

“Armenian Cause” Foundation

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“Armenian Cause” Foundation’s Report for Azerbaijan’s UPR

About “Armenian Cause” Foundation

1. The Armenian Cause Foundation is a non-profit research and advocacy organization based in Yerevan, Armenia, dedicated to the multi-disciplinary study, promotion and pursuit of all aspects of the Armenian Cause, including but not limited to the international recognition of the Armenian Genocide, Armenian rights and restitution claims. In pursuit of its goals, the Foundation conducts, promotes, supports and disseminates research, scholarship and analysis, as well as instructional and informational materials, related to the Armenian Cause, through print and online publications, research grants, lectures, seminars and conferences, as well as the production, exhibition and broadcasting of audiovisual material.

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Introduction

3. During the Karabakh 44-days war in 2020 and after it the Azerbaijan has continuously and systematically violated the basic Human Rights of the people of Nagorno Karabakh. Hereby we have separated only three spheres of the violations of human rights against people Armenia and Artsakh (Nagorno Karabakh) by the State of Azerbaijan and hope that this report will be taken into account during the procedure of the Universal Periodic Review of Azerbaijan-2023. We kindly ask you to find below some examples of the violation of the rights of prisoners of war; individual civilian captives, the Human Rights of Displaced Persons and facts of other war crimes created by the political-military leadership of Azerbaijan and military personnel.

Protection of the rights of prisoners of war; individual civilian captives

1. It is essential to note that the third 1949 Geneva Convention establishes that prisoners of war (POWs) are entitled to be released and repatriated promptly following the cessation of hostilities. Additionally, they must be treated humanely at all times, without exception. This Convention offers

protection to POWs from any acts of violence, intimidation, insults, and public curiosity.¹ Azerbaijan's failure to return Armenian prisoners of war violates the Convention's provisions. Moreover, the torture and mistreatment of protected individuals under International Humanitarian Law (IHL), including decapitations and desecration of the dead bodies of soldiers, as evidenced by videos circulated online, represents severe breaches of IHL²

2. According to available evidence, two individuals held in Azerbaijani custody died while detained. One of them was likely subjected to extrajudicial execution. Azerbaijani forces unlawfully detained these civilians despite a lack of evidence that they posed any security threat. These individuals did not possess weapons and did not participate in the hostilities. Such actions by Azerbaijan violate international human rights standards and must be addressed through appropriate legal measures.³ In contravention of international law, on or about early October 2020, Azerbaijani soldiers subjected two Armenian detainees to inhumane treatment and ultimately executed them, which was recorded and shared on social media. The authenticity of the recordings was confirmed by third-party experts from Bellingcat, the BBC, and the Atlantic Council's Digital Forensic Research Lab (DFRL) on October 15, 2020. The Armenian authorities subsequently identified the deceased individuals as Benik Hakobyan, a civilian resident aged 73, and Yuriy Adamyan, another civilian resident aged 25.⁴

3. By February 2021, Armenia had submitted a request to the European Court of Human Rights through its representative office, seeking the court's intervention with the Azerbaijani authorities concerning 249 individuals who were claimed to be prisoners of war or civilian detainees.⁵ Around 90 percent of those cases, had photo and/or video evidence confirming that these people were in Azerbaijani custody.⁶ According to the Armenian authorities, 103 Armenian captives had been repatriated as of 5 August 2021 and over 100 persons remain in captivity.⁷

4. According to international humanitarian law, the government of the Republic of Azerbaijan is required to establish and maintain legally recognized prisoner of war (POW) camps for captives during armed conflict. However, Azerbaijan has failed to do so, and instead, Armenian POWs are being held in various penitentiary locations where they are subject to arbitrary physical and psychological torture. The conditions in which the POWs are kept are intentionally designed to cause them suffering, including inadequate food and water, derogatory chants, and sleep deprivation. Medical attention is often minimal or non-existent, as are hygiene products, which severely impacts the physical health and human dignity of the captives.⁸

5. In its treatment of captives, the Azerbaijani side does not distinguish between civilians who had not participated in military activities and Armenian military forces who became POWs.⁹ Moreover, the POWs

¹ Geneva Convention relative to the treatment of prisoners of war of 12 August 1949, Article 118.

² See [“Armenia/Azerbaijan: Decapitation and war crimes in gruesome videos must be urgently investigated](#)

,” Amnesty International, 10 December 2020.

³ Tanya Lokshina, [“Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes”](#) HRW, 12 March 2021.

⁴ See [“2020 Country Reports on Human Rights Practices: Azerbaijan”](#) US Department of State, 30 March 2021.

