

Factual Report

****Content warning!*** *The Report includes videos, material and language that may be harmful or traumatizing to some audiences. Viewer discretion is advised.*

Desecration of Soldiers' Corpses Carried out by Azerbaijan against Armenian Soldiers

TSOR GROUP

Six Witness Testimonies

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Contact: Lilit Harutyunyan, Esq., Sharmagh Mardi, Esq.
info@cftjustice.org
2100 Montrose Ave #715 Montrose, California 91020

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1.0 Introduction

1.1 On September 27, 2020, Azerbaijan launched a large-scale military offensive against ethnic Armenians in Nagorno-Karabakh (known to Armenians as Artsakh). The war lasted 44 days and ended with a ceasefire in November 2020. During these 44 days (the 44-Day War) and since then, Azerbaijan continues to commit grave violations of international law, including torture, arbitrary detention, and extrajudicial killings, as well as causing the mass deportation of thousands of Armenians and the loss and destruction of their properties.

1.2 The Center for Truth and Justice (CFTJ) is a registered 501(c)(3) nonprofit organization based in Los Angeles, California. CFTJ has been documenting human rights violations and war crimes against Armenians since the 2020 war in Nagorno-Karabakh. CFTJ set up a fact-finding infrastructure in the region and has been collecting first-hand testimonies from the victims. The evidence-gathering methodology CFTJ uses can be found here: [Methodology](https://www.cftjustice.org/investigations-methodology/)¹. CFTJ preserves evidence and makes it available for educational purposes, advocacy, and potential legal actions. The CFTJ team is comprised of attorneys and law students in the U.S., Canada, Armenia, and Nagorno-Karabakh, as well as human rights advocates and other professionals. The work CFTJ does is dedicated to amplifying the voices of victims of human rights violations, including discrimination, ethnic cleansing, displacement, war crimes, mass atrocities, and genocide. CFTJ educates and trains teams in Armenia and Nagorno-Karabakh on evidence-based interview techniques, comporting with international legal standards and rules of evidence. The mission of CFTJ is to serve as a living memorial to those who perished or suffered from human rights abuses and war crimes. A permanent home for victim testimonies, CFTJ strives to foster education, empathy, justice, and change.

1.3 The purpose of this report is to present the atrocities committed by the Azerbaijani side towards the deceased soldiers fallen in the battlefield, which amounted to human rights violations. This report is based upon the eye-witnessed testimonies of five relatives of the deceased servicemen that CFTJ interviewed, identified herein as 22LC-0043, 22LC-0044, 22LC-0050, 22LC-0053, 22LC-NK0008 and a survivor's eye-witness testimony identified herein as 23LC-0025.

¹ <https://www.cftjustice.org/investigations-methodology/>

2.0 Background

Based on survivor's testimony

2.1 On October 12, 2020, the D-20 Artillery Division (Tsor Group) of the 46492 Military Unit of the Artsakh (Nagorno-Karabakh Republic) Defense Army was surrounded by a subversive group in the area called "Juarlu" located in the region of Varanda (Fizuli). As a result, twenty Armenian servicemen from the above-mentioned group died in action.

2.2 Witness 23LC-0025

Testimony taken on June 23, 2023

The witness 23LC-0025 was born in 2000 in the Republic of Armenia. He was enlisted to the army as a conscript soldier in January, 2019. He was serving in the Tsor military unit of the Nagorno-Karabakh Republic as part of D-20 Artillery Division.

During the large-scale military operations unleashed by the Republic of Azerbaijan against the Nagorno-Karabakh Republic, the D-20 Artillery Division consisting of about 30 personnel were stationed in a region near the City of Askeran in Nagorno-Karabakh, and later in a position near the Vazgenashen settlement in the Martuni region of Nagorno-Karabakh. After fighting in Vazgenashen for five to six days, the division was deployed to the Hadrut Region of Nagorno-Karabakh. They stayed there for a night and then were deployed to Varanda, Nagorno-Karabakh. After staying in Varanda for around 5 days and performing their military duties, the division received an order to move to Juvarlu, Nagorno-Karabakh.

On October 10, 2020, the group was deployed near the settlement of Juvarlu in the Fizuli region of Nagorno-Karabakh. The area where they were settled was mostly an open field. The division acquired firing positions and executed military commands there until October 12. At around 5:00 p.m. the division's observation post noticed the movement of an Azerbaijani armed group consisting of around 150 to 200 personnel moving towards them. The Azerbaijani militants opened fire on the Tsor military unit equipment and soldiers with small arms and grenade launchers which resulted in several deaths and injuries on the Armenians' side. The witness explained that the Azerbaijani army was advancing down the hill toward where their unit was already stationed. This fight continued for twenty to thirty minutes. The witness saw five

Armenians being wounded on their legs, back, shoulders and hands during the fight. They then remained in this field for around 60 to 90 minutes.

After running out of bullets, the senior officer commanded the witness to take the nearby car and evacuate the injured soldiers. While the witness was executing this command, he was injured by Azerbaijanis using firearms to shoot at him. Furthermore, the Azerbaijanis threw a grenade that injured the witness's leg due to corresponding shrapnel that hit the car. This explosion broke the car down which hardly gave the witness time to retreat as the Azerbaijanis fired on the Armenians. Eventually the Azerbaijanis ceased firing and then approached the several deceased Armenian soldiers. The witness then saw one of his deceased comrades who was shot in the forehead. This occurred around 6:15 p.m. on October 12, 2020. The deceased Armenians were not able to be evacuated and were left to the Azerbaijani soldiers to do with as they please.

On October 16, 2020 the witness saw a video of the Azerbaijanis filming the fallen soldiers' remains of the Tsor Group and giving remarks to the prime minister of Armenia. The witness recognized almost all of the Armenians in the video, aside from a few due to the low video quality. The witness has seen three videos of Azerbaijanis desecrating Armenian corpses via the Telegram channel named "Kolorit 18". The witness has seen these same videos posted on TikTok as well.

Some Armenian servicemen, including the witness, managed to escape from Azerbaijani fire, while 20 other servicemen and the artillery chief of the military unit had already been killed or severely injured while holding this position. A search that took place in the following year found the remains of these 20 servicemen but did not discover the whereabouts of the artillery chief who is still considered missing.

