

White Paper Supplement I

Requesting Investigation and Sanctions:

The Disappearance of Armenian Soldiers While in the Custody of Azerbaijan

The Aftermath of the 2020 Nagorno-Karabakh War

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EXECUTIVE SUMMARY

This document is a supplement to the initial White Paper released by the Center for Truth and Justice (“CFTJ”) on September 11, 2021. It aims to highlight the following:

1. Direct eyewitness evidence disproving Azerbaijan’s denial they are holding identified Armenian POWs
2. Azerbaijan’s refusal to repatriate Armenian POWs; and
3. Evidence of torture and mutilation of Armenian POWs

Azerbaijan is obligated to repatriate all Armenian prisoners of war (“POWs”) and protected civilians under international humanitarian law, human rights law, and the trilateral statement signed by Armenia, Azerbaijan, and Russia on November 9, 2020. However, as of October 15, 2021, Azerbaijan continues to hold twenty (20) Armenian POWs it claims are not in their custody, forty-two (42) Armenian POWs that have been tried and sentenced or awaiting trial in Azerbaijan, and three civilians.

All evidence referenced in this document is based on testimonial statements from victim-witnesses, POWs that have been returned to Armenia, and family members of those still being held in captivity. Additionally, there is direct evidence that the twenty (20) POWs were last seen in Azerbaijani custody from video footage and photographs circulated by Azerbaijani troops on social media as well as on Azerbaijani national television channels. Despite numerous requests, through the International Committee of the Red Cross (“ICRC”), Azerbaijan’s Ombudsman’s Office, and Azerbaijan’s Prosecutor General, the families of these soldiers have not received any information to verify the whereabouts of their sons, nor whether they are still alive.

This supplemental report highlights some of the war crimes under the Geneva Convention and the Rules of War that Azerbaijan is committing. For the reasons explained in this Supplement I, as well as the initial White Paper, CFTJ calls upon the United States Congress and other concerned governments to hold hearings to hear the truth from these victim-witnesses. CFTJ further urges Congress to hold Azerbaijan responsible for its state-sponsored violations of human rights and international humanitarian laws demanding the immediate release and repatriation of all Armenian POWs and civilian detainees in Azerbaijani captivity. The continuing unlawful detention of Armenian POWs by the government of Azerbaijan subjects these human beings to physical and psychological torture causing irreparable harm.

All information in this document is based on the testimonial evidence documented and recorded by CFTJ, a registered 501(c)(3) nonprofit organization headquartered in Los Angeles, California. For confidentiality purposes, CFTJ will not publish the names of victims and witnesses, but the testimonies will be made available if requested.

BACKGROUND

The 44-day war broke out on September 27, 2020, when the Republic of Azerbaijan, supported by the Republic of Turkey, attacked the Republics of Nagorno-Karabakh and Armenia. After 6 weeks, on November 9, 2020, a joint statement (the “Trilateral Statement”) was signed by the Presidents of the Republic of Azerbaijan and the Russian Federation, and the Prime Minister of the Republic of Armenia. The Trilateral Statement purported to outline the framework for retreating from the fighting and solving some of the many humanitarian consequences of the war. However, since its signing, Azerbaijan has repeatedly and brazenly violated the agreement and continues to persecute and terrorize the Armenian civilian population.

Provision 8 of the Trilateral Statement states: *The Parties shall exchange prisoners of war, hostages and other detained persons and dead bodies.*¹

In compliance with the Statement, Armenia currently holds no Azerbaijani POWs, hostages, other detained persons nor dead bodies. By contrast, Azerbaijan is in violation of each and every portion of the Statement. Nearly a year after the signing of the Trilateral Statement, Azerbaijan continues to hold captive dozens and possibly hundreds of Armenians who are still missing. The exact number of Armenians detained by Azerbaijan since the end of the war in November of 2020 is difficult to ascertain for two reasons. One, Azerbaijan disputes the categorization of the people it is detaining as POWs. Second, Azerbaijan denies having information on the whereabouts of those captured, even though there is incontrovertible evidence of their capture while they were alive.

Of urgent concern are unidentified Armenians in Azerbaijani captivity who have not been medically examined by the ICRC, and have not had contact with family members for months. Related measures taken to date include, but are not limited to, the following:

- On October 27, 2020, a request was made to the European Court of Human Rights to apply an interim measure against Azerbaijan with regard to the captives (Application number: 47279/20). However, Azerbaijan refuses to implement the interim measure ordered by the Court.
- On March 9, 2021, the European Court of Human Rights notified the Committee of Ministers, pursuant to Rule 39 § 2 of the Rules of Court of the interim measures taken by it. This was due to the fact that the Azerbaijani Government failed to respect the time limits set by the Court for the submission of information on the individuals concerned and the rather general and limited information provided regarding the conditions of the Armenian POWs’ detention.
- The names of captives who remain unacknowledged, but are held as POWs, were also reported to the Prosecutor General’s Office of Azerbaijan and the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan. However, the Azerbaijani authorities have not acknowledged the whereabouts or fate of these individuals, including the prospect of forced disappearances or executions.

