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Geneva, 30 December 2020

Mr. Nils Melzer
Special Rapporteur on torture and other cruel,
inhuman or degrading treatment or punishment

Mr. Tae-Ung Baik
Chair-Rapporteur of the Working Group
on enforced or involuntary disappearances

Ms. Agnes Callamard
Special Rapporteur on extrajudicial, summary
or arbitrary executions

Dear Mandate-holders,

I write to you in response to your Joint Communication of 11 November 2020 concerning the alleged torture and ill-treatment of prisoners of war and cases of enforced disappearance during the recent armed hostilities between Armenia and Azerbaijan.

Before providing responses to the allegations raised with respect to my country, I wish to draw your attention to significant concerns relating to the Joint Communication itself, as well as the procedures contemplated therein.

The UN Human Rights Council special procedures mandate-holders represent the United Nations, and accordingly the terms used by mandate-holders in their communications should be strictly based on the language already established by the United Nations. In this regard, I express my strong discontent with respect to your references in the above-mentioned Joint Communication to the name of the conflict between Armenia and Azerbaijan as an “armed conflict in and around the Nagorno-Karabakh conflict zone”. I need to draw your attention to the fact that UN Security Council Resolutions 874 (1993) and 884 (1993), and UN General Assembly Resolution A/RES/62/243 (2008) refer to this conflict as the “conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan”. Likewise, the United Nations has recognized that the settlements referred to in the Joint Communication are part of the internationally recognized territories of the Republic of Azerbaijan, and therefore I have to express my strongest protest to you concerning the use of Armenian toponyms for referring to the settlements of Azerbaijan in the Joint Communication.

I also note with great concern that the Azerbaijani cities located outside the conflict zone and deliberately targeted by Armenia’s military in the course of its recent aggression against Azerbaijan with the use of large-calibre artillery and ballistic missiles with cluster munitions, such as Ganja, Barda and Tartar, are not in the list of affected civilian settlements presented in the Joint Communication. As a result of these deliberate attacks, 101 Azerbaijani civilians, including several families as a whole, were killed, 416 civilians were seriously injured. These facts have been well

documented by prominent media agencies and international NGOs, such as Human Rights Watch and Amnesty International.

The Joint Communication also presents Azerbaijan as a State Party to the Rome Statute of the International Criminal Court, which is incorrect. Azerbaijan requests the Mandate-holders to double-check all information contained in their Communications before submitting them to the UN Member States, as required by Articles 6, 8, and 9 of the Code of Conduct for Special Procedures Mandate-holders approved by HRC Resolution 5/2 (2007).

Another procedural matter of concern for Azerbaijan is the intention expressed in the Joint Communication that the mandate-holders “may publicly express” concerns even before receiving a response from Azerbaijan. In this regard, I wish to recall Article 13 (a) of the above mentioned Code of Conduct, which explicitly stipulates that public statements issued by mandate-holders concerning allegations of human rights violations must fairly indicate the responses given by the concerned State. Azerbaijan expects that any public statement to be issued by the authors of the above-mentioned Joint Communication shall take into account the present and any other possible responses of Azerbaijan in the interest of a constructive engagement and dialogue.

As for the allegations against Azerbaijan contained in the Joint Communication, I wish to inform you of the following:

1. Azerbaijan remains committed to upholding its obligations arising under the norms of international humanitarian law and principles of humanity, as well as the Trilateral Statement signed by the President of the Republic of Azerbaijan, the President of the Russian Federation, and the Prime Minister of the Republic of Armenia on 10 November 2020. Accordingly, Azerbaijan has been consistently fulfilling its obligations to ensure the rights of Armenian servicemen captured during the recent hostilities.
2. Information about the Armenian captives has been regularly provided to the International Committee of the Red Cross and the Russian Peacekeeping Forces. In some instances, Armenian captives were unilaterally released by Azerbaijan, including, for example, on 29 October 2020, when Azerbaijan unilaterally handed over 2 elderly persons and the bodies of 30 Armenian servicemen to Armenia. During their detention in Azerbaijan, these prisoners were provided with necessary medical services and dignified treatment, were given the opportunity to keep in touch with their families, and their other rights were respected.
3. Azerbaijan has made numerous attempts to arrange for the exchange of prisoners of war in the course of the recent hostilities, based on the principle “all for all”. Regretfully, Azerbaijan’s proposals were rejected by Armenia. Finally, an agreement was reached on 14 December 2020, in accordance with which 44 Armenian prisoners of war were safely transferred to Armenia, including Davit Isahakyan, Gegham Davtyan, Edgar Hakobyan, Mkhitar Abrahamyan, Khachik Abrahamyan, Artashes Safaryan, Hrant Azizbekyan, Ruben Simonyan, Gagik Terjyan, Hayk Dilanyan, Mher Badoyan, Vardan Hambardzumyan, Pertsh Avetisyan, Narek Nersisyan, Areg Sargsyan, Narek Amirjanyan, Samvel Asatryan, Albert Mikaelyan, Edik Tonoyan, Valeri Hayrapetyan, Hovsep Sahakyan, Samvel Kastaksysan, Vahe Abrahamyan, Sargis Soghomonyan, Khachik Hakobyan, Mikayel Martirosyan, Vahe Arakelyan, Tigran Khachatryan, Kamo Manasyan, and others. As of 15 December 2020, more than 50 Armenian prisoners of war have also been returned to Armenia.
4. Azerbaijan has become aware of videos circulated on media and social networks of alleged “Azerbaijani servicemen” insulting the bodies of Armenian servicemen killed during the counter-offensive operation conducted by Azerbaijan, as well as inhumane treatment of captured Armenian servicemen. Azerbaijan takes any such allegation very seriously, consistent with its obligations,

including under international humanitarian law. Accordingly, the videos brought to our attention are being presently analysed by the Prosecutor General's Office and Military Prosecutor's Office of the Republic of Azerbaijan, including confirming their authenticity.

5. On the basis of the materials collected in connection with the above-mentioned allegations, the Military Prosecutor's Office has initiated criminal investigations. Thus far, the Prosecutor's Office has identified 4 Azerbaijani servicemen as being potentially responsible for illegal acts, and as a result of this has initiated a criminal case against them under Articles 115.2 (torture, cruel or inhumane treatment) and 245 (insulting acts on a grave or corpse) of the Criminal Code of the Republic of Azerbaijan. Investigative and operational actions by the Prosecutor's Office still continue.

6. Additionally, the Prosecutor General's Office has issued warnings to Azerbaijani servicemen to make clear that any such conduct is illegal and is subject to criminal punishment.

7. In general, Azerbaijan has taken necessary measures to prevent any act of violation of international humanitarian law by its servicemen. The Ministry of Defence of the Republic of Azerbaijan in cooperation with the International Committee of the Red Cross has prepared special brochures with instructions on compliance with rules of war and other elements of international law, including treatment of civilian population during the conduct of war, and distributed them among Azerbaijani servicemen. I enclose herewith a copy of that brochure for your information (available only in Azerbaijani language).

While the Joint Communication notes that a similar communication has been sent by you also to the Government of Armenia, I wish to submit herewith for your consideration a detailed report of the Human Rights Defender of the Republic of Azerbaijan on violations by Armenia of its obligations under international humanitarian law, as well as a brief report/factsheet on those violations related to the treatment of Azerbaijani captives, and photographs and videos depicting a number of human rights violations by Armenian servicemen committed against Azerbaijani captives, including acts of humiliation and ill-treatment, such as physical assaults, verbal abuses, executions through beheadings, and ill-treatment of dead bodies. It is worth mentioning that unlike Azerbaijan, Armenia has not taken any step to investigate and take punitive actions in relation to its servicemen who have committed war crimes against Azerbaijani servicemen hors de combat.

I believe that information and arguments presented in this letter, as well as in the enclosed report will provide you with a sound basis to urge Armenia to cease its violations of and comply with the norms of international humanitarian law.

Azerbaijan extends the assurances of its high consideration to you, and trusts that you will continue the process of constructive engagement based upon verified facts to most effectively address any violations of these important international obligations.

Yours sincerely,



Ambassador Vaqif Sadiqov
Permanent Representative

Enclosure: 66 pages