

Call for Immediate Action for the Exchange of Armenian Prisoners of War and Civilians and Return of the Corpses of Soldiers and Civilians from the Azerbaijani Control

On 27 September 2020, the Azerbaijani armed forces launched a widespread aggression against the Nagorno-Karabakh Republic (also known as Artsakh Republic). During 44 day armed conflict the Azerbaijani armed forces targeted densely populated communities and villages of Artsakh making use of heavy weaponry such as multiple rocket launchers “Smerch” and “Grad” as well as large number of unarmed aerial vehicles directly targeting civilians, civilian objects and infrastructure.

It should be emphasized that cluster munitions, prohibited under IHL, were also widely used against civilian objects and civilian population, especially in Stepanakert, the consequence of which was not only mass distractions, but also contamination of settlements with unexploded ordnance, posing additional risks for the civil population. The use of cluster munitions in Artsakh has been confirmed also by international human rights organizations.^[1] Starting from 30 October 2020 the Azerbaijani armed forces had been using incendiary weapons causing large scale fires of forests risking human life and environment. Based on the preliminary information and satellite images show that the fires and wounds might have been caused by use of white phosphorus.^[2] War crimes committed by the Azerbaijani armed forces during the armed conflict encompass also execution and torture of civilians and prisoners of war under the control of Azerbaijan.

Examples of such blatant violations of human rights include:

The killing of a person with disability and his elderly mother in their home in Hadrut town on 10 October 2020.^[3]

On 15 October 2020 video clips were circulated on social media showing humiliation and execution of two residents of Hadrut town and Tayk village by Azerbaijani armed forces in Hadrut town. Not only they were executed but by wrapping handicapped men in the flags of the Republic of Armenia and Artsakh respectively, the Azerbaijani military personnel did it with an aim to demonstrate hatred against Armenians.^[4]

On 18 October 2020, the Human Rights Defender of the Republic of Armenia, Mr. Arman Tatoyan publicized information in respect of beheading of an Armenian soldier by an Azerbaijani military officer.^[5] According to the information, on 16 October 2020, a member of the Azerbaijani armed forces called to the brother of the Armenian soldier at issue and told that his brother was under their control, they beheaded him and were going to post his photo on the social network. This was done to cause severe suffering to the family members. Afterwards, several hours later, the brother found the photo of his killed brother on the latter's social media page.^[6] Other instances of beheading of Artsakh Defense Army soldiers were revealed in social media as well.^[7]

It was reported that a subversive group entered in Togh village killed two civilians beheading one and shooting the other.^[8] If beheaded alive, this also constitutes a violation of the right to life and prohibition of torture. In addition, the fact of beheading and posting the photo on social media also caused severe suffering to the family members.

On 30 October 2020, another video with an alleged deliberate killing of prisoners of war of Artsakh Defense Army appeared on social media. The footage showed at least 19 bodies of servicemen of Artsakh Defense Army some of them handcuffed and others naked. Some of the bodies of the military personnel had sacks on their heads and their hands were tied behind their backs^[9]. The geolocation of the footage was in Kovsakan (Zangelan) captured by Azerbaijani armed forces.^[10]

According to information available publicly there had been at least 3 civilians fallen under the Azerbaijani control. One of the civilians, 85-year-old E.B. was transferred to Armenia on 29 October

2020^[11] and the other person, 84-year-old M. M. was reported dead on 30 October 2020 under the control of Azerbaijani authorities.^[12] On 05 November 2020, the Investigative Committee of Armenia informed that according to the preliminary results of autopsy of the returned body of 84-year-old M. M, the death was violent resulting from brain trauma.^[13] Moreover, 85-year-old E.B. told in her testimony about instances of ill-treatment under the control of the Azerbaijani authorities. The woman also told that there were two civilians of Armenian origin in the police department and she was later told by the policemen that they had been executed.^[14]

On 22 October 2020, the Azerbaijani media channel “Kanal 1” published a video showing eight persons in the uniform of the Artsakh Defense Army being ordered to say “Karabakh-Azerbaijan” by the military officers of Azerbaijani armed forces. One of them was standing bent down with evident signs of being in pain.^[15] In another video published Azerbaijani social media users, a group of Armenian soldiers were ordered to sit on their knees, with hands behind their heads and loudly pronounce that “Karabakh-Azerbaijan”. One more footage revealed in social media showed a soldier of the Artsakh Defense Army in hands of Azerbaijani officers being kicked in head and orders to swear on the Armenian Prime Minister Nikol Pashinyan aiming to humiliate the leader of the country and the person in question. The video clearly showed that the soldier was in pain and in stressful condition.^[16]

On 01 November 2020 a Syrian mercenary captured by the Artsakh Defense Army told in his testimony that he was promised 2000USD month for fighting in Artsakh and 100USD as a “reward” for decapitated head of a “kaffir” (unbeliever).^[17]

