

Ε.Ε. Παρ. Ι(ΙΙΙ)
Αρ. 4242, 5.4.2018

Ν. 2(ΙΙΙ)/2018

Ο περί της Συμφωνίας για το Καθεστώς και Λειτουργίες της Διεθνούς Επιτροπής Αγνοουμένων (International Commission on Missing Persons – ICMP) (Κυρωτικός) Νόμος του 2018 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 2(ΙΙΙ) του 2018

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΦΩΝΙΑ ΓΙΑ ΤΟ ΚΑΘΕΣΤΩΣ ΚΑΙ ΛΕΙΤΟΥΡΓΙΕΣ ΤΗΣ ΔΙΕΘΝΟΥΣ
ΕΠΙΤΡΟΠΗΣ ΑΓΝΟΟΥΜΕΝΩΝ (INTERNATIONAL COMMISSION ON MISSING PERSONS - ICMP)

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

- | | |
|---|---|
| Συνοπτικός
τίτλος. | 1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμφωνίας για το Καθεστώς και Λειτουργίες της Διεθνούς Επιτροπής Αγνοουμένων (International Commission on Missing Persons - ICMP) (Κυρωτικός) Νόμος του 2018. |
| Ερμηνεία. | 2. Στον παρόντα Νόμο –

«Συμφωνία» σημαίνει τη Συμφωνία Προσχώρησης για το Καθεστώς και Λειτουργίες της Διεθνούς Επιτροπής Αγνοουμένων (International Commission on Missing Persons- ICMP), η οποία υπογράφηκε στη Χάγη στις 14.12.2015, ύστερα από την Απόφαση του Υπουργικού Συμβουλίου με αρ. Ε79.862 και ημερομηνία 3.12.2015. |
| Κύρωση
της Συμφωνίας.
Πίνακας,
Μέρος Ι,
Μέρος ΙΙ. | 3. Με τον παρόντα Νόμο, κυρώνεται η Συμφωνία της οποίας το πρωτότυπο κείμενο στην αγγλική γλώσσα εκτίθεται στο Μέρος Ι του Πίνακα, και σε ελληνική μετάφραση στο Μέρος ΙΙ του Πίνακα:

Νοείται ότι σε περίπτωση διαφοράς μεταξύ του κειμένου που εκτίθεται στο Μέρος Ι και εκείνου που εκτίθεται στο Μέρος ΙΙ του Πίνακα, υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι αυτού. |

ΠΙΝΑΚΑΣ
(Άρθρο 3)
Μέρος Ι

**AGREEMENT ON THE STATUS
AND
FUNCTIONS OF THE
INTERNATIONAL COMMISSION ON MISSING PERSONS**

The Parties to this Agreement,

Concerned that in the world today large numbers of persons go missing every year as a result of armed conflicts, human rights abuses, natural and man-made disasters and other involuntary reasons;

Noting that the problem of missing persons does not respect borders and that the issue of the missing is increasingly viewed as a global concern, which warrants a structured and sustainable international response;

Understanding that in the last two decades there have been important advancements in addressing the issue, including law-based efforts to locate missing persons and the use of modern forensic methods to accurately account for them;

Aware of the cost to societies and families resulting from a failure to locate the missing, including the anguish suffered as a consequence of not knowing a loved-one's whereabouts or the circumstances of their disappearance;

Noting that predominantly men go missing, particularly as a result of armed conflicts and human rights abuses, and that those left behind, women and children, are especially vulnerable;

Acknowledging the efforts of governmental and nongovernmental organizations to address the issue of the missing around the world;

Affirming that States should take all practicable steps to locate the missing, as part of their commitments under international law, in particular human rights instruments and Articles 32-34 of Additional Protocol I to the Geneva Conventions;

Noting the extensive experience on issues of the missing that has been gained through the International Commission on Missing Persons, and expressing their commitment to improve on legal frameworks underpinning efforts to locate the missing;