On October 12, 2020, 20 servicemen were killed in action in Juvarlu district:

- 1. Reservist Nver Avanesyan*
- 2. Reservist Vahe Avagyan*
- 3. Reservist Vachagan Harutyunyan*
- 4. Reservist Karen Danielyan*
- 5. Reservist Nairi Baghdasaryan*
- 6. Gerogi Balayan*

7. *Samvel Ghazaryan*
8. *Artur Asryan*
9. *Levon Grigoryan*
10. *Artak Tepanyan*
11. *David Azatyan*
12. *Ruben Poghosyan*
13. *Narek Ohanyan*
14. *Artak Mikaelyan*
15. *Hayk Papikyan*
16. *Vahe Papyan*
17. *Hayk Antonyan*
18. *Gor Apanosyan*
19. *Samvel Poghosyan*
20. *Hayk Melikyan*

3.0 Video Evidence

****Content warning! The following videos contain material and language that may be harmful or traumatizing to some audiences. Viewer discretion is advised.***

3.1 After the events of October 12, 2020, three videos began circulating on the Azerbaijani Telegram channels named “Kolorit 18” and “Karabakh”, which brutally displayed the dead bodies of the Armenian servicemen of the D-20 Artillery Division. Some of these bodies were unrecognizable due to the body’s position or videos’ quality, but all of them were intact and complete. Though the bodies of the Armenian servicemen were complete in these videos, the relatives received only portions of their fallen family members’ remains which they say caused them to feel distressed and anguished

3.2 [The First Video](#)

The video is 21 seconds long and has “@karabax-news” labeled on it.

The Azerbaijanis took this video of them displaying the dead bodies of five Armenian soldiers at night, after they killed them. The Azerbaijanis shined a flashlight on the fallen servicemen’s

faces. An Armenian Ural truck which was destroyed is clearly visible and the voices of Azerbaijanis are also heard in the video.

In the video, it is immediately visible that an ear of one of the fallen Armenian soldiers has been cut off. Another soldier's severed ear can be seen at the sixth second of the video and at the eight second mark, a third soldier's cut ear can be observed. Blood is also prevalent on the fifth soldier's ear. The third soldier and the soldier shown on the 11th second mark of the video are the grandsons of witness 22LC-0050's cousin.

An Azerbaijani soldier is heard saying "Wait, don't cut, I want to film it". This statement, along with the others made in this video, as well as the visual evidence of dismembered Armenian bodies, demonstrate the Azerbaijani militants' clear intent to mutilate the corpses of the Armenian servicemen. This barbaric act is a gross violation of basic human decency and respect, and serves only to indulge in the perpetrators' bloodlust and hate for the Armenian people.

3.3 The Second Video

The video is one minute and 48 seconds long and has "@karabah-news" labeled on it.

The video was taken in broad daylight, displaying eleven dead bodies of Armenian servicemen where an Azerbaijani is mocking the fallen Armenian servicemen. He makes disrespectful comments about the smell of the corpses and then calls the Armenian Prime Minister a pig.

The video also shows that some Armenian soldiers' ears have been cut off.

3.4 The Third Video

The video is 46 seconds long and has "@kolorit_18" labeled on it.

The video was taken in daylight and shows a military vehicle driving past killed Armenian servicemen. An Azerbaijani soldier states himself that those are Armenian corpses.

These videos are deeply disturbing and represent a flagrant violation of the principles of respect for human dignity and the laws of war. Mutilation of deceased combatants, under any circumstances, is a clear breach of the ethical standards that govern armed conflicts and is contrary to the fundamental principles of international humanitarian law. The act of filming such

an atrocity for the purposes of dissemination or propaganda constitutes a violation of the dignity of the deceased and their families.

4.0 Summary of Witness Statements

4.1 Witness 22LC-0053

Testimony taken on October 18, 2022

The witness 22LC-0053 was born in Kamaris village of Armenia in 1963. He had three children, two boys and a girl.

The witness's youngest son, A.M., was born in 2001. He went to school, loved sports and athletics, and was engaged in bodybuilding. A.M. was enlisted in the army on August 13, 2019 as a conscript soldier serving in the Tsor military unit of the Nagorno-Karabakh Republic as part of the D-20 Artillery Division.

When the war started on September 27 2020, the witness registered in the armed forces and arrived in Nagorno-Karabakh on September 28, but due to his age, he was not enlisted. While in the capital city of Stepanakert, the witness would constantly observe Azerbaijani drones, which would investigate the area and then inflict missile strikes upon said area. He witnessed the bombardment of Stepanakert, Shosh village, and various hospitals located in those areas during the war, as well as bombardments in other civilian areas. The witness was in close proximity to the hospitals during the bombardment.

Neither the witness nor his second son, who volunteered for military service as well, was able to meet A.M. during the war. The witness had no information regarding A.M. until October 8 2020. The witness spoke with him for the last time on October 10, 2020 when he and other artillerymen were transferred to Juvarlu (referred to as Varanda by Armenians).

The witness used a list composed of the 21 missing soldiers of his son's military division and began searching after the ceasefire agreement on November 9, 2020.

The witness saw two videos regarding the October 12 incident on Azerbaijani Telegram channels. On December 15, 2020, the witness saw the first video shot during the night. The witness recognized 22LC-NK0008's son in the video. He also suspected that G.B. was one of the

bodies and later it was confirmed to be him. It was also determined that G.B. was hit from the side with a blunt object. Though the bodies of the victims were visible, the faces were not clear due to the lack of light during the nighttime. Two days later, the witness saw the other video displaying the 11 corpses in the daylight. They were already swollen and their faces were deformed, but the clothes were visible and the bodies were clearly tortured.

The witness mentions that the soldiers were not killed from bombardments as the bodies would have been more severely disfigured and fragmented . The witness says:

“It is clear that either the mutilation was done before death, or some were killed and then the bodies were mutilated.”

The witness, together with Witness 22LC-NK0008, personally participated in several search missions. The first time Azerbaijan allowed Armenians to conduct a search in the Juvarlu area was on December 1st, 2020 when the remains of 6 people were found (G.B., A.A., G.A., N.B., L.G., V.H.). It was later confirmed to be the remains of the Tsor Group soldiers. Only one of the soldiers' (G.B.'s) body was somewhat complete. The remains of the other four soldiers were incomplete as only a skull and a few bones were discovered. Furthermore, N.B.'s hands were found alongside L.G.'s jaw and ribs. Some parts of L.G.'s body were returned later in November of 2021 where he would be buried twice.