⁵ Inter-State application Armenia v. Azerbaijan (no. 42521/20).

⁶ Tanya Lokshina, [“Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes”](#) HRW, 12 March 2021.

⁷ [Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh](#), Council of Europe, Commissioner for Human Rights, 08 November 2021.

⁸ See [“Ad Hoc Public Report Responsibility of Azerbaijan for Torture And Inhuman Treatment of Armenian Captives: Evidence-Based Analysis \(The 2020 Nagorno Karabakh War\)”](#), The Human Rights Defender of the Republic of Armenia, Yerevan, September 2021.

⁹ Ibid.

are also compelled to behave in a predefined way and particularly to make untrue confessions during the questionings. The captivity of POWs is also combined with lengthy incommunicado detention, lack of access to independent mechanisms or to a lawyer. The POWs are not permitted to notify their families of their capture.¹⁰ Such individuals have been abused with impunity,¹¹ prosecuted on fabricated charges, and convicted in court proceedings with pre-ordained outcomes,¹² at times on the basis of coerced confessions.¹³

6. On 15 September 2022, Azerbaijani-run Telegram channels uploaded a video in which Azerbaijani soldiers mutilated a female Armenian POW.¹⁴ The Armenian Ministry of Defense confirmed that the woman in question was killed during the de-facto hostilities after Azerbaijan violated the ceasefire during mid-September 2022. One of the women was stripped naked with text written across her breasts and stomach and a stone was placed in her eye, along with a severed finger in her mouth. The Azerbaijani soldiers marked “YASHMA”, implying that the crimes were committed by them.¹⁵

7. Additionally, on 1 October 2022, members of the Azerbaijani Armed Forces shared a video on Azerbaijani Telegram channels that show several Azerbaijani soldiers shooting unarmed Armenian POWs.¹⁶ The video shows 15 Azerbaijani soldiers lining up a group of unarmed Armenian POWs and shooting them at a close range. Armenia’s Office of the Human Rights Defender noted the footage was taken around 12-13 September, 2022, during Azerbaijan’s most recent ceasefire violation and attack on the South-eastern border of Armenia.

8. Depriving Armenian POWs, hostages and other detained persons, of the equal enjoyment of their rights, including the right to security of person and protection, the right to equal treatment before tribunals and all other organs administering justice, the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression are severe violations of international human rights law.

9. Azerbaijan’s systemic and pervasive violations of the Geneva Conventions evidenced by the testimonies of returned individuals as well as by various photos and videos that have surfaced and been used as propaganda by Azerbaijan illustrates the precarious situation of those in Azerbaijani captivity. Azerbaijani authorities continue the torture, abuse, and murder of Armenians in their custody in blatant disregard of all international norms, as well as international laws, national laws, and conventions governing wartime captives and POWs.¹⁷

10. Recommendations:

11. - Fully implement the judgments of ECHR and provisional measures indicated by ICJ¹⁸ and protect from violence and bodily harm all persons captured in relation to the war who remain in detention, and ensure their security and equality before the law

¹⁰ See “[Ad Hoc Public Report the Treatment of Armenian Prisoners of War and Civilian Captives in Azerbaijan \(With Focus on Their Questionings\)](#),” The Human Rights Defender of the Republic of Armenia, Yerevan, 2021.

¹¹ See Cristina Maza, “[‘They Chained Me to a Radiator and Beat me’: Armenia POWs Speak Out](#),” Vice, 26 April 2021.

¹² See, “[Indictment Read out at Trial of 14 Armenian POWs in Azerbaijan](#),” The ArmenianMirror-Spectator, 1 July 2021.

¹³ See [Ad Hoc Public Report: The Treatment of Armenian Prisoners of War and Civilian Captives in Azerbaijan \(with Focus on their Questioning\)](#), HRD of RA, 2021.

¹⁴ Ani Avetisyan, [Footage appears to show desecration of female Armenian soldier](#), OC Media 16, September 2022

¹⁵ “YASHMA” is the name of the Azerbaijani’s military post/garrison

¹⁶ [Video Shows Azerbaijan Forces Executing Armenian POWs](#), Human Rights Watch, Oct. 14, 2022

¹⁷ See “[Ad Hoc Public Report Responsibility of Azerbaijan for Torture And Inhuman Treatment of Armenian Captives: Evidence-Based Analysis \(The 2020 Nagorno Karabakh War\)](#)”, HRD of RA, September 2021.

¹⁸ Order of the ICJ on the Request for the indication of provisional measures made by the Republic of Armenia in the case concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan).

