

Armenian National Committee of America

# REPORT FOR AZERBAIJAN'S UPR



Armenian National Committee of America

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# TABLE OF CONTENTS

About the Armenian National Committee of America (“ANCA”).....	2
Introduction:.....	2
The Right to Life:.....	2
Recommendations:.....	4
Racial Discrimination:.....	4
Hate speech.....	5
Azerbaijan’s Policy of Cleansing Ethnic Armenians.....	6
Racially Motivated Crimes.....	7
Genocidal Policy of Azerbaijan.....	7
Recommendations:.....	8
Protection of the rights of prisoners of war; individual civilian captives.....	9
Recommendations:.....	11

# About the Armenian National Committee of America (“ANCA”)

- 1 The Armenian National Committee of America (ANCA) is the largest and most influential Armenian American grassroots political organization. First established in 1918 as the American Committee for the Independence of Armenia (ACIA), the organization has continued its efforts as the Armenian National Committee of America since 1941. Working in coordination with a network of offices, chapters and supporters throughout the United States and affiliated organizations around the world, the ANCA actively advances the concerns of the Armenian American community on a broad range of issues.

## Introduction:

- 2 This report summarizes the main human rights violations committed by Azerbaijan against Armenians, Armenia, and the Republic of Artsakh (Nagorno-Karabakh), specifically focusing on violations committed during the Second Artsakh War and the after-war period. A set of recommendations are proposed at the end of each section.

## The Right to Life:

- 3 Under international human rights law, the right to life is non-derogable, which means it cannot be limited or suspended under any circumstance.<sup>1</sup> On 27 September 2020, during the Coronavirus (COVID-19) global pandemic, armed forces of Azerbaijan, with the direct participation of Turkey and the deployment of mercenaries,<sup>2</sup> launched a large-scale attack against the Republic of Artsakh at the entire length of the contact line. This had turned into a full-scale war. Armed hostilities ended on 10 November 2020 with the signing of the Trilateral Ceasefire Statement.<sup>3</sup>
- 4 As a result of the 2020 war, the people of Artsakh encountered numerous humanitarian issues and faced severe threats to their basic and fundamental right to life: thousands

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<sup>1</sup> See Article 4 and 6 of ICCPR.

<sup>2</sup> OHCHR, Special Procedures, Press Release “Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn”, 11 November 2020 & Maryam Ishaya, “Syrian Mercenaries and Their Caucasus Deployment,” Persecution, International Christian Concern (17 May 2021).

<sup>3</sup> See, Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation, the Ministry of Foreign Affairs of the Russian Federation, 09 November 2020.

killed, many more injured, more than 90,000 individuals were forced to leave their homes.<sup>4</sup> The violation of the fundamental right to life is evident in Azerbaijan's actions, resulting in the deaths of 81 Armenian civilians and injuries to 163 others. The hostilities also impacted children, some of whom were killed or injured, while others faced psychological trauma from rocket and missile attacks. Additionally, videos captured extrajudicial summary executions, including beheadings, of soldiers and civilians.<sup>5</sup> Amnesty International's reports documented several instances where civilian residential areas far from the frontlines were targeted, resulting in civilian casualties, despite the lack of any apparent military targets in the area.<sup>6</sup>

- 5 On 16 November 2021, Azerbaijan initiated an armed attack on Armenia's territory, deploying heavy weaponry such as artillery and armored combat vehicles. It is worth noting that this occurred despite the previously agreed ceasefire agreement. The Azerbaijani armed forces' incursion into Armenia's sovereign territory resulted in multiple deaths and injuries.<sup>7</sup>
- 6 The escalation of the situation at the State border of Armenia took place against the backdrop of Azerbaijan's persistent violations of the principle of non-use of force or threat of force, open claims to sovereign Armenian territory, including the Syunik region, and promotion of racist ideology targeting Armenians in the aftermath of the war. Azerbaijan's aggressive actions and rhetoric constitute a flagrant violation of the norms and principles of international law.
- 7 Moreover, following the recent outbreak of hostilities, the region was left full of remnants of weapons used during the war, including air-dropped weapons, shot down drones, unexploded cluster munitions, and unexploded incendiary munitions.<sup>8</sup>
- 8 Since 12 December 2022, the only life road connecting Artsakh to Armenia has been blocked, disrupting access to essential goods and services for ethnic Armenians residents while preventing them from leaving the region. Over a thousand people are stranded and unable to reach their homes, including children who are unable to return home from a

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<sup>4</sup> Comments of the Republic of Armenia Regarding the Memorandum of the Council of Europe Commissioner For Human Rights, 05 November 2021.