The witness 22LC-0053 personally saw G.B.'s body whose identity was confirmed by a DNA analysis, specifically his muscle tissues. The mutilation was also clearly visible on the body as a sharp object had inflicted two injuries which can be seen in the video. Later in April, when the Armenian side was allowed to enter that area again, they found a crowbar there.

In December of 2020, the Armenian side found two bodies (V.A., N.A.) that were complete but V.A. 's skull had been crushed. The witness says:

“We searched the area in a radius of 1.5-2 km and there were hundreds of pits in that area, so if the Azerbaijani side had buried them, they would have used one of those pits, but later it turned out that the bodies had been taken away. We were trying to re-dig their old trenches, or newly dug trenches, hoping that maybe we would find them there. I suspect that the bodies were taken to cover up the atrocities committed by the Azerbaijani

side. It could have been that some of them were captured, wounded; we don't know. The fact is that all the bodies had been collected. The Azerbaijanis do everything to be cruel."

During one of the search missions, the witness, 22LC-NK0008, and others, were accompanied by an Armenian officer and Azerbaijani soldiers when they found the clothing and phone of 22LC-0043's nephew. The Azerbaijani officers confiscated the phone and did not return it. After some negotiations several days later, the Azerbaijanis gave them a sim card. The witness says:

"During the entire search work, we were constantly under the control of the Azerbaijani military personnel."

After all of the search missions had been conducted, 11 bodies still remained unaccounted for. The witness and others could not find them for 13 months, even though they searched the same area several times. 13 months later, on November 2, 2021, the Azerbaijani side returned the exhumed remains through the Russian peacekeepers. The Armenian side tried to meet with General Muradov, the commander of the Russian Peacekeeping Forces and later with General Yegorov from the Russian National Security Service. Several days later, the 11 missing soldiers' bodies were returned. The witness says:

"Azerbaijan knew very well where the Tsor Group soldiers were and who they were, because no remains of other people were found among those returned remains. In other words, for 13 months, the Azerbaijani side knew from the beginning where the bodies of our children were, they knew, but they did not give them back. Perhaps they will explain the reason... one day..."

The Azerbaijani side returned the remains to Goris, Armenia where the fallen soldiers' relatives, including the witness, were able to see them. The remains were transferred and opened at the Heratsi Forensic Medical Center of the Republic of Armenia in the presence of the witness, 22LC-0050, 22LC-0043 and 22LC-NK0008. Samples were taken from the remains. Thin belts were found in their bags which had 3 to 4 of the soldiers' names written on them. Both the witness' son's and H.A. 's military Identification Cards were found with the remains. The witness says:

"The remains were very different. There were only 3 skulls. One was my son's which was separated, the other was N.O. 's and there were some parts of L.G. 's skull. The lower part

of the left leg and some of my son's ribs were missing, one arm was separated being in a different bag. Only one thigh bone of 22LC-0043's nephew was found. My son's body and all the remains were identified through DNA analysis. 48 samples were taken from the remains."

The witness received an answer to the DNA identification on November 20, 2021. All of the parents of the fallen soldiers then decided to hold a memorial day once everyone's remains were identified. A.M.'s funeral was held on December 3, 2021. The witness says:

"A person should be lucky if after death their body was found, even more lucky if they are found in time. This is the reality of Armenia today."

4.1.1 Azerbaijan Deterring Search Missions

Witness 22LC-0053 participated not only in the search missions regarding his son and his comrades, but also for other soldiers. During these searches, there were Red Cross representatives, Russian peacekeepers, Armenian officers, and the Azerbaijani commandant of the area along with other Azerbaijani military personnel. Although the Russian peacekeepers and Azerbaijani soldiers were armed, the Armenians however were not. The witness says:

"Around 1500 bodies were handed over to the Armenian side: about 2000 remains. I saw each of them; 70% of the bodies were beheaded. In the cases where there was a head, there were mostly no ears, so in any case the bodies were mutilated. This was also true about the bodies which the Azerbaijani side had kept in freezers and handed over to the Armenian side."

Azerbaijani officers allowed the Armenian side to conduct the search missions for the Tsor Group without straying further than 10 meters from them. Occasionally, they would be able to search up to 50 meters away from the Azerbaijani officers. The witness says:

"Sometimes, the Azerbaijani officer could order his soldiers not to leave the tarmac because their shoes would get muddy. This meant that the search work would become impossible to conduct outside of a very limited area. As a result, that day's search efforts would become entirely pointless."

The witness notes that the search missions were hindered by the Azerbaijanis as the searches could only be carried out until 5 p.m. Despite this limit, in most cases the search groups were not allowed to enter certain areas until 4 p.m., which was not enough to conduct a proper search. The Azerbaijanis would rarely allow the search groups to enter these areas at around 2 p.m. As a result of negotiations with the Russian peacekeepers and through the Ministry of Emergency Situations, the Azerbaijanis allowed a car to accompany the Armenians so that they could either retrieve the bodies of fallen Armenians , or to carry out search operations in two different directions. The witness says:

“The Azerbaijani side allowed search works to be carried out for 2 to 3 days, then they could suddenly prohibit any search work for 1 week, or delay it for 15 days. Although there was an agreement reached by the two sides after the ceasefire to exchange the bodies under the principle ‘all for all’, there were many obstacles created by the Azerbaijani side. The Azerbaijanis did everything to cause pain, to delay everything... We were not allowed to conduct searches for various reasons or without any reason. You can’t go, they said, and that’s it...”

4.2. Witness 22LC-NK0008

Testimony taken on September 29, 2022 and on November 16, 2022

Witness 22LC-NK0008 was born in 1976 and lived in Stepanakert, Nagorno-Karabakh. His paternal ancestors come from the Shahumyan Province of Nagorno-Karabakh.

The witness’s son, A.A., was born in 2000 and served as an artilleryman in the D-20 Artillery Division located in Stepanakert. A.A. was killed in action in the Juvarlu settlement on October 12, 2020. On October 11, 2020 at 7:30 a.m., the witness talked to his son for the last time.

A couple of days after the incident, the witness saw a video circulating on Azerbaijani Telegram channels where Azerbaijani militants recorded the aftermath of the battle, specifically the corpses of Armenian soldiers. One of these soldiers in the video is his son, A.A. The witness says:

“One of the bodies in the video had a distinct wound as there was a large tear. Here, the battle was with bullets, so this kind of tear would only happen after the fact. His clothes were partially removed from his body.”

