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28 June 2021

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

Dear Mandate-Holders:

We are a coalition of Armenian Lawyers' Associations from the United States, Russia, Canada, Switzerland, Netherlands, France, Germany, Great Britain, Argentina, Belgium, Sweden and Armenia.

We have been closely following the atrocities committed by Azerbaijan since 27 September 2020, when Azerbaijan, in blatant violation of international law and with the assistance of its military ally Turkey, launched a large-scale military operation against Nagorno-Karabakh.

Seven months after the 9 November 2020 ceasefire signed by the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the Russian Federation (the “Trilateral Statement”), Azerbaijan continues to illegally hold and refuses to allow the return of some 200¹ Armenian prisoners of war (POWs) and civilians currently in its custody. In fact, a video conversation between Recep Tayyip Erdogan’s wife, Emine Erdogan, and Aliyev, is evidence that many Armenian POWs and captives are illegally held as hostages in Azerbaijan to be used and traded as political bargaining chips.²

Instead of following international law and fully complying with paragraph 8³ of the Trilateral Statement, the Azerbaijani government insists on labeling POWs as terrorists⁴ and is now conducting sham legal proceedings.

It is without a question that the Armenian soldiers currently in Azerbaijani custody are POWs, as are the soldiers that were captured after the signing of the Trilateral Statement. Ceasefire agreements, like the Trilateral Statement, temporarily stop a war, but the ultimate determination as to whether the hostilities have ceased depends on the actual situation on the ground. With the continued aggression by the Azerbaijani Armed Forces, such as invading the territory of Armenia⁵ and the continued subjection of torture and mental abuses towards Armenian soldiers and civilians,⁶ there has been no cessation of hostilities. Thus, all the Armenian soldiers in Azerbaijani captivity are classified as POWs and must be protected under international law as POWs, since they are members of the armed forces of one of the parties that have fallen into the hands of an adverse party during the times of hostility.

As you know, under customary international humanitarian law, POWs cannot be prosecuted for participating in hostilities but may be prosecuted for possible war crimes. Azerbaijan, however, has begun to conduct criminal proceedings against 40 POWs for their participation in the war and falsely accuses a Lebanese-Armenian civilian of terrorism.

Vicken Euljekjian is a dual Lebanese-Armenian civilian, who was captured by the Azerbaijani Armed Forces on 10 November 2020. In 2015, he obtained his Armenian citizenship and permanently moved to Armenia in 2019. During the 2020 Artsakh War, Mr. Euljekjian volunteered to join the Armenian Defense Army, but was never deployed and spent most of the war in Yerevan. Following the announcement of the Trilateral Statement, not aware that Shushi was now occupied by Azerbaijan, Mr.

¹ The precise number of the remaining POWs and captives is difficult to ascertain at the current moment due to the lack of cooperation from the Azerbaijani government.

² PanArmenian, *Erdogan’s Wife Tells Aliyev to Obtain Minefield Maps in Exchange for POWs*, Eurasiareview (June 17, 2021), <https://www.eurasiareview.com/17062021-erdogans-wife-tells-aliyev-to-obtain-minefield-maps-in-exchange-for-pows/>.

³ See Annex to S/2020/1104 (Nov. 11, 2020); see also: <https://digitallibrary.un.org/record/3891171?In=en>

⁴ Asbarez Staff, *Aliyev Calls Armenian POWs ‘Terrorists’; Human Rights Defender Urges their Return to Armenia*, Asbarez (Jan. 2, 2021), <https://asbarez.com/aliyev-calls-armenian-pows-terrorists-human-rights-defender-urges-their-return-to-armenia/>.

⁵ Sara Khojuyan and Zulfugar Agayev, *Armenia Asks Putin for Military Aid in Azerbaijan Border Dispute*, Bloomberg (May 14, 2021, 6:55 A.M.), <https://www.bloomberg.com/news/articles/2021-05-14/putin-macron-drawn-into-tensions-over-armenia-azerbaijan-border>.

⁶ *Azerbaijan: Armenian POWs Abused in Custody*, Human Rights Watch (Mar. 19, 2021, 8:00 A.M.), <https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>.

Euljekjian, along with Maral Najarian, visited Shushi to retrieve their belongings. They were stopped by Azerbaijani soldiers and were captured along with other ethnic Armenians.⁷

After four months of captivity, Ms. Najarian was released. Mr. Euljekjian however has been tried and sentenced to 20 years in prison on the outrageous grounds that he is a terrorist and a mercenary,⁸ based on forced confessions that were obtained through obvious means of torture.⁹ Mr. Euljekjian was only afforded a short trial, where he had no access to lawyers chosen by him, substantive evidence was not presented against him by the Azerbaijani state prosecutor, and Mr. Euljekjian now has two weeks to appeal his case while continuing to be unrepresented by competent counsel.¹⁰ Such a trial is a gross violation of Mr. Euljekjian's rights and international law and must be condemned and redressed immediately.

