



## OFFICE OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

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### Information Notice

**Disclaimer:** *The Office of the Representative of the Republic of Armenia before the European Court of Human Rights (hereinafter referred to as “the Office” or “the Government”) provides exceptionally the information, which falls under its competence and concerns the legal process before European Court of Human Rights (hereinafter referred to as “the Court”) in respect of the Armenian prisoners of war (hereinafter referred to as “PoW”) and civilian captives. The information presented below may not give the complete picture of the general information on the issue of Armenian PoWs and civilian captives.*

#### ➤ Overview of the interim measure requests under Rule 39 of the Rules of Court

- As of 12 March 2021, interim measure requests have been filled in the name of 249 Armenian individuals, of which
  - ✓ 58 individuals and the dead body of 2 individuals killed in captivity have been repatriated
  - ✓ 6 individuals have been found deceased
  - ✓ the captivity of 71 individuals has officially been acknowledged by Azerbaijani Government and general and vague information about their whereabouts and well-being has been provided
  - ✓ No information has been provided for 112 individuals
- As of 12 March 2021, interim measure requests have been received in the name of 16 Azerbaijani individuals, of which
  - ✓ captivity of 13 individuals has officially been acknowledged by Armenian Government and detailed information with evidence about their whereabouts and well-being has been provided with respect to each of them
  - ✓ the other 3 individuals have not been captured by Armenian forces. The Government has officially informed the Court about that in the prescribed deadlines.
  - ✓ No interim measure request has been granted against Armenia by the Court taking into account the adequacy of the provided information
- On 9 March 2021, pursuant to Rule 39 § 2 of the Rules of Court, the Court decided to notify the Committee of Ministers about the non-compliance of the interim measures indicated under Rule 39 in by the Azerbaijani Government. The court has stated that

*“Having regard to the Azerbaijani Government’s failure 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 by them, the Court decided to notify the Committee of Ministers of the measures taken by it with respect to these individuals.*

*...Given the nature of the information received from the Armenian Government, the Court decided not to apply Rule 39 in any of these cases. There is therefore no Rule 39 measure concerning particular individuals, directed against Armenia, that could be notified to the Committee of Ministers. “*

➤ **The execution of civilians in captivity by Azerbaijani authorities**

- Killing of [REDACTED]
  - [REDACTED] is a civilian individual, who travelled to the city of Hadrout of Artsakh Republic in August to visit his parents living there. When Azerbaijan launched its offensive on 27 September 2020, [REDACTED] – [REDACTED] - refused to leave the city because of his age, thus [REDACTED] decided to stay with him. Later, when the Azerbaijani forces occupied the city of Hadrout, both of them were taken as captives.
  - On 14 December 2020, [REDACTED] along with other individuals was repatriated to Armenia, whereas his son [REDACTED] continued to remain under the control of Azerbaijani authorities, thus being subjected to inhuman and degrading treatment on daily basis.
  - On 6 January 2021, two video footages emerged in the Azerbaijani social media pages, featuring [REDACTED] being subjected to inhuman and degrading treatment.<sup>1</sup>
  - On 11 January 2021, the Armenian Government prepared and submitted to the Court a Rule 39 request under the Rules of Court. The Government aimed to force Azerbaijan to ensure respect for [REDACTED] Conventional rights, namely Right to Life under Article 2 and Prohibition of Torture under Article 3.
  - On 13 January 2021, the Court granted the Government's request and indicated to Azerbaijani Government to guarantee [REDACTED] Conventional rights and submit information about his whereabouts by 21 January 2021.
  - On 18 January 2021 during the search operations of missing persons and dead bodies with the mediation of Russian peacekeepers and the representatives of International Committee of Red Cross in Hadrout region of Artsakh Republic, the dead body of [REDACTED] was found from the vicinity of Aygestan village.
  - The examination revealed that [REDACTED] had been killed recently, as the traces of torture and ill treatment were still fresh and the body was exhumed from a newly drilled grave. Moreover, the clear imprints of recent gunshots were found on the body's forehead and chin. Thus, it was concluded in the medical death certificate, that [REDACTED] died as a result of deliberate killing on 15 January 2021 – two days after the Court's decision.
  - On 26 January 2021, the Government duly informed the Court about the killing of [REDACTED] and accordingly submitted images and other evidence of the incident. The said clearly demonstrates Azerbaijani Government's blatant disrespect towards its obligations under the international human rights treaties and especially the European Convention on Human Rights.
- Death of [REDACTED]
  - [REDACTED] together with her wife [REDACTED] has been captured by Azerbaijani authorities right from their home in Artsakh and transferred to Baku. During their captivity, both of them have been subjected to torture on daily basis. Given his age and health condition, [REDACTED] was not able to survive and died.
  - On 9 December 2020, [REDACTED] together with other individuals was repatriated to Armenia. On the same day, the sealed coffin of [REDACTED] has also been transferred.
  - After the opening of the coffin, it was revealed that instead of [REDACTED] a corpse of an unknown man has been transferred. The Government has duly informed the Court about the said incident.
  - Further, on 28 December 2020, after numerous negotiations, the body of [REDACTED] was transferred to his family.