¹ See Annex to S/2020/1104 (11 November 2020); see also: <https://digitallibrary.un.org/record/3891171?ln=en>.

AZERBAIJAN DENIES HOLDING ARMENIAN POWS 11 MONTHS AFTER THE WAR

Despite Azerbaijan having the unequivocal duty to release and repatriate Armenian POWs without delay after the cessation of hostilities, many Armenian soldiers who were captured during the war have yet to be acknowledged by Azerbaijan. Their families are still uninformed of their whereabouts and endlessly waiting for the day when the fate of their sons, fathers, and husbands will be known. In the next section, a discussion of video and photographic evidence explains how families were able to identify their loved ones from videos and images circulated by Azerbaijan. The names of these soldiers were provided to the ICRC, as well as the Azerbaijani government, which still denies holding them in its captivity.

The evidence also establishes that Armenian detainees have been subjected to torture, degrading treatment, beatings and other abuses by Azerbaijan. Such treatment is often accompanied by ethnic slurs and hate speech. The videos and photos, which were posted on Azerbaijani social media sites, not only depict horrific abuses but evidence of pride and indignation with which the perpetrators commit such depraved acts.

The Capture of 20 Armenian Soldiers - Whereabouts Unknown

On October 21, 2020, during the war, a group of sixty-two (62) Armenian soldiers and volunteer fighters were in combat with Azerbaijani troops. Based on eye-witness testimony, eighteen (18) died and twenty-two escaped (22). Information regarding the remaining Armenian soldiers is limited because the majority of them were captured by Azerbaijan. Six (6) Armenian soldiers managed to avoid Azerbaijani captivity until November 6, 2020, when they too were captured. However, of these six (6), five (5) repatriated to Armenia.

After the capture of these Armenian troops, the Azerbaijani armed forces circulated a video on social media that showed Azerbaijani servicemen forcing the Armenian captives to walk towards an unknown location. The Armenian soldiers are handcuffed and surrounded while being heckled and beaten by Azerbaijani forces.

1) Videos Released on October 25 and October 26, 2020

Two videos filmed by Azerbaijani soldiers were circulated on Azerbaijani social media accounts, one of which was later aired on Azerbaijan's national TV station, *Kanal 1*. The videos show the Armenian soldiers' hands bound. They appear to be drenched. They are ordered to repeat:

“Karabakh is Azerbaijan.”

2) Video Released on November 28, 2020

On November 28, 2020, a social media video surfaced that shows a group of soldiers from the aforementioned group of sixty-two (62), with their hands tied behind their backs, as they are led

to trucks. An Azerbaijani soldier strikes the head of one of the Armenians, and then pushes and shoves another.

3) *Video Released on December 15, 2020*

On December 15, 2020, a fourth video surfaced on Azerbaijani social media accounts that was also aired on *Kanal 1*. It showed thirteen (13) Armenian soldiers, some of whom were also seen in the November 28, 2020 video, kneeling on the ground with their hands tied behind their backs. An Azerbaijani soldier yells:

*“These are immoral prostitutes, whom we have taken as captives.
These must be executed one by one.”*

4) *Video Released in December of 2020, but seen by family on March of 2021*

In March of 2021, family members of an Armenian soldier discovered another video shared on social media showing the same soldiers from the November 28 and December 15, 2020 videos. In this video, it shows the Armenian soldiers being led to a truck, with their hands tied behind their backs, and an Azerbaijani soldier strikes an Armenian soldier with the butt of his gun. On December 6, 2020, this video was aired on *Kanal 1*.

The family members of the captives have applied to the ICRC for an official update on the status of their relatives. On March 31, 2021, they were informed that Azerbaijan had denied holding the specified individuals as captives. To date, the family members are not aware of the whereabouts of the identified Armenian soldiers who were last seen in Azerbaijan’s custody, or whether they are dead or alive.

Video Footage of Armenian Soldiers in Azerbaijani Custody: To date, Whereabouts Unknown

1) *Armenian POW captured sometime after September 27, 2020*

On September 26, 2020, one Armenian family had their last conversation with their son, who was serving at one of the posts in the war zone (in Mathagis). On October 2, 2020, the family saw their son in photographs circulating on Azerbaijani social media. It showed five Armenian soldiers, some standing, others kneeling, with an Azerbaijani soldier pointing a gun at them. These same images were also shown on the Turkish news channel, *Show Haber*.

2) *Armenian POW captured sometime after October 11, 2020*

Another family lost contact with their son on October 8, 2020. A repatriated POW testified that he last saw the soldier on October 11, 2020, injured. Subsequently, in February of 2021, the family came across a video on social media that showed their son on the ground with an

Azerbaijani soldier on top of him striking, him repeatedly on the head and forcing him to repeat something.