On 18 November 2020 video footage was revealed on social media showing an elderly man being inhumanly treated by the Azerbaijani military personnel. Later on 19 November 2020 the Human Rights Ombudsman of Artsakh, stated that the person was 80-year-old J. T., a resident of Shushi, who did not manage to leave Shushi and fell under the control of the Azerbaijani armed forces.^[18]

On 22 November 2020 a shocking video footage was revealed on social media showing an Armenian civilian naked and beheaded while alive by Azerbaijani armed personnel. The fact that he was beheaded while alive is evident as the sense functions of the decapitated head were still active.^[19]

On 23 November 2020 another video footage was revealed on social media showing Armenian soldiers in hands of Azerbaijani armed forces showing acts of humiliation of soldier of Artsakh Defense Army, E. Kh. Other Armenian soldiers seen in the video has not been identified yet.^[20] (Please see the Appendix).

According to the information available publicly as of 23 November 2020 there are more than 60 identified prisoners of war. Based on the preliminary data, there are more than 100 Armenian prisoners of war under the Azerbaijani control.^[21]

According to the statement on ceasefire^[22] of 09 November 2020 signed by the Prime Minister of the Republic of Armenia, Nikol Pashinyan, the President of the Republic of Azerbaijan, Ilham Aliyev, and the President of the Russian Federation, Vladimir Putin, an exchange of prisoners of war, hostages and other detained persons and bodies of the dead should be carried out.

In this respect, we state with deep concern and regret that according to the official information provided both by the Armenian Government and the ICRC^[23] as well as to the direct requests raised by hundreds of families, the prisoners of war under Azerbaijani control have not been exchanged and/or returned yet, dozens of corps under the control of Azerbaijani authorities are not allowed to be returned to their families for funeral respecting religious rituals. Similarly, dozens of civilians and soldiers possibly hidden in the forests of Hadrut region of Artsakh fallen under the control of Azerbaijan are in real danger of death.

The videos and images of atrocities committed against Armenian servicemen and civilians, as well as mutilation of their remains by the Azerbaijani armed forces circulating in social media increase the concern and anxiety of families as the whereabouts and possible return of their relatives. Moreover the wide range of state sponsored racial discrimination and hatred employed by the Azerbaijani authorities against ethnic Armenians^[24] justifies the concerns of Armenian and international community of the likelihood torture, execution and mutilation of any Armenian under the Azerbaijani control whether alive or dead.

The situation and obstacles created by the Azerbaijani authorities require the urgent attention and actions of international community and human rights protection agencies as a real manifestation of protection and promotion of fundamental human rights and adhesion to values adopted under it.

We, undersigned civil society organizations, respectfully request the United Nations High Commissioner for Human Rights to stand for the protection of the core rights protected by the International Covenant on Civil and Political Rights and to urge the Azerbaijani authorities not to hinder the exchange of prisoners of war; to open, with the engagement of international institutions, a secure corridor for civilians and other people in the territories under its control, to return the corpses of soldiers and civilians as well as to discontinue any action that puts the life and limb of prisoners of war and other individuals under imminent risk.

Protection of Rights without Borders NGO
Centre De La Protection Internationale – Armenia
Transparency International Anticorruption Center
Helsinki Citizens' Assembly – Vanadzor
Open Society Foundations- Armenia
Law Development and Protection Foundation
Non-Discriminations and Equality Coalition
Helsinki Association for Human Rights
Analytical Centre on Globalization and Regional Cooperation
Coalition to Stop Violence against Women

Appendix: Photos of victims of executions and ill-treatment by Azerbaijani armed forces