<sup>5</sup> Ibid

<sup>6</sup> Amnesty International, In the line of fire, Civilian casualties from unlawful strikes in the Armenian -Azerbaijani conflict over Nagorno-Karabakh, 2021. See also Azerbaijan: Unlawful Strikes in Nagorno-Karabakh, HRW, 11December 2020.

<sup>7</sup> Letter dated 16 November 2021 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council, 16 Nov. 2021.

<sup>8</sup> 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.

school trip to Yerevan.<sup>9</sup> The blocking of the road has resulted in humanitarian consequences and posed threats on the right to life of more than 120,000 civilians.

### *Recommendations:*

- 9 *Strictly observe the ceasefire agreement and cease the military attacks against the civilian population, civilian objects and infrastructures in Armenia and Artsakh.*
- 10 *Effectively investigate the violations of IHL, such as indiscriminate and/or disproportionate attacks, identify and bring those responsible to account.*
- 11 *Provide victims effective and prompt reparation for the harm suffered, in line with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of IHL.<sup>10</sup>*
- 12 *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.*
- 13 *Immediately lift the blockade of Lachin Corridor and refrain from similar acts in the future.*

## **Racial Discrimination:**

- 14 For decades, Azerbaijan has subjected Armenians to racial discrimination. Anti-Armenian hate is a formal State policy, taught in schools and regularly espoused at the highest levels of government, with Azerbaijan's President Aliyev himself leading the way. These violations are directed at individuals of Armenian origin, regardless of their actual nationality. On 7 December 2021, in its provisional measures, the International Court of Justice (ICJ) ordered the Republic of Azerbaijan take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin.<sup>11</sup>

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<sup>9</sup> Azerbaijan: Nagorno-Karabakh Lifeline Road Blocked, Human Rights Watch, 21 December 2022

<sup>10</sup>UN GA resolution 60/147, 16 December 2005

<sup>11</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, 2021 I.C.J. No.180 (Dec. 7)

- 15 Members of the Azerbaijani government have made racially discriminatory statements against Armenians. On August 4, 2022, Member of Parliament of Azerbaijan, Fazil Mustafa, in an interview said, “[i]f an Armenian wants to live here, he/she must come to an agreement with me. Otherwise, if he/she wants to live by resisting me, I will crush his head.”<sup>12</sup>
- 16 Not even foreign nationals are immune. Any indication of Armenian ethnic origin is sufficient reason to deny entry into Azerbaijan.<sup>13</sup> The UN Human Rights Committee has scrutinized this practice, noting with concern reports that “foreigners with Armenian surnames have been prevented from entering the State party regardless of their nationality.”<sup>14</sup>
- 17 During the armed conflict in 2020, Azerbaijan committed grave violations of the ICERD. Azerbaijan’s opening of a “Military Trophies Park” in Baku in the aftermath of the recent conflict is a testament to the pervasiveness of anti-Armenian sentiment in Azerbaijan and a continuation of its anti-Armenian policies.<sup>15</sup> The so-called park features purposely caricatured mannequins of Armenian soldiers presented in degrading and humiliating positions with exaggerated, Armenophobic features based on anti-Armenian tropes.<sup>16</sup>

### *Hate speech*

- 18 Following the closure of borders between Azerbaijan and Armenia in 1991, inflammatory rhetoric and hate speech became increasingly prevalent, particularly as an entire generation grew up without interactions with the other side. Civil society activists stated that an entire generation had grown up listening to hate speech against Armenians.<sup>17</sup> The 2020 war was also accompanied by the use of hate speech and the glorification of violence fuelled the level of severity of attacks, inhumane treatment and torture against combatants and captives as well as vandalism and destruction of property. This is compounded by rampant impunity and the absence of condemnation by Azerbaijani authorities of such acts.