3) *Armenian POW captured sometime after October 13, 2020*

The family last spoke with their son on October 13, 2020. On November 28, 2020, they saw their son on a social media video showing him blindfolded, with his hands tied behind his back. There are two Azerbaijani soldiers with him. One of them rips the military stripes off the Armenian's jacket, and the other one asks:

“How many of your people are gone?”

The blindfolded and bound Armenian soldier tries to respond, but his words come out in a confused stutter, unable to form coherent sentences words or thought, in a daze and shock, unable to articulate words:

“Wait a minute. There are...how many people...we were there...sixty...sist...fift...”

4) *Armenian POW captured sometime after October 26, 2020*

An Armenian soldier last contacted his family on October 24, 2020. He was last seen alive on October 26, 2020, by wounded soldiers who returned to Armenia. A video surfaced showing him alive, in Azerbaijani captivity.

5) *Video Released on December 14, 2020 & January 16, 2021*

On December 14, 2020, a social media video showed a group of Armenian soldiers walking up a hill in the snow, carrying equipment, being led and directed by Azerbaijani troops. An Azerbaijani soldier is seen making the hand signal of the *Grey Wolves*, a known Turkish terrorist group. Some of the Armenian soldiers were identified by their family members. A month later, on January 16, 2021, another Azerbaijani soldier posted the same video on social media with the caption:

“We are bringing Armenians that we have caught in Lachin.”

The whereabouts of these identified soldiers are unknown. However, the evidence and testimony is clear that they were all last seen and identified in Azerbaijan's custody.

THE DEFILED REMAINS OF A SLAIN SOLDIER

Even in death, the abuse continues, as there are also numerous videos of the bodies of deceased Armenian soldiers being mutilated by Azerbaijani soldiers while spewing ethnic slurs and hate speech.

In April of 2021, the family of a slain soldier finally saw their son's decapitated body in a morgue. The chest had three stab wounds, with two bullet holes in his leg, the skin on his right forearm had been carved off and the organs were charred. Though severely burnt and decapitated, the mother was able to identify her son from his distinctive tattoos.

The family had lost contact with their son on October 11, 2020. On December 19, 2020, a video circulated on Azerbaijani channels that showed their son in Azerbaijani custody. He had lost a considerable amount of weight. The video depicts three (3) Azerbaijani soldiers' knees on his chest, pinning him down to the ground. Two Azerbaijani soldiers pull his hair to prop his head up. A fourth Azerbaijani kicked his face. Next, they yank him up and force him to walk up a hill while his legs are bound by a white garment. While walking, another Azerbaijan soldier grabs the white cloth wrapped around the Armenian soldier's feet and yanks it from behind, causing the Armenian soldier to fall to the ground on his face. The Azerbaijani soldier chuckles. They yank him up and force him to continue walking.

The video later shows the Azerbaijani soldiers yanking the Armenian soldier's hair and shaking his head vigorously demanding that he say "*Karabakh is Azerbaijan.*" The Azerbaijani soldier then slaps him, abruptly swinging the Armenian soldier's face in the opposite direction, followed by another Azerbaijani soldier kicking his face. Subsequently, a photo was released showing the Armenian soldier kneeling on a rock, hands bound behind his back, with a bandage above his right eyebrow while an Azerbaijani soldier stands above him.

The family has appealed to the ICRC and other organizations for help. However, to date, Azerbaijan denies ever having this fallen soldier in their custody. The decapitated head of the soldier has yet to be returned.

TESTIMONIES OF REPATRIATED POWs

The POWs who have been returned to Armenia from Azerbaijan tell gruesome stories of sleep deprivation, cruel and dehumanizing treatment, and relentless beatings followed by interrogations. Through this mistreatment, Azerbaijan coerced confessions from many Armenian prisoners. One POW was told his family members would get hurt unless he signed a document written in Azerbaijani. He was never visited by the ICRC, nor allowed to contact his family members. He testified that he never received medical attention while in Azerbaijan.

While it is reported that Azerbaijan is allowing the ICRC to visit the 45 Armenian detainees, Azerbaijan is hiding additional unidentified detainees from the ICRC. It is however important to note that ICRC visits do not prevent the abuse of Armenian POWs. In fact, Armenian POWs visited by the ICRC have died in detention. The rapporteur for the Parliamentary Assembly of the Council of Europe, who had

been tasked to investigate the abuses of Armenian POWs, has repeatedly been denied permission to visit the Armenian detainees.

CONCLUSION

Azerbaijan is violating international and customary law with impunity, and Armenians are suffering the consequences. For the families of these captives, every day is a nightmare, as they wait for confirmation that their loved ones are dead, violated, abused or never coming home. Congress and concerned governments must investigate Azerbaijan's continued detention of Armenian POWs and sanction Azerbaijan for its gross violations of human rights and humanitarian laws. Azerbaijan acts with complete disregard for Armenian human lives. It is time the US Congress and other concerned governments take swift measures and sanction Azerbaijan.

Hearings must be held. The truth must be told. The POWs and detainees must be released.