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<sup>1</sup> See [REDACTED]

## ➤ Cases of special sensitivity

### ▪ Kidnapping of civilians

- Right after the next day of the trilateral statement of 10 November 2020, Azerbaijani servicemen kidnapped more than ten civilian individuals, including elders and women, traveling to Artsakh via Goris-Stepanakert highway. Further, on following days Azerbaijani authorities captured another groups of civilians who were traveling to Artsakh for personal purposes. As of today, more than two dozen of civilians have been kidnapped by Azerbaijan since 10 November 2020. Azerbaijani Government refuses the repatriation of civilian captives without any explanation, that is already a blatant disrespect to the obligations under the international human rights and humanitarian treaties.

### ▪ Kidnapping of women and elderly people

- On 10 November 2020, two Armenian-Lebanese citizens – [REDACTED] – travelled to the Republic of Artsakh in order to pick up their personal items from their places of residence and return to the Republic of Armenia.
- On 2 December 2020, a video footage was published on the official YouTube Channel of the State Security Service of the Republic of Azerbaijan, featuring an interview of [REDACTED] [REDACTED]. It appears from the footage, that [REDACTED] is being prosecuted by the State Security Service and is questioned as an alleged mercenary.
- The Government submits that both [REDACTED] and [REDACTED] are dual citizens of the Republic of Armenia and Republic of Lebanon, who moved to Armenia in 2019 and 2020 respectively. Moreover, in August 2020 [REDACTED] and [REDACTED] decided to move to the Republic of Artsakh. Henceforth, on the day of the launch of Azerbaijani on 27 September 2020, they had already been living in Artsakh for nearly a month. Nevertheless, after the shelling of Berdzor city of the Republic of Artsakh by Azerbaijani forces, [REDACTED] and [REDACTED] were forced to leave Artsakh due to the direct threat to their lives.
- On 10 December 2020, the Office filed to the Court a Rule 39 request in the name of both [REDACTED] and [REDACTED]. On 11 December 2020, the Court granted the request and indicated to the Government of Azerbaijan under Rule 39 to ensure respect for the Convention rights of [REDACTED] and [REDACTED] and to provide them with necessary and appropriate medical treatment.
- On 18 December 2020, the Azerbaijani Government acknowledged the captivity of the said individuals stating that they had been taken to Baku and put under the supervision of security authorities of Azerbaijan. With the same letter, the respondent government submitted that it would provide the Court with the medical certificates in respect of the mentioned individuals shortly. As of today, no medical certificate and any other information has been received with regard to these civilian captives.
- On 10 March 2021, [REDACTED] has been repatriated to Lebanon, while [REDACTED] is still kept in Azerbaijan.
- On 11 November 2020, early in the morning, the driver [REDACTED], travelled to the Republic of Artsakh through Goris – Stepanakert highway. [REDACTED] was transporting two elder citizens of the Republic of Artsakh – [REDACTED] – back to their home in the Martuni Region of Artsakh. [REDACTED] was driving a civilian car with a civilian registration number. On 11 November 2020 at around 14:00 [REDACTED] spoke to his wife for the last time. Afterwards the connection was lost.
- On 14 November 2020, a video appeared in the Azerbaijani social media pages featuring the degrading treatment of eight Armenian civilian captives, including [REDACTED].