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<sup>12</sup> <https://artsakhombuds.am/en/document/951>

<sup>13</sup> See “Moscow demands that Baku stop discriminating against Russians with Armenian last names,” Tass, 5 July 2017.

<sup>14</sup> UN Human Rights Committee, Concluding observations on the fourth periodic report of Azerbaijan, UN Doc. CCPR/C/AZE/CO/4, 16 November 2016, para. 44.

<sup>15</sup> Bahruz Samadov, “Perspectives: Azerbaijan’s authoritarianism and Baku’s ‘Military Trophies Park,’” Eurasianet, 16 April 2021.

<sup>16</sup> Neil Hauer, “Azerbaijan’s ‘Ethnic Hatred’ Theme Park Draws Ire, Imperils Reconciliation,” Radio Free Europe/Radio Liberty, 22 April 2021.

<sup>17</sup> See “2020 Country Reports on Human Rights Practices: Azerbaijan” US Department of State, 30 March 2021.

- 19 Azerbaijan’s use and toleration of racist hate speech towards Armenians is notorious. ECRI has observed that “Azerbaijan’s leadership,<sup>18</sup> education system and media are very prolific in their denigration of Armenians,” and that “an entire generation of Azerbaijanis has now grown up listening to this hateful rhetoric.”<sup>19</sup> The Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities has likewise noted the “widespread discriminatory behaviour against persons of Armenian origin” in Azerbaijan, and observed that the term “Armenian” in fact “appears to be used and understood as an insult.”<sup>20</sup>
- 20 The consequences of the State’s policy were on clear display in the summer of 2020, when at a mass gathering in Baku, thousands of Azeris called for war with Armenia and chanted: “Death to Armenians.”<sup>21</sup> Similar demonstrations took place in different European cities after the start of Azerbaijan’s aggression in September 2020.<sup>22</sup>
- 21 The PR and media manager of the Azerbaijani football club “Qarabag”, Nurlan Ibrahimov stated, “[W]e must kill Armenians. No matter whether a woman, a child, an old man. We must kill everyone we can and whoever happens. We should not feel sorry; we should not feel pity. If we do not kill (them), our children will be killed.” The UEFA banned the Ibrahimov from UEFA for life.<sup>23</sup>

### *Azerbaijan’s Policy of Cleansing Ethnic Armenians*

- 22 Azerbaijan’s use and toleration of racist hate speech both reflect and facilitate its broader policy of ethnically cleansing Azerbaijan and Artsakh of Armenians and Armenian heritage. Over the last four decades, according to Azerbaijan’s own census data, the population of ethnic Armenians in Azerbaijan has declined drastically.<sup>24</sup>
- 23 Numerous government officials and entities have made this policy of ethnic cleansing clear. For example, Hajibala Abutalybov, former Deputy Prime Minister of Azerbaijan,

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<sup>18</sup> Azerbaijan’s President Aliyev actively leads this practice. He routinely uses derogatory terms to collectively describe Armenians, referring to them as “bandits,” “vandals,” “fascists,” and “barbarians,” and as having a “cowardly nature.” He also consistently denies the occurrence of the Armenian genocide. During the September-November 2020 claimed that the Azerbaijani military was driving Armenians out like “dogs,” an insult which subsequently became a rallying cry for Azerbaijanis, “showing the degree of hostility and hate speech within Azeri society.” See, e.g., “President Ilham Aliyev addresses the nation,” *Trend*, 17 October 2020.

<sup>19</sup> See ECRI Report on Azerbaijan (fifth monitoring cycle), 7 June 2016., pp. 9, 17. See also United States Department of State, 2019 Country Reports on Human Rights Practices: Azerbaijan, 11 March 2020, p. 38.

<sup>20</sup> Council of Europe, Advisory Committee on the Framework Convention for the protection of national minorities, Third Opinion on Azerbaijan – adopted on 10 October 2012, No. ACFC/OP/III(2012)005, 3 September 2013, paras. 49-50.

<sup>21</sup> Matthew Barrett, “Conflict in the Caucasus: The escalation of the Armenian and Azerbaijani conflict,” 2 November 2020.

<sup>22</sup> See, e.g., Clea Skopeliti, “Video shows Turkish and Azeri nationals ‘looking for Armenians’ in France,” *The Independent* (29 October 2020),

<sup>23</sup> “UEFA bans former Qarabag official for racist behavior” *Reuters*, 26 November 2021.

