URGENT APPEAL: Release of Armenian POWs and civilian captives still in Azerbaijani custody

Dear Experts,

On 1 February 2021, your offices jointly issued a statement calling for the “the prompt release of prisoners of war and other captives from the recent Nagorno-Karabakh conflict, and for the return of bodies to families for burial with due respect for cultural customs”.¹

The wording of the statement was in such a way that it implied that both Armenia and Azerbaijan were equally engaging in the above-mentioned transgression, noting that “both parties have commenced the return of prisoners of war and other captives, and we call on them to complete the all for all exchange, to clarify the fate and whereabouts of the disappeared, and to treat dead bodies with dignity” (emphasis added).

We, the undersigned organizations, were surprised and confused by your joint statement because it appears that you were seriously misinformed about the facts on the ground. It is important to emphasize that there are no more Azerbaijani POWs left in Armenian custody since December 2020. This has been confirmed by Russian Foreign Minister Sergei Lavrov on

18 January 2021, when he stated that “Armenia has returned all Azeri prisoners who were captured during last year’s conflict over the Nagorno-Karabakh region, but the process with Armenian prisoners has been held up.”

Your joint statement has thus accidentally served to embolden Azerbaijan – the sole perpetrator in regard to the failure to release POWs, in violation of Art. 118 of the Third Geneva Convention – to continue to hold Armenian captives hostage and now even imposes egregious conditions including territorial concessions by the Armenian government in exchange for their release. Just days ago, a plane that was meant to repatriate dozens of Armenian POWs from Baku turned up in Yerevan empty, sparking unspeakable further mental torture, terror, and anguish in the relatives of remaining captives as well as the general Armenian population.

If there was any doubt at the time of the writing of your statement as to whether both sides had failed to fulfill their obligations to release captives from the Nagorno-Karabakh conflict, the recent issuance of a decision by the European Court of Human Rights confirms that only Azerbaijan has been delinquent. To this end, the Court has referred the matter of Azerbaijan’s failure to comply with its interim orders regarding captives to the Committee of Ministers. Several European and other bodies have also specifically called on Azerbaijan to release remaining captives, and Human Rights Watch has recently issued a report showcasing Azerbaijan’s continued abuses in this respect.

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2 Reuters, Russia says all Azeri captives returned under Karabakh deal, 18 January 2021, available at https://www.reuters.com/article/us-armenia-azerbaijan-prisoners-russia-idUSKBN29N1SO.


With every single day that goes by, the nearly 200 Armenian POWs and civilian captives still held in Azerbaijani detention are at severe risk of continued extrajudicial killing, enforced disappearance, torture and other ill-treatment. This concern is warranted based on the abundance of evidence already before you of executions and gruesome acts including live beheadings and mutilations of Armenian POWs and civilians both during the war and well after the cessation of hostilities on 10 November 2020.8

Issuing both-sideist statements are therefore not only inappropriate in this context, but have the perverse effect of emboldening perpetrators, which could not be further from the aims and purposes of the essential mandates entrusted upon you.

We therefore respectfully urge you to issue a new public statement that is unambiguous, namely calling on Azerbaijan to immediately and unconditionally release all remaining Armenian captives from the Nagorno-Karabakh conflict.

We also respectfully request that you use every available means within your respective mandates to persuade the Azerbaijani government to comply with the very clear obligation to immediately release all remaining Armenian captives. Among the co-signatories to this letter is the Path of Law NGO, which represents more than 40 of the Armenian POWs still held hostage by Azerbaijan. We, and the families of all remaining captives, hope that you will act without delay. So many innocent lives depend on it.

Signed,

Armenian Bar Association
Chamber of Advocates of Armenia
Path of Law NGO
International and Comparative Law Center-Armenia

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