The witness further notes that the body of R.P. in the video was bludgeoned, specifically his head which was completely deformed. The Azerbaijanis bludgeoned his head with a blunt object and broke his skull as mere bullets could not have caused this disfigurement.

The witness took part in a search and rescue mission after the ceasefire agreement on November 9, 2020. These search missions had to be approved by the Azerbaijani side as the identified territories were completely under their control. Starting from November 13, 2020, search missions took place from Shushi to Karin Tak. However, the actual mission did not begin until December 1, 2020. The large size of the search and rescue field did not give the search group sufficient time to explore it. To be more efficient, locals who were familiar with the area were recruited because the search missions were limited to one to two hours by the Azerbaijani officers.

On December 1, 2020, search missions in Juvarlu, Fizuli and other surrounding areas began. The witness did not participate in the first mission. The search group entered the area, but quickly discovered that the bodies of the fallen soldiers were not there even though videos showed otherwise. The search group also discovered traces on the ground where the bodies had been laying. The bodies of five Armenian soldiers were found, three of which were just rotting remains with no connective tissue left on them. Among those three was the witness' son, later confirmed by a DNA analysis. His son lacked many body parts but his head, ribs, shoulder bone, a part of the femur, and a part of the spine were present. He was unrecognizable and had no body tissues remaining. The results of the forensic examination of the witness's son are available, which includes the pictures of his remains. The aforementioned three bodies were found in the field where they had video footage of an Ural military vehicle. The other two bodies (G.B., V. H.) were found in a trench, one of which (G.B.) was beheaded and impaled with a crowbar. There was a large hole on the right side of his body.

The witness could not understand why the rest of the bodies were not there. There were holes already dug in the area so no effort was needed to bury the bodies, but Azerbaijanis deliberately collected and moved the bodies. The witness says:

“They took the videos themselves, they must have known what happened to the bodies, but still did not give information.”

The second mission took place on December 8, 2020. The search group expanded into two to five separate groups to search the 1,000s of hectares of land in the Southern region. Two of the groups were sent into the woods as they had hoped that about 20 people were still alive and hiding in there. Only 6 of those 20 people were found alive, while the rest were found dead later on.

One of the soldier’s deteriorated corpses (S.G.), was found with approximately 70% of his body missing. The witness remembers that only the ribs, femur, and a piece of a hand were identified with the soldier’s uniform, which was soaked in decaying body tissue. His remains were identified via DNA analysis.

The next mission took place in the middle of December, 2020, during which two bodies (V.A., N. A.) were found by the two relatives of the fallen soldiers. One of the soldiers (V.A.) was wearing a gold cross necklace and so the group concluded that since it was still around his neck, the Azerbaijanis had also not found these two bodies. Other than one broken bone (V.A.), the bodies were in one piece. The other soldier’s (N.A.) military identification documents were found in his pocket. DNA analysis confirmed both of their identities. The witness, among others, returned to the same regions multiple times, however they found nothing but their enemy’s trenches. Twelve people were still missing at that time, as well as one soldier who was seen alive in another location.

The witness and other members of the search group continued searching in the following months, while showing video footage of the missing soldiers to the Azerbaijanis. Throughout the whole period, they showed the Azerbaijani officers that the territory they were in was the same as where the soldiers’ bodies were laying in the videos they had recorded, however the bodies were not there anymore. The witness says:

“We explained that the bodies had been collected. Who collected them? Where were they taken? Everyone claimed that they did not know who could have done such a thing, but they knew.”

The parents were persistent in their involvement, traveling from Armenia and staying in Nagorno-Karabakh for days and weeks at a time. They wrote a detailed letter along with evidence to the Russian Peacekeeping Forces, asking them to take action. Only after several months of continuous efforts, in October 2021, the Azerbaijani side announced that they will be returning the remains of 11 soldiers, the identities of whom were not known. The remains were taken to the mortuary in Stepanakert from Karmir Shuka and the witness and others began to investigate them.

The witness saw the bodies in the mortuary. He says:

“The bodies were inhumanely treated. They were in ordinary bags of wheat flour, mixed with soil. It was apparent that they were not cared for. It could be concluded that the Azerbaijanis collected the remains, took them someplace, dug a hole, and put them all in there, and when taking it out they put it in bags or maybe when they filled them they put it in the bags and threw them in the hole. Some of our soldiers had only a few small bones returned to us, and some – without heads.”

The witness found documents in the uniforms of two bodies (A.M., H.A.) which he realized belonged to fallen soldiers from the Tsor group. Only three to four bodies from the eleven were mostly complete; the rest were bones which made it difficult to differentiate which bone belonged to which body. The Azerbaijanis said that there were eleven bodies, but the DNA analysis clarified that there were twelve soldiers' remains. The skull and brain of the person whose femur was found previously was handed over along with the eleven dead bodies. He had already been buried with the few remains, but since another piece was found among the eleven bodies, the identification process was repeated for his family. The witness says:

“In the area where the shooting occurred there were dug up holes, where they could've easily gathered up the bodies (12) and covered them up with some dirt. Azerbaijanis said they had removed the bodies from 1.5 - 2 km away from where the firing happened in a place close to Fizuli – there was an abandoned residential area called Dedeli, adjacent to

Fizuli. They had taken the remains there to keep and did not give us information about their whereabouts. It was definitely done with malintention.”

Overall the remains were not complete, and the parents do not know where the rest of their childrens’ remains are. There have been no search missions since February 2022 up until the date of the testimony with the reason being that the Azerbaijani side has not allowed additional search missions to be conducted.

4.3 Witness 22LC-0050

Testimony taken on October 4, 2022

Witness 22LC-0050 was born in Armenia in 1973. His paternal ancestors are from Shamshadin, Armenia. His maternal ancestors are from Constantinople who fled to Armenia due to the Genocide in 1915. Some of his ancestors were murdered during the Genocide.

The grandson of the witness’s cousin, R.P., was killed in action on October 12, 2020, 5-6 pm. In Nagorno-Karabakh, Hadrut, Juvarlu. He served in the D-20 Artillery Division located in Stepanakert as an artilleryman. On October 12, 2020, twenty soldiers, including him, were killed in action.