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<sup>2</sup> See [REDACTED]

- On 16 November 2020, the Office requested the Court to apply interim measure under the Rule 39 in the name of ten captured civilians, namely the eight individuals appearing in the video and two elderly people [REDACTED] and [REDACTED].
  - On 3 December 2020, the Azerbaijani Government acknowledged the captivity of the feature eight civilians and stated that it was unable to identify the other two individuals – [REDACTED].
  - On 14 December 2020, [REDACTED] has been repatriated to Armenia together with 5 other civilians from the said video footage. However, none of them possessed any information about whereabouts of two elderly people. According to [REDACTED] right after their captivity both [REDACTED] and [REDACTED] had been separated and taken in another direction by Azerbaijani servicemen.
- Criminalization of PoWs and civilian captives
- Furthermore, Azerbaijan continues its spurious policy of presenting the PoWs and civilian captives as criminals, fabricating charges against them, thus falsifying reality. As of today, five Armenian captives (PoW- [REDACTED], [REDACTED], Civilians – [REDACTED], [REDACTED] and [REDACTED]) have been accused in criminal offences and detained by Azerbaijani domestic courts.
  - On 18 December 2020, the Azerbaijani Government acknowledging the captivity of [REDACTED] additionally informed that he was charged with offences provided in Articles 114.3 (Mercenary activity), 214.2.1 and 214.2.3 (Terrorism), 228.2.1 (Illegal purchase, storage, transportation and carrying of fire-arms and supplies), 279.1 (Creation of armed groups not provided by the legislation) and 318.2 (Illegal crossing of border of the Republic of Azerbaijan) of the Criminal Code of the Republic of Azerbaijan.
  - The Office became aware about the criminal charges of the other mentioned individuals from the Azerbaijani mass media publications.
  - In addition, 62 Armenian servicemen, who were captured as PoWs from Hadrout Region of Artsakh Republic after the trilateral statement, are currently presented by Azerbaijani authorities as terrorists.
  - Regarding the said incident occurred in Hadrout, namely in the premises of Khtsaber and Hin Tagher villages, it is important to stress that according to the Joint Statement of 10 November 2020, the Republic of Azerbaijan and the Republic of Armenia “shall stop in their current positions”. No wording of the Joint Statement suggests that the Armenian servicemen were obliged to leave from their current positions in the region of Hadrout. Thus, they were legally stationed, and their actions cannot be classified as terrorist acts, as suggested by the Azerbaijani Government. Moreover, in the Joint Statement, the Hadrout region is not mentioned among the areas Armenian forces were supposed to leave.
  - On 11 December 2020, around 8.40 p.m., the special forces of the Azerbaijani armed forces launched an attack on the Artsakh-Azerbaijani line of contact in the area of Hin Tagher and Khtsaber villages of the Hadrout region of Artsakh, taking advantage of the fact that peacekeeping forces were not deployed in that area of the Republic of Artsakh. Six servicemen of the Artsakh Defense Army were wounded in the result of the offensive. The Azerbaijani forces continued their provocative actions on 13 December 2020 in Mets Shen and Hin Shen villages’ direction.<sup>3</sup>

*The Office attaches:*

1. *the comparative images of [REDACTED] and [REDACTED] before and during the captivity,*
2. *the photos of [REDACTED] corpse.*
3. *the photos of [REDACTED] and [REDACTED]*

<sup>3</sup> See Statement by the Foreign Ministry of Armenia on the violation of the ceasefire regime by Azerbaijan ([REDACTED] accessed on 8 January 2021).