly stored in thematic and individual dossiers at the Tbilisi based office of the Commission. It should be noted that with the help of the ICRC the Commission managed to gather the “Ante-Mortem” data on all missing military and civil persons. The gathered data was added to Ante-Mortem data base. The database allows for identification of corpses by forensic experts. The Commission is conducting periodical meetings as well as humanitarian cooperation with the Abkhaz Commission and public and nongovernmental organizations working in this field.

Numbers and figures of missing persons missing as a result of the Conflict in Abkhazia

After the cessation of hostilities 165 mortal remains were transferred by the Commission from the Abkhaz controlled territory. 49 corpses were handed to Abkhaz side, but there are still many left unidentified.

- Support to the families of missing persons as a result of Conflict in Abkhazia

According to statistics, there are families of 1,763 missing persons living in Georgia, among them there are families of 795 soldiers and 968 civilians. According to the Commission, 1,427 families are internally displaced. In recent years the Commission has offered support to the families of

missing persons, mainly those living in Tbilisi and in nearby regions. The aid was allocated in accordance with Law No 563, which was adopted with the involvement of the Commission in 1996.

Numbers and figures of persons missing as a result of the Conflict between Georgia and Russia (August 2008).

- Within the Structure of the Ministry of Internal Affairs

According to the statistics, during the armed conflict and in the following period, 25 employees of the MoIA were killed. Out of them 11 persons have been killed during the armed conflict, 3 police officers are still missing. 11 persons have been killed during fulfilment of their duties, (i.e. patrolling in zones adjacent to the conflict zone) after the active hostilities ceased (on posts).

Each family of killed/missing persons has received one-time financial aid of GEL 15,500 from the Government. Apart from that, the list of 14 killed/missing persons was handed to the charity fund “Tanadgoma” and their families were paid GEL 8,250 compensation. In addition, according to the internal decree of the Minister of Internal Affairs, dated 23 December 17 families have received financial aid of GEL 2,000-5,000.

The MoIA has purchased apartments for all families of MoIA employees missing/killed as a result of conflict. As for the social guarantees, the MoIA has facilitated the employment of the members of these families either in the MoIA or in other governmental structures, the children of these families were granted pensions in accordance with acting legislation. In addition, all families of missing persons are receiving the monthly salaries of their missing members from the MoIA.

- Within the Structure of the Ministry of Defence of Georgia

According to the latest statistics, a total 170 military persons employed in the structure of the Ministry of Defense of Georgia were killed/are missing as a result of the armed conflict between Georgia and Russia. Out of the total amount, 52 were found and identified by the DNA and 10 military persons are still missing.

All families have received one-fold financial aid of GEL 15,500 from the Government and GEL 8,250 compensation from the charity fund “Tanadgoma”.

The Ministry of Defence has purchased apartments for all families of persons killed (mainly in the so called “Military Town” in Tbilisi). As for the social guarantees, the MoD has also facilitated the employment of the members of these families either in its or in other governmental structures, the children of these families were granted pensions in accordance with legislation.

- Civilians

According to the on hand statistics, 19 civilians are missing as a result of the armed conflict between Georgia and Russia. The families of these persons have been mediated by the MoIA and brought to the National Bureau of Court Expertise to undertake the DNA analysis with the aim of identification of corpses of their missing relatives. As a result, 2 missing persons were identified.