12. - Provide information on the whereabouts of servicemen and civilians whose situation is unknown but were last seen in Azerbaijani custody¹⁹ and disclose a full list and locations of Armenian captives, leaving room for speculation and distress for the families concerned;
13. - Do not obstruct the search for the body’s remains in the area of the conflict;
14. - Enhance legal mechanisms to monitor and document cases of mistreating and violating the rights of POWs and civilian captives;
15. - Conduct a thorough and impartial investigation into the credible accusations of illegal confinement of Armenian civilians, the inhumane and degrading treatment they receive, and the potential extrajudicial execution of a detainee. Ensure that all perpetrators are held accountable and disclose the findings of the investigation to the public.
16. - Provide effective and prompt reparation for all those unlawfully detained and prosecuted;

The Human Rights of Displaced Persons

17. As a result of Azerbaijan’s aggression and its indiscriminate, deliberate and systematic strikes against civilian objects, more than 60% of the entire population of Nagorno-Karabakh, over 90,000 people, were forced to flee their homes and take refuge in safer places.²⁰ Many Armenian residents of Nagorno-Karabakh for the last couple of decades have been displaced twice (double-victimized). Azerbaijan has directed or otherwise facilitated the illegal displacement of Armenians from their own homes. CESCR has noted with concern “the illegal occupation by refugees and internally displaced persons of properties belonging to Armenians.”²¹ The ECRI has similarly noted that, “according to several reports, some refugees and IDPs are illegally occupying private properties belonging to ethnic Armenians,” and that “no measures have been taken to ensure that financial or material compensation [is] awarded to the victims of such illegal occupations”,²² nor those who fled areas now under Azerbaijan’s control have no prospect of return,²³ as Azerbaijan has prevented the return of Armenians to areas it now controls solely on account of their ethnic origin.²⁴ As of May 2021, some 36,989 persons were in a refugee-like situation in Armenia. 15-20 000 of them reportedly come from regions now under the control of Azerbaijan.²⁵

18. Three years after the end of the war, challenges and needs faced by the population displaced by the war remain high. It is evident that the conditions necessary for the peaceful return of refugees and internally displaced persons (IDPs) to their previous homes are not yet in place in Azerbaijan. These individuals continue to face significant economic and social difficulties, including high unemployment rates, inadequate housing, and limited access to education.

19. The November 9 trilateral statement calls for the return of displaced people to their places of residence under the supervision of the United Nations Office of High Commissioner for Refugees. However, the Azerbaijani side is posing impediments towards the entry of international organizations, including the UN specialized agencies, into Artsakh, disrupting the implementation of humanitarian

¹⁹See “[Azerbaijan: Armenian POWs Abused in Custody](#)”, HRW, 08 November 2020.

²⁰ See “[The Updated Edition of The Second Interim Report on the Azerbaijani Atrocities Against The Artsakh Population In September-October 2020](#),” 18 October 2020.

²¹ CESCR, Report on the Thirty-Second and Thirty-Third Sessions, E/2005/22, E/C.12/2004/9 (2005), para. 493.

²² ECRI, [Second report on Azerbaijan](#), 24 May 2007, para. 78.

²³ “[Thousands of Armenian civilians flee their homes in wake of Nagorno-Karabakh truce](#),” france24, 12 November 2020.

²⁴ See “[First of all displaced persons from Hadrut, Shushi of latest war must return – MFA on Aliyev remarks](#),” Armen Press, 27 February 2021.

²⁵ [Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh](#), Council of Europe, Commissioner for Human Rights, 08 November 2021.

missions.²⁶

20. At least recently displaced people during the 2020 large-scale war must return in the first place; as the November 9 statement is aimed primarily at eliminating the humanitarian consequences of that war. This refers to the residents of Hadrut, Shushi and other settlements fallen under the Azerbaijani control. Meanwhile, the Azerbaijani armed forces not merely prohibit the return of the displaced, but also try to make it impossible by burning and destroying their settlements. Ultimately, the full respect of the rights and dignity of all individuals, including refugees, IDPs, and members of ethnic minorities, must be ensured in Azerbaijan.

21. Recommendations:

22. - Allow safe and dignified return of displaced Armenians to their homes, providing additional forms of reparation for any harm, loss or injury suffered by Armenians that is not capable of full reparation by restitution, including by providing compensation to displaced Armenians until such time as it becomes safe for them to return to their homes.

23. - Stop falsifying statistics on internally displaced persons and refugees by applying a misleading methodology of accounting (Armenia).

24. - Persons displaced by the conflict have the right to return to their homes or places of habitual residence. Returns should be voluntary, and they should be carried out in conditions of safety and dignity. Accurate information should be provided to candidates for return in order to ensure that their choice is informed.