Following Mr. Euljekjian's trial, illegal trial proceedings of 14 Armenian POWs¹¹ began on 25 June 2021. The POWs being tried include Armenian soldiers that were captured in the Armenian controlled territories of Hadrut after the signing of the Trilateral Statement.¹² This was a clear violation of the truce agreement since the territories were not agreed to be handed to Azerbaijan nor were they conquered during the war. The 14 POWs are falsely accused of illegally crossing into the territory of Azerbaijan to take up positions in a forested area in the northwestern part of Hadrut.¹³ A separate illegal trial proceeding will also be brought on 1 July 2021 against additional 13 Armenian POWs¹⁴ that were captured along with the previously mentioned 14 POWs.¹⁵ No other information regarding these illegal trials is currently available to the public.

The trials of the 27 Armenian POWs and Mr. Euljekjian are a gross violation of international humanitarian law, as well as the Third Geneva Convention and Rome Statute of the International Criminal Court.

⁷ Contributor, *Exclusive: Armenian POW Vicken Euljekjian's Daughter Opens Up About Letters from Her Father*, Asbarez (June 11, 2021), <https://asbarez.com/exclusive-armenian-pow-vicken-euljekjians-daughter-opens-up-about-letters-from-her-father/>.

⁸ *Trial of Lebanese mercenary accused of terrorism against Azerbaijan resumes*, Azerbaijan24 (June 11, 2021, 10:52 A.M.), <https://www.azerbaycan24.com/en/trial-of-lebanese-mercenary-accused-of-terrorism-against-azerbaijan-resumes/>.

⁹ Artem Yerksyan, *Lebanese Armenian will be tried as a mercenary: Baku prepares a mirror response to Yerevan*, Sputnik (May 11, 2021, 9:57 P.M.), https://m.ru.armeniasputnik.am/politics/20210511/27507510/Livanskogo-armyanina-budut-sudit-kak-naemnika-Baku-gotovit-zerkalnyy-otvetit-Erevanu.html?mobile_return=no.

¹⁰ Contributor, *Azerbaijan Sentences Lebanese-Armenian Vicken Euljekjian to 20 Years*, Asbarez (June 15, 2021), <https://asbarez.com/azerbaijan-sentences-lebanese-armenian-vicken-euljekjian-to-20-years/>.

¹¹ The 14 POWs are: Gegam Serobyan, Hrach Avakyan, Armen Bagasyan, Gor Gasparyan, Kamo Sefilyan, Volodya Akobyan, Gevorg Asertyan, Sisak Engonyan, Albert Petrosyan, Romik Sedrakyan, Aram Minosyan, Mkrtich Minosyan, Edgar Matesyan, and Yura Karapetyan.

¹² RFE/RL's Armenian Service, *Dozens of Armenian Soldiers 'Captured' in Nagorno-Karabakh Raid*, Radio Free Europe/Radio Liberty (Dec. 16, 2020, 6:01 P.M.), <https://www.rferl.org/a/dozens-of-armenian-soldiers-captured-in-nagorno-karabakh-raid/31004394.html>.

¹³ Asbarez Staff, *Trial of 14 Armenian POWs Begins in Azerbaijan*, Asbarez (June 16, 2021), <https://asbarez.com/sham-trial-of-14-armenian-pows-begins-in-azerbaijan/#:~:text=The%20trial%20of%2014%20Armenian,of%20the%20Hadrut%20in%20the>.

¹⁴ The 13 POWs are: Yeghish Astanyan, Karen Aramyan, Tigran Avakyan, Grigor Gevorgyan, Hovsep Manukyan, Gevorg Martirosyan, Robert Gevorkyan, Vagarshag Avetisyan, Andranik Sukiasyan, Andranik Manukyan, Grigor Saghatlyan and Eduard Giragusyan.

¹⁵ *Date of next court hearing in Baku on case of Armenian terrorist group announced (PHOTO)*, Trend.az (June 21, 2021, 11:27 A.M.), <https://en.trend.az/azerbaijan/politics/3442972.html>.

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We therefore respectfully urge you to use every available means within your mandates to persuade the Azerbaijani government to stop the illegal trials immediately and release all remaining Armenian captives.

We thank you for your attention to this pressing issue and stand ready to provide you with further information if needed.