Recalling that the International Commission was established at the initiative of US President Bill Clinton in 1996 at the G-7 Summit in Lyon, France, initially to secure the cooperation of governments to locate persons missing from the conflicts in the former Yugoslavia;

Further recalling that since 2004, the International Commission on Missing Persons has been a globally active organisation, assisting public authorities in locating and identifying missing persons, whether as a consequence of armed conflicts, human rights abuses, natural and man-made disasters and other involuntary reasons, and contributing to justice and the advancement of the rule of law, thus redressing omissions in humanitarian law;

Welcoming the initiatives taken at the International Conference "The Missing: An Agenda for the Future," The Hague, 2013, including the establishment of a Global Forum on Missing Persons;

Recognising the successful work of, and wishing to establish a clear legal status for, the International Commission on Missing Persons as an international organisation in order to better enable it to carry out its functions internationally;

Have agreed as follows:

ARTICLE I

Establishment and Status

1. The International Commission on Missing Persons is hereby established as an international organisation, hereinafter referred to as "the Commission".
2. The Commission shall possess full international legal personality and enjoy such capacities as may be necessary for the exercise of its functions and the fulfilment of its purposes.
3. The Commission shall operate in accordance with this Agreement.

ARTICLE II

Purposes and Functions

The Commission endeavours to secure the co-operation of governments and other authorities in locating persons missing as a result of armed conflicts, human rights abuses, natural and man-made disasters and other involuntary reasons and to assist them in doing so. The Commission also supports the work of other organisations in their efforts, encourages public involvement in its activities and contributes to the development of appropriate expressions of commemoration and tribute to the missing.

ARTICLE III

Board of Commissioners and Director General

1. The Commission shall be composed of a Board of Commissioners, a Director General and Staff. The Commissioners shall be appointed from among eminent persons. The current members of the Board of Commissioners are listed in the Annex to this Agreement.
2. The Board of Commissioners shall have the right to adopt Regulations regarding *inter alia* the appointment of Commissioners and their terms, the terms of appointment of the Director General and other staff of the Commission. The Board of Commissioners shall adopt a programme of work that may be amended from time to time. The programme of work shall normally not exceed five years and shall include the Commission's requirements for completing such work.
3. The Board of Commissioners shall take decisions to invite others to join the Board of Commissioners by consensus. Other decisions may be taken with one dissenting vote or abstention. The Board of Commissioners shall elect a Commissioner as chairperson.

4. The Board of Commissioners may decide to invite other eminent persons to join them as necessary and may invite the nomination of Commissioners by States, whether or not such States are Parties to this Agreement.
5. The Director General may retain external advisers and experts and maintain advisory mechanisms that include representatives of international and other organisations, as well as of civil society and academia.

ARTICLE IV

Conference of States Parties

1. The Conference shall represent the States Parties to this Agreement.
2. The Government of each State Party shall appoint a representative to act as a member of the Conference.
3. The Conference shall elect a President and a Vice President.
4. The Board of Commissioners and the Director General shall invite the Conference to convene at least every 3 years.
5. If the Conference wishes to meet in between the periods mentioned in paragraph 4 of this Article, such a meeting must be called by the Board of Commissioners and the Director General at the request of a majority of the Conference members.
6. The Conference shall:
 - a. consider the Commission's reports on activity;
 - b. propose policy directives for the Board of Commissioners' programme of work;
 - c. recommend to States Parties measures to advance the aims of the Commission;
 - d. adopt the Conference's rules of procedure.
7. Decisions shall be taken by a majority of votes of States Parties present, including the election of the President and the Vice-President.
8. The Board of Commissioners and the Director General may on an *ad hoc* basis invite non-States Parties, as well as international and other organisations, that support the work of the Commission to participate in the meetings of the Conference in the capacity of observers.
9. A State Party shall be invited by the Director General to host the meeting of the Conference. Travel and accommodation costs related to the meeting will be borne by each State Party. The Director General shall provide the secretariat to the Conference.
10. The Conference shall have a Financial Committee.