

# Crimes committed by Azerbaijan against prisoners of war and civilians in the 2020 Artsakh war

## Introduction

transports and equipment. The emblem of the red cross, red crescent or red crystal is the sign of such protection and must be respected.

3. Captured combatants are entitled to respect for their lives, dignity, personal rights and convictions. They must be protected against all acts of violence and abuse. They must have the right to correspond with their families and to receive relief.
4. Civilians under the authority of a party to the conflict or an occupying power of which they are not nationals are entitled to respect for their lives, dignity, personal rights and convictions.
5. Everyone must be entitled to benefit from fundamental judicial guarantees. No one must be sentenced without previous judgment pronounced by a regularly constituted court. No one must be held responsible for an act he has not committed. No one must be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.
6. Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is prohibited to employ weapons or methods of

Azerbaijani army violated the norms of humanitarian law and committed truly terrible war crimes from the execution of captives to the beheading of civilians. Videos and photos posted on various social networks by Azerbaijani users are proof of these crimes. The war crimes committed by Azerbaijan will be discussed in this paper one by one, indicating the relevant norms of humanitarian law.

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Present Convention shall apply to the wounded and sick ... Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces." Article 14 of the same convention provides that the persons who fall into the hands of the enemy are considered prisoners of war, "and the provisions of international law concerning prisoners of war shall apply to them." Article 4 of Geneva Convention III defines "prisoners of war" as individuals who have fallen into the power of the enemy.

Articles 12-16 provide for the general conditions of treatment of prisoners of war by the Detaining Power. They state that prisoners should be treated in a humane manner throughout their time in captivity. Their honor and persons must be respected in all circumstances and in no case must they be subjected to violence, physical harm, reprisal, intimidation, or discrimination. With physical violence certainly having detrimental effects on mental health, prisoners must also be protected from acts or omissions which would impair their morale or degrade their dignity and sense of honor. Because POWs are vulnerable individuals who have suffered defeat from the hands of the enemy, it is especially important to maintain these of civil capacity.

The Azerbaijani side not only did not follow the rules of the Geneva Conventions, but also

During and after the war, Azerbaijani users posted numerous videos and photos on social networks, more actively on Telegram, showing war crimes committed by Azerbaijani soldiers. These videos and photos are proof that the war crimes claimed by the Armenian side were actually committed by Azerbaijan. Dozens of videos alleging abuse of Armenian POWs have been posted to social media. Some of these videos were also studied by Human Rights Watch, who expressed the following opinion: Human Rights Watch closely examined 14, and spoke with the families of five POWs whose abuse was depicted. The videos were posted to Telegram channels, including Kolorit 18+ and Karabah\_News, and to several Instagram accounts. None of the videos have metadata that could confirm the time and location where they were recorded attached, as it was stripped when the videos were uploaded to Telegram and platforms.

But Human Rights Watch is confident that none of these videos were posted online before October–November 2020.<sup>5</sup> As we can see the Human Rights Watch confirms the authenticity of these videos

In these materials, we see executions of prisoners of war, killings of wounded and sick soldiers who could not actively participate in conflict due to incapacitation, episodes of torture of prisoners of war and other inhuman crimes.

The different videos and photos of executions

posted by Azerbaijani users, the center was able to prove that 13 Armenian soldiers who were prisoners of war at the time of posting these materials were executed by Azerbaijani soldiers. In many videos, Azerbaijani soldiers kill wounded Armenian soldiers. In these videos, you can hear how they swear, torture the Armenian soldiers before they are killed. These murders are particularly brutal because the Azerbaijani soldiers urge each other to use all the bullets to make sure that the Armenian soldier is dead, they do not hide their joy and pride over killing an Armenian soldier, they show disrespect to the corpses of dead soldiers. Many Armenian soldiers were executed when they fell into Azerbaijan power. Instead of being properly treated as prisoners of war, they were killed. This is also provable because there are many cases where Armenian soldiers were alive on videos posted by the Azerbaijani side, but instead of being repatriated, only their dead bodies or corpses were handed over to the Armenian side. There are cases when Armenian soldiers captured by Azerbaijani forces were executed when they were used as targets. These crimes committed by Azerbaijan is a direct violation of Article 13 of

previous videos alive while in captivity. We can see that the Azerbaijani side comes up with various reasons to justify their crimes against humanity.