<sup>24</sup> The State Statistical Committee of the Republic of Azerbaijan, *Population of Azerbaijan (2021)* (certified translation from Azerbaijani), p. 21.

explicitly acknowledged, while serving as Mayor of Baku, that Azerbaijan’s goal is “the complete elimination of Armenians.”<sup>25</sup>

24 In December 2020, a stamp issued by Azerbaijan’s State-owned postage stamp company in the wake of the armed conflict sought to commemorate those violations by depicting the chemical “disinfecting” of Artsakh. The stamp’s reference to ethnic cleansing was so blatant and egregious that the Universal Postal Union declined to register it, noting that it contradicted the provisions of the Union Convention and Code of Conduct.<sup>26</sup>

### *Racially Motivated Crimes*

25 During and in the wake of the September-November 2020 war alone, numerous graphic videos widely circulated on the internet show Azerbaijani forces murdering, torturing, and subjecting Armenian civilians and POWs to cruel and inhumane treatment.<sup>27</sup> The videos depict executions, including beheadings, various forms of torture, humiliations, and mutilations.<sup>28</sup> As one Syrian mercenary confessed, he was ordered to “kill and slaughter each and every Armenian,” and was promised an additional hundred dollars “for beheading an Armenian.”<sup>29</sup> Two particularly horrific videos show men in Azerbaijani uniforms decapitating two elderly Armenian civilians.<sup>30</sup>

### *Genocidal Policy of Azerbaijan*

26 In October 2020, Genocide Watch, a non-profit organization and the Coordinator of the Alliance Against Genocide, issued a Genocide Emergency Alert finding Azerbaijan to be at the penultimate stage of Genocide Watch’s Ten Stages of the genocidal process, “Stage 9: Extermination and stage 10: Denial”.<sup>31</sup>

27 The Azerbaijani government through its supporters has imposed a blockade on Artsakh and its Armenian residents, preventing the transit of essential goods through the only land route into the region. This blockade is intended to bring about the end of the Armenians

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<sup>25</sup> Committee on Foreign Affairs, House of Representatives, 110th Congress, Second Session, *The Caucasus: Frozen Conflicts and Closed Borders*, Serial No. 110-200 (18 June 2008), p. 50. The comment was made to a visiting German delegation in shockingly explicit terms: “Our goal is the complete elimination of Armenians. You, Nazis, already eliminated the Jews in the 1930s and 40s, right? You should be able to understand us.” *Ibid.*

<sup>26</sup> Alexander Galitsky, “Azerbaijan’s Dehumanization of Armenians Echoes Horrors of Holocaust,” *The Times of Israel*, 30 January 2021.

<sup>27</sup> See, e.g., Ulkar Natiqqizi & Joshua Kucera “Evidence of widespread atrocities emerges following Karabakh war,” *Eurasianet*, 9 December 2020; Andrew Roth, “Two men beheaded in videos from Nagorno-Karabakh war identified,” *The Guardian*, 15 December 2020; Liz Cookman, “Videos from Nagorno-Karabakh conflict prompt accusations of war crimes,” *Washington Post*, 25 December 2020.

<sup>28</sup> See Ulkar Natiqqizi & Joshua Kucera “Evidence of widespread atrocities emerges following Karabakh war,” *Eurasianet*, 9 December 2020,

<sup>29</sup> Maryam Ishaya, “Syrian Mercenaries and Their Caucasus Deployment,” *Persecution, International Christian Concern*, 17 May 2021.

<sup>30</sup> Andrew Roth, “Two men beheaded in videos from Nagorno-Karabakh war identified,” *The Guardian* 15 December 2020.