The witness mentioned that there were three videos circulating throughout Azerbaijani Telegram channels (e.g. Kolorit_18) which displayed the dead bodies of the Armenian soldiers that died during the October 12, 2020 incident. Azerbaijani militants took one of the videos at night, after killing the Armenian soldiers. The witness saw this specific video on October 21, 2020, where one of the dead soldiers is R.P. The witness and his family members only realized that the body in the video was their son after the DNA analysis proved it as his skull was swollen in the video. The fallen soldiers’ ears are also cut off in one of the videos. The witness says:

“We have been through hell. When I look back, I don’t believe it all.”

On April 2, 2021 ,along with other relatives/parents, the witness was in Artsakh, Juvarlu for a search mission. The ICRC and Azerbaijani side also accompanied them. The witness says:

“There were traces on the ground where the bodies of the fallen soldiers had been laying. One of the parents found his son’s hair in that area. A jacket, belt and a Bible of other

soldiers were also found. We also collected soil from that area and brought it with us so that if we don't find the bodies, at least we have something to bury — the soil soaked in their blood.”

On November 2, 2021, Azerbaijan returned the remains of the Armenian soldiers. Eleven white bags were transported from Artsakh to Goris. Then, those bags were transported to the Heratsi Mortuary in Yerevan. On November 4, 2021, along with the parents of the dead soldiers, the witness opened the bags and personally saw the remains of the fallen soldiers in them. He says:

“There was a broken skull. There was a skull. One body was half-cut, missing above the waist. There was a broken bone. There was a burnt bone, etc. “If the Azerbaijanis collected the bodies of soldiers and buried them, why didn't they return the rest of the remains to us”?

R.P.'s right hand was recognizable because it was seen in the same position in the video while he was laying on the ground.

4.4 Witness 22LC-0043

Testimony taken on October 3, 2022

Witness 22LC-0043 was born in Yerevan, Armenia in 1981. Her grandfather was from Adana (now in the territory of Turkey) and managed to escape during the Armenian Genocide in 1915. Her grandmother was from the city of Shushi of Nagorno-Karabakh, now under the control of the Republic of Azerbaijan.

The witness's nephew, H.M., who was born in 2001 was a conscript soldier serving in the Tsor military unit of the Nagorno-Karabakh Republic as part of the D-20 Artillery Division.

On October 11, 2020, H.M., called his friend for the last time telling him to take care of his mother and girlfriend. On the next day, October 12, H.M. 's mother was worried as her son had not called her prompting the witness to look for his name in the lists of wounded and deceased soldiers but didn't find him. However, the witness' sister received a call from an officer from H.M. 's military unit and was told that the whole division was destroyed. She was told that H.M. had received a shrapnel injury on his back and when his comrades tried to save him, he told them to leave him behind and save themselves.

H.M.'s family could not retrieve his body as he died in an area controlled by Azerbaijani armed forces which made it impossible to reach. The witness, alongside witness 22LC-0053, were trying every possible course of action in order to find their children. The witness tried to find information on H.M.'s possible capture by the enemy, as there still was no information on his whereabouts. The Azerbaijani side put the witness, and other relatives of fallen soldiers, under psychological pressure by either withholding any information, barring search groups from entering the area, or by allowing them to enter but only giving them a tiny zone to conduct their search in. With the help of the Russian Peacekeeping Forces, the Azerbaijani side began allowing searches to be conducted in larger areas which is where the parts of soldiers' bodies were being found. During one of the search works, H.M.'s outerwear and mobile phone were found, however the Azerbaijani officers did not allow the Armenians to take those with them. The witness says:

“The Azerbaijani side was subjecting us to psychological torture by not telling us the whereabouts of our children for months... Another form of torture was when during the search works the Azerbaijani side was saying that ‘you can look in this specific part but you cannot look in that part’. So the parents were going to the same empty area, mentally suffering.”

After the war ended on November 9, 2020, intensive search missions were carried out. The witness started to search for H.M. on her own as the witness' sister, H.M.'s mother, was a single mother in a terrible emotional state. She even couldn't get up from her bed by herself. Her brother went to Nagorno-Karabakh in 2021 several times in March, May, August and entered the area of the incident as a member of the search group. He was able to find one separate bone, which was never identified, but a complete body was not found while searching in the ditches. There were only remains of different bodies. Some part of a body would always be found when entering a new area. The relatives of the fallen soldiers entered that area over twenty times as part of a search group. Only two bodies were somewhat complete. One body was beheaded but was able to be identified by the name written on the uniform, as well as the documents on him. In the following months, more remains would be identified and buried. The whereabouts of eleven soldiers remained unknown even after fourteen months had passed since the incident had taken place. The remains of H.M.'s body had still not been discovered.

From the Ministry of Defense, the witness and other relatives learned that the Tsor Artillery Group had inflicted heavy combat losses on their enemy and as a result was specifically targeted by them. On the 17th day of the war the group was destroyed as a result of a sabotage attack.

In December of 2020, the witness saw two videos on the Azerbaijani telegram channels named “Kolorit 18” and “Karabakh”, depicting the Azerbaijanis filming bodies of the Armenian soldiers laying on the ground. Some of them were quickly identified by their relatives. H.M. was not recognized in any of the videos but some of the soldiers’ faces were disfigured. The witness says:

“In the video filmed during the day an Azerbaijani officer is mocking our fallen children. There were eleven visible bodies in the video, both of conscript soldiers and mobilized soldiers. Some of the bodies were unrecognizable but all the bodies were complete.”

In the video filmed at night, the Azerbaijanis shined a flashlight on the fallen soldiers’ faces while stating that those were “Armenian corpses.” Also, an Armenian Ural truck which was destroyed is also visible in the video. The bodies, which were not face down, were identified throughout the video. For example, the son of the witness 22LC-NK0008 was identified in the video. However, H.M.’s body was still not captured in either of the two videos.

On November 2, 2021, the witness learned from the National Security Service that the Azerbaijani side transferred eleven bags of remains to the Armenian side. All of the remains belonged to the servicemen in the Tsor group. Only the right thigh bone of H.M.’s body was recovered, which makes it impossible to identify his cause of death.

Initially there were 35 soldiers in the area, 14 of which survived although one is still missing in action today which leaves us with 20 fallen soldiers. From this group of twenty soldiers, only a few of their heads were found. At the end of November 2020, three half-complete bodies were found without heads. After over a year, on December 3, 2021, eight soldiers were buried. H.M.’s coffin, which the witness arranged herself a day before the funeral, was empty aside from only his right thigh bone. The witness saw all the remains of eleven soldiers herself in November 2021 when opening the bags that contained them. The witness says:

“I personally saw many different bones. They were in ordinary bags of wheat flour, mixed with soil.”