Many such crimes were committed by Azerbaijan but the saddest thing is that there was no accountability. In conditions of absolute impunity, the Azerbaijani side committed the same crimes during the clashes against Armenia in September 2022, executing seven Armenian soldiers. These crimes were condemned by Human Rights Watch, the organization noted that this act is a war crime for which there should be accountability, and the organization's director for Europe and Central Asia noted that such crimes should not be repeated.<sup>9</sup>

The Azerbaijani crimes did not end there, the unexecuted prisoners of war were kept in inhuman conditions and subjected to daily torture. Testimony of repatriated individuals (40 prisoners of war and 10 civilians) collected by the Human Rights Defender of Armenia and International and Comparative Law Center Armenia with the support of the Washington DC based Armenian Legal Center for Justice and Human Rights was presented in the report of the Human Rights Defender, which shows a different level of hatred of the Azerbaijani people in general towards Armenians.<sup>10</sup>

According to the testimony, the prisoners of war were not transferred to the camps that need to be established in accordance with Article 19 of the Geneva Conventions. Instead, they were transferred to Baku confinements and constantly transferred from one place to another.

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<sup>8</sup> <https://azeriwarcrimes.org/2021/02/15/18willful-killing-the-stageddiversionof-hadrut-and-executionof-armenian-captivesby-azerbaijaniarmed-forces/>

<sup>9</sup> <https://www.hrw.org/news/2022/10/14/video-shows-azerbaijan-forces-executing-armenian-pows>

<sup>10</sup> Ad hoc public report, Responsibility of Azerbaijan for torture and inhuman treatment of Armenian captives: Evidence-based analysis, (The 2020 Nagorno Karabakh war), The Human Rights Defender of the Republic of Armenia, Yerevan, September 2021.

report states that “the general attitude and treatment of the prisoners by Azerbaijani forces had been abusive, violent and degrading; for instance, Azerbaijani soldiers constantly beat POWs with feet, hands and clubs and made chant degrading Armenian slogans.” Which is a violation of Article 13 of the Geneva Convention III, according to which prisoners of war must be treated humanely during the entire period of their detention. Also, various articles of the Geneva Convention III are designed to ensure the proper maintenance of prisoners of war, to



skewes.<sup>11</sup> The mentioned video was studied by Human Rights Watch, who met with the families of the prisoners of war filmed in the video, studied the materials provided by them, as a result of which its authenticity was confirmed.<sup>12</sup> Another testified that the guards beat him every 5 minutes

with accusations on lie. Azerbaijani representatives would even collect personal information

The abovementioned crimes are a small part of everything that has been committed by Azerbaijan. Many violations of the principles of humanitarian law in relation to prisoners of war, in particular war crimes prohibited by the Geneva Conventions III, were committed by Azerbaijan. The international community must take steps to bring those responsible for these crimes to justice to prevent their recurrence in the future.

## Crimes committed against civilian population

According to the Geneva Conventions, crimes committed against “civilians” or “protected persons”, as defined in the convention, are considered war crimes. The Article 4 of the convention states that “Persons protected by the Convention are those who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals. That is, persons who live in territories occupied by the enemy or for one reason or another fall under the control of the enemy are considered protected persons.” The fact-finding activities of the Staff of the Ombudsman of the Artsakh Republic, the results of which are presented in the report of ombudsman<sup>15</sup>, 80 civilians killed during the 2020 war were identified and 163 cases of civilian injuries were recorded. According to report 42 of them were killed as a result of targeted strikes, 38 in captivity. A number of cases of torture and mutilation of corpses, inevitably targeted civilian deaths were recorded. The Human Rights Ombudsman also recorded

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<sup>15</sup> Interim report on the cases of the killing of civilians in Artsakh by the armed forces of Azerbaijan (prepared on September 27, 2021)

the cases of 163 civilian injuries, most of which resulted from strikes that resulted in the deaths of others.”