<sup>31</sup> “Genocide Emergency Alert: Azerbaijan’s Invasion of Nagorno-Karabakh (Artsakh) October 2020,” *Genocide Watch*, October 2020.



living in Artsakh and is in line with a long pattern of ethnic and religious cleansing of Armenian and other Christian communities in the region by the government of Azerbaijan.<sup>32</sup> All 14 risk factors for atrocity crimes identified by the UN Office on Genocide Prevention are now present in this situation. Watchdogs such as Genocide Watch,<sup>33</sup> the International Association of Genocide Scholars,<sup>34</sup> and the Lemkin Institute for Genocide Prevention<sup>35</sup> are going so far as to sound the "genocide alarm." These actions are part of a larger genocidal pattern against Armenians by the Azerbaijani regime and to produce fear in Armenia and amongst Armenians worldwide due to the criminal capacity of the regime and the inoperability of the international community.<sup>36</sup>

### *Recommendations:*

- 28 Adopt laws necessary to uphold Azerbaijan's obligations under the ICERD.*
- 29 Introduce in Azerbaijani administrative, civil, and criminal legislation a definition of 'racial discrimination' that is consistent with Article 1 ICERD and ensure that all manifestations of racial discrimination, both direct and indirect, are prohibited and punished.*
- 30 Bring relevant legal provisions into line with the requirements of Article 4 of the CERD, including by prohibiting and punishing the dissemination of ideas based on racial superiority, propaganda activities promoting and inciting racial discrimination, and the incitement to racial hatred.*
- 31 Refrain from practices of ethnic cleansing against Armenians; refrain from engaging in, glorifying, rewarding or condoning acts of racism against Armenians.*
- 32 Punish all acts of racial discrimination, both public and private, against Armenians, including those taken by public officials.*
- 33 Refrain from suppressing the Armenian language, destroying Armenian cultural heritage, or otherwise eliminating the existence of the historical Armenian cultural presence or inhibiting Armenians' access and enjoyment thereof.*
- 34 Ensure that foreigners with Armenian surnames are not denied access to the country on arbitrary and discriminatory bases.*

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<sup>32</sup> 9 international organizations issue genocide warning for Nagorno Karabakh, Armenpress, 20 December 2022.

<sup>33</sup> Statement on Azerbaijani Aggression Against the Republic of Armenia and the Indigenous Armenians of the South Caucasus, International Association of Genocide Scholars Executive Board, 24 October 2022.

<sup>34</sup> Genocide Warning: Azerbaijan and Nagorno-Karabakh, Genocide Watch, 23 September 2022.

<sup>35</sup> Lemkin Institute: 'Giving up' Artsakh would mean condoning genocide against Armenians, 25 November 2022.

<sup>36</sup> Red Flag Alert for Genocide-AZERBAIJAN, Lemkin Institute for Genocide Prevention, 15 December 2022.

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

- 35 The third 1949 Geneva Convention provides that POWs must be released and repatriated without delay after the end of hostilities, and that they must be treated humanely in all circumstances. POWs are protected against any act of violence, as well as against intimidation, insults, and public curiosity.<sup>37</sup> Not only did Azerbaijan fail to return Armenian prisoners of war, they also tortured and mistreated protected persons, decapitated prisoners, and desecrated the dead bodies of soldiers, as verified by video evidence circulated online.<sup>38</sup>
- 36 Two detainees died in Azerbaijani captivity; one of them, based on the evidence, was most likely the victim of an extrajudicial execution. Azerbaijani forces detained these civilians with no evidence that they posed any security threat – they had no weapons and did not participate in the hostilities.<sup>39</sup> In early October 2020, two videos surfaced on social media of Azerbaijani soldiers humiliating and executing two Armenian detainees in the town of Hadrut in Artsakh. Armenian authorities identified the victims as civilian residents Benik Hakobyan (age 73) and Yuriy Adamyan (age 25).<sup>40</sup>
- 37 By the end of February 2021, Armenia’s Representative Office at the ECHR had asked the European Court to intervene with the Azerbaijani authorities regarding 249 alleged POWs and civilian detainees.<sup>41</sup> Approximately 90 percent of those cases, had photo and/or video evidence confirming that these people were in Azerbaijani custody.<sup>42</sup> According to the Armenian authorities, 103 Armenian captives had been repatriated as of 5 August 2021 and over 100 persons remain in captivity.<sup>43</sup>
- 38 The government of the Republic of Azerbaijan has not established the legally required POW camps as there is no safe space for captives to exercise their legal rights as POWs. Captives are transported between various penitentiary locations all while being continuously subjected to physical and psychological torture. The conditions that the

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<sup>37</sup> Geneva Convention relative to the treatment of prisoners of war of 12 August 1949, Article 118.