4.5 Witness 22LC-0044

Testimony taken on September 25, 2022

Witness 22LC-0044 was born in the Akhlatyan village of the Sisian region in Armenia in 1974. The witness's son, L.G., was born in 2001. He went to high school and simultaneously attended drivers' license training school as he was very interested in cars and how they functioned. After he graduated from school, the witness' son was immediately conscripted into a mandatory national military service and was placed in the Tsor military unit of the Nagorno Karabakh Republic as part of the D-20 Artillery Division. At this military unit, he was a mechanic and a driver, and had positive feedback about his military service until the 44-day war began.

On September 28, 2020 the witness saw on social media the combat vehicles of the Tsor military unit mobilizing, immediately prompting her to call her son but he did not answer. She then tried to call his son's friend who answered and explained that the Tsor unit is heading to military positions and that L.G. is driving the vehicle which is why he is unable to pick up the phone. After some time the witness' son called back and informed that he was fine, without mentioning that he was fighting in a war. The witness' son called his mother, grandparents, and sisters every day until October 10, 2020. The last contact was on October 10, 2020 and it was a long phone call; he managed to speak with his aforementioned relatives. During this call, he informed them that his unit was going to be moved to another location where the connection would be poor. Hence, L.G. asked the family members not to worry and wait for his next call. The family members waited 3 days but after October 13, 2020 began to worry. The witness and her family then began searching for ways to get information about their son.

The witness and other parents of soldiers in the Tsor Group began to gather at ministries and government buildings. The witness tried to find and connect the parents of soldiers using social media, etc and was successful as parents were able to come together.

Before the end of the war the witness saw a video via the “Kolorit 18” Telegram channel filmed by the Azerbaijani side. They filmed the bodies of Armenian soldiers in the mentioned area where the Tsor Group would be stationed. The quality of the video was poor and it was difficult

for the witness to identify the body of her son but she did see bodies of the soldiers in the field near the exploded cars and their bodies were intact. The witness did not see her son's body in the video and when parents entered that area to search for fallen Armenian soldiers, no bodies were found. Only after about a year were the remains transferred over from the Azerbaijani side.

The witness kept in touch with other parents of the Tsor group's soldiers who lived in, or were temporarily in Nagorno-Karabakh. The witness was informed that the Azerbaijani side did not allow parents to enter those areas for various reasons, such as weather. Finally, in November 2020, they were able to enter the area of the incident. The remains that they found included a jaw with teeth, and when the Azerbaijani side transferred the remains of the other 11 Armenian soldiers, on November 2, 2021, the witness received a small part of her son's foot. Nine months after the incident, a DNA test match was received that confirmed that her son was dead. On July 1, 2021 there was another confirmation that the remains belonged to the witness' son.

The witness' husband was also able to participate in search missions where he found a paper that had the number of the car and the full name of his son written on it.

The witness recalls that on October 9, 2020, a ceasefire was announced and her son called and happily informed that everything was fine, and it would all end soon. However, the witness recalls that Azerbaijani side violated the agreed upon ceasefire within 15 minutes.

5.0 Legal Framework

5.1 International Humanitarian Law

5.1.1. Inviolability of the Dead

The treatment of corpses enjoys strict regulation under international humanitarian law (IHL). Article 15(1) of the First Geneva Convention imposes positive obligations on belligerent States to “search for the dead and prevent their being despoiled.”² Article 16(2) of the Fourth Geneva Convention further provides that belligerent parties “shall facilitate the steps taken to search for the killed and wounded” and “protect them against pillage and ill-treatment.”³ More

² Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field (adopted 12 August 1949) 75 UNTS 31 (Geneva Convention I) art 15(1).

³ Geneva Convention relative to the protection of civilian persons in time of war (adopted 12 August 1949) 75 UNTS 287, art 16(2).

expansive protections are offered under Article 34(1) of Additional Protocol I to the Geneva Conventions provides *inter alia* that “[t]he remains of persons who have died for reasons related to ... detention resulting from ... hostilities and those of persons not nationals of the country in which they have died as a result of hostilities shall be respected.”⁴ This provision extends protection for the corpses of individuals not otherwise protected under the Geneva Conventions.⁵

The norm requires that “[e]ach party to the conflict ... take all possible measures to prevent the dead from being despoiled” and providing that the “[m]utilation of dead bodies is prohibited” has attained the status of customary IHL.⁶ In a number of post-Second World cases before U.S. and Australian military tribunals, Japanese and German defendants were convicted of war crimes for mutilating corpses of deceased soldiers.⁷ Through gruesome acts of postmortem mutilation, Azerbaijani military and security forces have seriously violated their obligations under these IHL provisions.

5.1.2 Obligations with Respect to Searching For, Reporting, and Burying Enemy Dead

Under IHL, the “location, identification and burial of bodies are very important humanitarian acts ... deduced from the principle of respect for the dead. *Respect for all the dead.*”⁸ Article 15(1) of the First Geneva Convention provides *inter alia* that “[a]t all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures ... to search for the dead and prevent their being despoiled.”⁹ This imposes obligations on Azerbaijan not only to not engage in the mutilation and dismemberment of fallen combatants’ corpses, but also to take positive measures to prevent the commission of such acts of desecration. Under such obligations, Azerbaijan cannot dismiss gross acts of desecration, mutilation, and

⁴ Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (adopted 8 June 1977) 1125 UNTS 3 (Additional Protocol I) art 34(1).

⁵ See Yves Sandoz et al. (eds), *Commentary on the Additional Protocols to the Geneva Conventions* (ICRC 1987), paras. 1296–305.

⁶ See Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law*, Vol. I (ICRC 2005), 409–11 (rule 114).

⁷ See, e.g., *United States v. Kihuchi and Mahuchi* (U.S. Military Commission at Yokohama, 20 April 1946); *United States v. Yochio et al.* (U.S. Military Commission at the Mariana Islands, 2–15 August 1946); *Australia v. Takehiko* (30 November 1945, Australian Military Court at Wewak); *Australia v. Tisato* (2 April 1946, Australian Military Court at Rabaul); *United States v. Schmid* (1947) 8 Law Reports of the Trials of War Criminals 151, 152 (U.S. General Military Government Court at Dachau). See also *United States v. Pohl* (1947) 5 Trials of War Criminals before the Nuernberg Military Tribunals 958, 996 (U.S. Military Tribunal).