Other War Crimes

25. Article 8 of the Rome Statute defines war crimes as being grave breaches of the Geneva Conventions and other serious violations of the laws and customs of war, including willful killing, torture, injury to body or health, destruction and appropriation of property, directing attacks against a civilian population, as well as attacks against buildings dedicated to religion, art and historic monuments that are not used for military purposes, and wounding or killing a POW. In addition to what was presented above, the following paragraphs highlight other war crimes committed by Azerbaijan.²⁷

26. Under customary IHL it is prohibited to attack, destroy, remove, or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water, installations and supplies and irrigation works. Article 18 of the GCIV confers a special protection for civilian hospitals, emphasizing that civilian hospitals ‘may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict’. Azerbaijani armed forces have deliberately and regularly targeted the key civilian infrastructures, such as: hospitals, electricity, communications, gas and water supply systems, bridges, foodstuffs throughout the whole Nagorno Karabakh, particularly targeting those in large settlements. The mentioned attacks aimed at depriving tens of thousands of peaceful population of basic living conditions and means for further survival.²⁸

27.

28. Another fundamental principle of IHL prohibits violence aimed at spreading terror among the civilian population, which is a part of parcel of customary international law and is applicable both during international and non-international armed conflicts.²⁹ The systematic and deliberate targeting of the civilian

²⁶ See “[First of all displaced persons from Hadrut, Shushi of latest war must return – MFA on Aliyev remarks](#),” Armen Press, 27, February 2021.

²⁷ See “[UN rights chief warns of possible war crimes in Nagorno-Karabakh conflict](#)”, UN News, 02. November 2020.

²⁸ Siranush Ghazanchyan, “[The rights of the Armenians of Artsakh have not yet been restored: MFA issues statement on World Refugee Day](#),” Public Radio of Armenia, 20 June 2021.

²⁹ [Rule 2. Acts of Violence Aimed at Spreading Terror among the Civilian Population](#), IHL Database.

settlements, among other things, had the purpose of forcing the civilian inhabitants to flee their homes and dwellings, thus breaching obligations under Article 49 of the GCIV.³⁰

29. Under customary international law it is prohibited to use weapons which are “of a nature to strike military objectives and civilians or civilian objects without distinction”.³¹ Weapons that are by nature indiscriminate are those that cannot be directed at a military objective or whose effects cannot be limited as required by IHL. The prohibition of such weapons is also supported by the general prohibition of indiscriminate attacks, which formally requires the use of such weapons so that to allow distinction when attacking certain objects.

30. Cluster bombs or cluster munition is a weapon which is by nature indiscriminate. Cluster munitions distribute large numbers of explosive sub-munitions over exceptionally large areas, there is a serious risk of civilian casualties where military objectives and civilians intermingle in a target area, and hence by using such type of munition Azerbaijan demonstrated its clear intention to target civilians and civilian objects, or at least disregarded to the lives of civilians.

31. Azerbaijani armed forces used cluster munitions in Nagorno-Karabakh on several occasions. This included attacks on September 27, October 3, and October 4, 2020, on Stepanakert, Nagorno-Karabakh’s administrative center. Azerbaijan also used cluster munitions in attacks on Hadrut on October 3 and 4, 2020. It may have used cluster munitions in Martakert on October 14, 2020.³² In addition to cluster munitions, there were also allegations of the use of incendiary munitions containing chemical elements have been used in an indiscriminate attack on the civilian population including white phosphorus.³³ The cluster munitions attacks caused civilian casualties, both at the time of attack and from submunitions that failed to detonate at the time of attack.

32. The Azerbaijani government did not prosecute or punish the majority of officials who committed human rights abuses and particularly war crimes. Impunity for serious human rights violations is a major impediment to building lasting peace and reconciliation.

33. Recommendations:

34. - Prosecute and punish all those who were involved in committing war crimes during the 2020 war. This should involve not only low-level perpetrators but also their commanders.

35. - Initiate an independent international Commission of Inquiry to collect and secure evidence and testimonies about the serious human rights violations committed in 2020 by Azerbaijani forces.

36. - A clearer and stricter commitment against the use of explosive weapons with wide-area effects in populated areas.

37. - Ratify the UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) and its relevant protocols.

³⁰ See [Article 49](#) of Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

³¹ [Rule 12. Definition of Discriminate Attacks](#), HL Database.

³² See “[Azerbaijan: Cluster Munitions Used in Nagorno-Karabakh](#)” HRW, 23 October 2020.

³³ [Comments of the Republic of Armenia Regarding the Memorandum of the Council of Europe Commissioner For Human Rights](#), 05 November 2021.