Article 27 of Geneva Convention provides that the person, honor, family rights, religious beliefs and customs of protected persons must be respected in all circumstances, they must be treated humanely and protected from manifestations of violence or its threat, insults and public curiosity. According to Article 47 of the same Convention protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention.”. Summarizing the above mentioned articles, we can say

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sitting with their hands tied behind their backs, wrapped in the flags of Armenia and Artsakh.<sup>19</sup> On command, firing began, and they were executed. The Azerbaijani side removed these and many other videos from their Telegram channels, claiming it was the Azerbaijani Ministry of Defense that made similar claims, but investigations and reporting by media representatives like Bellingcat show that these crimes did indeed take place. The Guardian investigated and confirmed two cases of beheadings of two elderly Armenian civilians who were also captured by Azerbaijani forces in the Hadrut and Askeran regions.<sup>20</sup> The article says “The ethnic Armenian men were non-combatants, people in their respective villages said. Both were beheaded by men in the uniforms of the Azerbaijani armed forces. The short, gruesome videos of the killings are among the worst of a torrent of footage portraying abuse, torture and murder that has continued to emerge more than a month after a Russian-backed ceasefire came into force.” One of these cases of beheading was witnessed by a neighbor who lived near the victim, she saw how Azerbaijani soldiers beheaded her neighbor, an Armenian civilian, in his garden. And after cutting off the head of the other victim, the Azerbaijanis placed his head on the corpse of a dead pig and mocked his body. In both cases, the Azerbaijanis showed particular cruelty, rejoicing, celebrating and proud of their murders. As a result of the search operation of dead bodies, the beheaded corpses of a number of other citizens were found, the beheaded body of an Armenian citizen with a broken hand was found in the village of Vardashat, another one was found in the village of Togh of the Hadrut region, the head of a civilian was missing and

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<sup>19</sup> These videos can be found here <https://azeriwarcrimes.org/2020/10/30/azerbaijani-army-executes-prisoners-in-hadrut-artsakh-karabakh/>

<sup>20</sup> The video of beheading can be seen here <https://azeriwarcrimes.org/2020/12/21/18-azerbaijani-special-forces-soldier-pins-down-an-old-armenian-man-and-proceeds-to-cut-his-head/>

his legs were broken, another one was found in the city of Hadrut with legs wrapped in rope and his skull severed from his body. Most of the civilians were killed by gunshots to the head or chest or as a result of torture, in both cases, signs of torture were found on the bodies of the killed civilians. In almost all cases, those killed were elderly people who either could not leave or refused to leave their homes, and who could not have participated in the hostilities in any way because of their age or gender. Also, among those killed are many civilians with mental disabilities who could not participate in combat operations. I do not know what kind of justification there can be for such crimes, because I cannot imagine how anyone can be killed in such a brutal way, regardless of their nationality.

The same brutality was expressed against those civilians who were not killed and taken to Baku. Their testimonies were also reflected in the report of the Human Rights Defender of the Republic of Armenia

Article 49 of Geneva Convention IV provides that individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive." The article also mentions that when due to material reasons is unavoidable, "The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and







civilian objects, that is, objects which are not military objectives, is a war crime in international armed conflicts<sup>33</sup>.

During the 2020 war, 42 civilians, including children, were killed and 163 people received injuries of various /Span <</MCID 27778A

The Azerbaijani side committed many other war crimes, such as mutilation of dead bodies, use of banned weapons, deployment, and use of terrorist group members as mercenaries, vandalism and destruction of Armenian heritage, targeted attacks on journalists, denial of fair trials etc.

The role of social media has been significant in gathering evidence of war crimes of the Azerbaijani side. But at the same time it had quite negative consequences. The materials posted by the Azerbaijani side were actually available to everyone, both the Armenian and the Azerbaijani side. The murders of Armenian soldiers and civilians shown in the videos were used by Azerbaijan as a propaganda tool. But at the same time, this video was made available to the families of the said soldiers and civilians. What does this mean? That the family members of these people saw with their own eyes how their loved ones were tortured, humiliated,

create dangerous consequences for the world, because if such a case becomes a precedent of impunity, it can set a bad example for other warring countries. I was surprised by a paradox, it seemed that the whole world was talking about the crimes committed by Azerbaijan, but at the same time it was silent. It is not enough that world famous media newsletters have written about it. Talking alone is not enough to stop war crimes, it is more important to take action such as sanctions to prevent future crimes or to prevent one crime from developing into another.

It is for this reason that Azerbaijan, enjoying the complete absence of punishment, created a humanitarian crisis in Artsakh by closing the only road from Artsakh to Armenia, which is used to transport people with serious health problems to hospitals in Armenia, to transport 400 tons of essential goods from Armenia to Artsakh per day, etc. As it is the only road connecting Artsakh and Armenia, people in Artsakh are completely isolated from the rest of the world, unable to exercise their basic human right to free movement.

I hope that international law will restore my lost faith in it and protect the Armenians of Artsakh who are in a difficult situation now.