⁸ HCJ 3114/02, 3115/02 & 3116/02, *Barake et al. v. Minister of Defense* (14 April 2002), para. 9 (Supreme Court of Israel) (emphasis added).

⁹ Geneva Convention I (n 1) art 15(1).

despoliation against the corpses of Armenian soldiers as acts of rouge soldiers, as it is under the positive obligation to prevent such acts.

Article 16 of the First Geneva Convention further requires that a party to a conflict which comes into possession of the dead of another party shall record, “as soon as possible,” information about the dead, including their name, military unit, and other identifying information discernable from documents found on their person, and submit such information to the national authorities of the party to which the deceased combatant belongs.¹⁰

Article 34 of Additional Protocol I provides further detailed instructions on States’ obligations relating to the transfer of enemy dead during international armed conflicts. Article 34(2)(c) requires that belligerent parties enter into agreements to facilitate the transfer of dead in the possession of the adverse party back to their families.¹¹ The 10 November 2020 trilateral statement constituted such an agreement, with paragraph 8 providing that Azerbaijan and Armenia “shall exchange prisoners of war, hostages and other detained persons, and dead bodies.”¹² Through the actions described in above, Azerbaijan has failed to undertake this obligation in good faith and in conformity with its simultaneous obligations relating to the treatment of the dead under both IHL, as detailed above, and international human rights law, as detailed below.

5.2 International Human Rights Law

5.2.1 Human Dignity and the Prohibition Against Cruel, Inhuman, and Degrading Treatment

Human dignity represents the foundation of international human rights law, enshrined in Article 1 of the Universal Declaration of Human Rights (UDHR).¹³ The ICTY Trial Chamber in *Furundžija* observed that the “general principle of respect for human dignity is the basic underpinning and indeed the very *raison d’être* of international humanitarian law and human rights law.”¹⁴ The preamble of the International Covenant on Civil and Political Rights (ICCPR)

¹⁰ *Ibid.*, art 16.

¹¹ Additional Protocol I (n 3) art 34(2)(c).

¹² ‘Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation’ (10 November 2020) UN Doc. S/2020/1104, para 8.

¹³ Universal Declaration of Human Rights, UNGA Res 217 A (III) (10 December 1948) (UDHR) art 1.

¹⁴ *Prosecutor v. Furundžija* (Trial Judgment) IT-95-17/1-T (10 December 1998) para 183.

declares that the rights therein “derive from the inherent dignity of the human person.”¹⁵ Postmortem mutilation and desecration of corpses is a flagrant violation of the right to life, which itself is grounded in human dignity, protected under Article 6(1) of the ICCPR.¹⁶

Unlike IHL, which provides protections for the bodies of the deceased,¹⁷ International human rights law primarily protects the families of the deceased from the trauma and psychological effects that accompany the desecration of a loved one’s corpse. Suffering caused to family members as a result of the mutilation and desecration of their loved one’s corpses committed by State agents may result in a violation of their human right to be free from cruel, inhuman, and degrading treatment, safeguarded by Article 7 of the ICCPR,¹⁸ Article 3 of the European Convention on Human Rights (ECHR),¹⁹ and Article 16(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).²⁰

In *Akkum v. Turkey*, the European Court of Human Rights (ECtHR) found that “the anguish caused to [the applicant] as a result of the mutilation of the body of his son amounts to degrading treatment contrary to Article 3 of the [ECHR].”²¹ The ECtHR reached a similar conclusion in *Akpınar and Altun v. Turkey*.²² Regardless of the direct responsibility of the State for mutilation committed by State agents, a violation of family members’ right to be free from cruel, inhuman, and degrading treatment may also occur when a State displays little to no interest in addressing the mutilation of corpses.²³

5.2.2 Respect for Private and Family Life

¹⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966) 999 UNTS 171 (ICCPR) preamble.

¹⁶ *Ibid.*, art 6(1).

¹⁷ Human rights law protections generally do not apply following a person’s death, see, e.g., *Akpınar and Altun v. Turkey*, App. No. 56760/00 (ECtHR, 27 February 2007) para 82.

¹⁸ *Ibid.*, art 7.

¹⁹ Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 4 November 1950) 213 UNTS 221 (ECHR) art 3.

²⁰ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984) 1465 UNTS 85 (CAT) art 16(1).

²¹ *Akkum v. Turkey*, App. No. 21894/93 (ECtHR, 24 March 2005) para 259.

²² *Akpınar and Altun v. Turkey* (n 16) para 86.

²³ See *Benzer v. Turkey*, App. No. 23502/06 (ECtHR, 12 November 2013) paras 208–13.

The right to have one's private and family life respected is enshrined in Article 12 of the UDHR,²⁴ Article 17(1) of the ICCPR,²⁵ and Article 8 of the ECHR.²⁶ In a number of cases, the ECtHR has found that an excessive delay in the return of a deceased individual's body to their next-of-kin and family members can constitute a violation of Article 8 of the ECHR.²⁷ Any deviation from this, that is, any non-return of a body, must be in accordance with the law, in pursuit of a legitimate aim, necessary in a democratic society, proportionate, and non-discriminatory.²⁸ This violation is premised on the fact that families are retraumatized, in that the mental suffering they are subjected to by virtue of their loved one's postmortem despoliation is separate and distinct from the mental suffering brought on by their death itself.²⁹

In the case at hand, the failure on the part of Azerbaijani authorities to return the bodies of deceased Armenian servicemembers in a timely manner was in violation of IHL, as discussed above, did not serve any aim apart from concealing the mutilation these bodies were subjected to, was antithetical to the principles of democratic society, was disproportionate relative to the situation of the soldiers' deaths and the requirements of IHL, and was discriminatory on the basis of the deceased soldiers' Armenian ethnic origin.

5.3 International Criminal Law

5.3.1. War Crime of Outrages Upon Personal Dignity

Article 8 (2)(b)(xxi) and (2)(c)(ii) of the Rome Statute of the International Criminal Court (ICC) criminalizes 'outrages upon personal dignity' as war crimes in international and non-international armed conflicts, respectively.³⁰ This criminalization is reflective of customary

²⁴ UDHR (n 12) art 12.