- [1] Human Rights Watch, Azerbaijan: Cluster Munitions used in Nagorno-Karabakh, 23 October 2020, <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh?fbclid=IwAR1izxbCrYsT8JyVNH3Nsfcv8M1idsFg01qAu8OnXWfi9g3uVTLKdyxgnl>
- [2] France 24: Nagorno-Karabakh: Armenia accuses Azerbaijan of using phosphorus bombs, <https://www.france24.com/en/europe/20201119-nagorno-karabakh-ceasefire-armenia-accuses-azerbaijan-of-using-phosphorus-bombs>, Medium, Satellite imagery shows environmental damage of reported use in Nagorno-Karabakh, <https://medium.com/dfrlab/satellite-imagery-shows-environmental-damage-of-reported-white-phosphorus-use-in-nagorno-karabakh-9826391a295>
- [3] See more at Updated edition of the second interim report on the Azerbaijani atrocities against the Artsakh population in September-October 2020, the Artsakh Ombudsperson, available at https://artsakhombuds.am/en/document/735?fbclid=IwAR3Tg_nv4k48sGSWzbU7wQ8Fgrt9Nqc5TYpEr_sw6miPZTfkHwR8b2SPAuQ ; Artsakh Ombudsperson's Official Twitter account, https://twitter.com/Artak_Beglaryan/status/1315581056075128832?s=20
- [4] See more details with verification of location and other details at "An execution in Hadrut-Karabakh", Bellingcat, available at <https://www.bellingcat.com/news/rest-of-world/2020/10/15/an-execution-in-hadrut-karabakh/?fbclid=IwAR0rtlchQzDgSDSC7lkvLMxEiIUzRSgG5F-Fv0pxEd68s4GPFS1v7z7wD6Q>; Statement of the Ombudsperson of the Republic of Armenia posted on the official Facebook page on 16 October 2020, <https://www.facebook.com/Armenianombudsman>
- [5] See more at the news item on the Official web page of the Ombudsperson of the Republic of Armenia, available at https://ombuds.am/en_us/site/ViewNews/1337
- [6] See more at the Human Rights Ombudsman of the Republic of Armenia, Official Personal Account post <https://www.facebook.com/photo/?fbid=733479247251283&set=a.363684047564140>
- [7] Human Rights Ombudsman of Artsakh, the Updated Edition of the Second Interim Report on the Azerbaijani Atrocities against the Artsakh Population in September-October 2020, page 27, <https://artsakhombuds.am/en/document/735>

- [8] Journalist Chuck Holton, <https://www.facebook.com/Chuckholton/posts/10160500653406038>; video of the interview of eyewitness
- [9] https://twitter.com/Artak_Beglaryan/status/1322290987377610752?s=20
- [10] Benjamin Strick on Twitter, <https://twitter.com/BenDoBrown/status/1322200787141971971?s=20>
- [11] ICRC, Nagorno-Karabakh Conflict: ICRC facilitates transfer of combatants killed in action, https://www.icrc.org/en/document/nagorno-karabakh-conflict-icrc-facilitates-transfer-combatants-killed-action?fbclid=IwAR0XAPKFKUaSBU5HTi9usi3i5c_EDJ54A8U7Uds4fL5ezqjNvvhJRUQJQNI
- [12] See through the following links: <https://www.facebook.com/ArmenianUnifiedInfoCenter/posts/821966775305918>; https://www.facebook.com/permalink.php?story_fbid=742153696383838&id=100017676420633
- [13] <https://www.azatutyun.am/a/30932177.html>
- [14] Investigative Committee, <http://investigative.am/news/view/tarec-knoj-harcagannutyun.html>
- [15] https://www.youtube.com/watch?v=ftHHS7gUSu0&feature=youtu.be&fbclid=IwAR1Ca9eb7uyo0FN2O1Thd3W9ndZ6En4IMAGIkCSJwDQONGa_XSs_qLARhyg
- [16] <https://twitter.com/KarabakhRecords/status/1319203595368226818>
- [17] Reward of \$100 dollars for each beheaded infidel: Testimony of captured Syrian mercenary in Artsakh, https://greekcitytimes.com/2020/11/06/syrian-artsakh-armenian/?fbclid=IwAR39hzClcepl2-k12z2h6_RUj6Vm0smywCYnS2RDr4xZMli5ef2OmRz5O6M, https://horizonweekly.ca/am/reward-of-100-dollars-for-each-beheaded-infidel-testimony-of-captured-syrian-mercenary-in-artsakh/?fbclid=IwAR0cAUe4IUPydgSRbm6PGxCEda6-ojprX38OPf_JJKH1NaOQp9jSkHmWAXQ
- [18] Statement of the Human Rights Ombudsman of Artsakh Republic on the Facebook Official Page, <https://www.facebook.com/100000847389707/videos/3730458263659050/>
- [19] https://t.me/karabah_news/4335?fbclid=IwAR2X0fCKrLZbQyZpzmrvFT5dnAOtskrtS5xOeG9kD9MePvRLM-F9DNfzU2A
- [20] Official Twitter Account of the Human Rights Ombudsman of Artsakh, Artak Beglaryan, https://twitter.com/Artak_Beglaryan/status/1330936149347536900
- [21] Azatutyun, https://fb.watch/1Z8aJG_1A4/
- [22] Statement by the Prime Minister of the Republic of Armenia, President of the Republic of Azerbaijan and the President of the Russian Federation, <https://www.primeminister.am/en/press-release/item/2020/11/10/Announcement/>
- [23] Azatutyun.am, According to ICRC the Exchange of Prisoners of War had not begun yet, <https://www.azatutyun.am/a/30957015.html?fbclid=IwAR2TkORaRnQTZ6l5G5110BW0-HZvFlcMQPi4VqDI2uIMmSimH84Qnqs-Clc>
- [24] ECRI, Report on Azerbaijan, fifth monitoring cycle, 7 June 2016, <https://rm.coe.int/fourth-report-on-azerbaijan/16808b5581>