<sup>38</sup> See “Armenia/Azerbaijan: Decapitation and war crimes in gruesome videos must be urgently investigated

,” Amnesty International, 10 December 2020.

<sup>39</sup> Tanya Lokshina, “Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes” HRW, 12 March 2021.

<sup>40</sup> See “2020 Country Reports on Human Rights Practices: Azerbaijan” US Department of State, 30 March 2021.

<sup>41</sup> Inter-State application Armenia v. Azerbaijan (no. 42521/20).

<sup>42</sup> Tanya Lokshina, “Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes” HRW, 12 March 2021.

<sup>43</sup> 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.

Armenian POWs are kept in purposefully causes them suffering. POWs are not provided with sufficient food and water. The guards make them chant derogatory statements and regularly disturb their sleep. Captives in need receive minimal medical attention if any and insufficient items of hygiene, making it extremely difficult for them to maintain their physical health and human dignity.<sup>44</sup>

- 39 The Azerbaijani authorities do not differentiate between individuals who have not engaged in military activities and Armenian military forces who have become prisoners of war in their treatment of captives.<sup>45</sup> Captivity 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.<sup>46</sup> Such individuals have been abused with impunity,<sup>47</sup> prosecuted on fabricated charges, and convicted in court proceedings with pre-ordained outcomes,<sup>48</sup> at times based on coerced confessions.<sup>49</sup>
- 40 On 15 September 2022, Azerbaijani-run Telegram channels uploaded a video in which Azerbaijani soldiers mutilated a female Armenian POW.<sup>50</sup> 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. An incident occurred where an Armenian woman was subjected to severe mistreatment by Azerbaijani soldiers. The woman was forcibly stripped, with text written on her body, and a stone placed in her eye while a severed finger was put in her mouth. The soldiers left a marking indicating responsibility for the act with the word "YASHMA."<sup>51</sup>
- 41 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.<sup>52</sup> Armenia's Human Rights Defender Office reported that a video depicts 15 Azerbaijani soldiers firing shots at a group of unarmed Armenian POWs at close range. The footage was recorded during Azerbaijan's latest attack and ceasefire

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<sup>44</sup> 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.

<sup>45</sup> Ibid.

<sup>46</sup> 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.

<sup>47</sup> See Cristina Maza, "They Chained Me to a Radiator and Beat me": Armenia POWs Speak Out," Vice, 26 April 2021.

<sup>48</sup> See, "Indictment Read out at Trial of 14 Armenian POWs in Azerbaijan," The ArmenianMirror-Spectator, 1 July 2021.

<sup>49</sup> 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.

<sup>50</sup> Ani Avetisyan, Footage appears to show desecration of female Armenian soldier, OC Media 16, September 2022

<sup>51</sup> "YASHMA" is the name of the Azerbaijani's military post/garrison

<sup>52</sup> Video Shows Azerbaijan Forces Executing Armenian POWs, Human Rights Watch, Oct. 14, 2022

violation on Armenia's southeastern border around September 12-13, 2022.

- 42 Azerbaijani authorities persist in their violation of international norms by engaging in the torture, mistreatment, and killing of Armenians held in their custody. This conduct is a clear disregard for the various international laws, conventions, and national laws that govern the treatment of captives and POWs during times of conflict.<sup>53</sup>

*Recommendations:*

- 43 *Immediately identify, protect, and release dozens of Armenian individuals, who remain in Azerbaijani custody, to their families and homes.*
- 44 *Provide accurate and up-to-date information regarding the location and well-being of all servicemen and civilians who were last seen in their custody. <sup>54</sup> Additionally, disclose a comprehensive list of Armenian captives along with their locations in order to alleviate any uncertainty or distress experienced by their families.*
- 45 *Investigate the credible allegations regarding the unlawful detention of Armenian civilians, their inhuman and degrading treatment, and the possible extrajudicial execution of a detainee, with a view to holding all perpetrators to account. Make the results of the investigations available to the public.*
- 46 *Initiate capacity building and training programs to eliminate torture and mistreatment of detainees in the Azerbaijani army.*

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<sup>53</sup>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.

<sup>54</sup>See “Azerbaijan: Armenian POWs Abused in Custody”, HRW, 08 November 2020.