²⁵ ICCPR (n 14) art 17(1).

²⁶ ECHR (n 18) art 8.

²⁷ See, e.g., *Pannullo and Forte v. France*, App. No. 37794/97 (ECtHR, 30 October 2001) paras 35–36; *Girard v. France*, App. No. 22590/04 (ECtHR, 30 June 2011) para 107; *Zorica Jovanović v. Serbia*, App. No. 21794/08 (ECtHR, 26 March 2013); *Arkhestov v. Russia*, App. No. 22089/07 (ECtHR, 16 January 2014).

²⁸ See *Sabanchiyeva v. Russia*, App. No. 38450/05 (ECtHR, 6 June 2013); *Maskhadova v. Russia*, App. No. 18071/05 (ECtHR, 6 June 2013).

²⁹ See *Akkum v. Turkey* (n 20) para 258; *Khadzhaliyev v. Russia*, App. No. 3013/04 (ECtHR, 6 November 2008) para 121; *Nadege Dorzema et al. v. Dominican Republic* (Merits, Reparations and Costs, Judgment) IACtHR Series C, No. 251 (24 October 2012) paras 117 and 252.

³⁰ Rome Statute of the International Criminal Court (adopted 17 July 1998) 2187 UNTS 3 (Rome Statute) art 8 (2)(b)(xxi) and (2)(c)(ii).

international law.³¹ A footnote to these provisions' entries in the ICC Elements of Crimes clarifies that "[f]or this crime, 'persons' can include dead persons."³² The German Federal Court of Justice affirmed this in 2020, finding that humiliating or degrading treatment of corpses constituted a war crime as, even after their death, combatants continued to enjoy the protection of IHL as persons *hors de combat*.³³ Similar conclusion had been reached in by lower courts in Germany, Sweden, and Finland with respect to despoliation of corpses in Syria and Iraq.³⁴

The Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY), in its *Kunarac et al.*, upheld the Trial Chamber's definition of the material element of the war crime of outrages upon personal dignity as being "any act or omission which would be generally considered to cause serious humiliation, degradation or otherwise be a serious attack on human dignity."³⁵ Similar definitions have been adopted in the jurisprudence of the Special Court of Sierra Leone,³⁶ and the ICC.³⁷ The mutilation of the corpses of Armenian servicemembers falls within this definition and, on the basis of the evidence discussed above, appears to constitute the war crime of outrages upon personal dignity.

5.3.2 Crimes Against Humanity

The Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) opined that post mortem mutilation "constitute[s] a profound assault on human dignity meriting unreserved condemnation under international law."³⁸ Having established in the preceding sections that mutilation of corpses amounts outrages upon personal dignity in violation of IHL, it is worth noting that the ICTY has held that inhumane treatment and other forms of physical violence can serve as underlying acts of the crime against humanity of persecution, when

³¹ See *Prosecutor v. Kunarac et al.* (Trial Judgment) IT-96-23 & IT-96-23/1-T (22 February 2001) para 498; *Prosecutor v. Sesay et al.* (Trial Judgment) SCSL-04-15-T (2 March 2009) para 174.

³² ICC Elements of Crimes (2013) art 8 (2)(b)(xxi), fn 49 and (2)(c)(ii), fn 57.

³³ Bundesgerichtshof [BGH] [Federal Court of Justice], 27 July 2017, NJW 2017, 3667, paras. 2–3 (Germany).

³⁴ See discussion of these cases in Eurojust, *Prosecuting War crimes of Outrage upon Personal Dignity Based on Evidence from Open Sources* (2018) 10–16.

³⁵ *Prosecutor v. Kunarac et al.* (Appeal Judgment) IT-96-23 & IT-96-23/1-A (12 June 2002) para 163 (emphasis in original), quoting *Kunarac et al.* Trial Judgment (n 6) para 507.

³⁶ See, e.g., *Prosecutor v. Brima et al.* (Trial Judgment) SCSL-04-16-T (20 June 2007) para 716; *Sesay et al.* Trial Judgment (n 6) para 176.

³⁷ See, e.g., *Prosecutor v. Katanga et al.* (Decision on the Confirmation of Charges) ICC-01/04-01/07-717 (30 September 2008) paras 368–69.

³⁸ *Prosecutor v. Bagosora et al.* (Appeal Judgment) ICTR-98-41-A (14 December 2011), para 729.

committed with the requisite discriminatory intent.³⁹ In this vein, the jurisprudence of the ICTR and the ICTY recognize that the mutilation of corpses constitutes inhuman and degrading treatment and thus rising to the gravity of other crimes against humanity for the purpose of serving as an underlying act of the crime against humanity of persecution.

In *Bagosora et al.*, the ICTR Trial Chamber considered an incident of a female corpse subjected to post-mortem genital mutilation to rise to the gravity of a crime against humanity.⁴⁰ Furthermore, in the *Brđanin* case, the ICTY Trial Chamber characterized the mutilation of bodies as “a final humiliating gesture” where bodies of killed Bosnian Muslims and Bosnian Croats “were often treated with disrespect or even mutilated, buried in mass graves and sometimes re-buried in order to cover up the crimes committed.” The Trial Chamber further found that such techniques’ usage against Bosnian Muslims and Bosnian Croats left “no doubt that these acts were discriminatory in fact.”⁴¹ In the present case, it is evident that acts of mutilation and grave outrages on the personal dignity of deceased individuals were specifically directed at ethnic Armenians with the intent to discriminate based on their Armenian ethnic or national origin, both protected grounds. In light of these circumstances, the severe deprivation of fundamental human rights occasioned by the mutilation of the corpses of Armenian soldiers likely amounts to the crime against humanity of persecution.

5.4 Conclusion

In contravention of International Humanitarian Law (ILH), the egregious acts encompassing the mistreatment, disfigurement, and defilement of the deceased servicemen, coupled with the protracted withholding of their remains from bereaved families, underscore a blatant disregard by the Azerbaijani authorities for the core principles of human rights. This calculated transgression appears aimed at subjecting the fallen soldiers and their kin to humiliation and degradation, ostensibly based on their ethnic identity: Armenian.

³⁹ See, e.g., *Prosecutor v. Blaškić* (Appeal Judgment) IT-95-14-A (29 July 2004) para 143; *Prosecutor v. Kordić and Čerkez* (Appeal Judgment) IT-95-14/2-A (17 December 2004) para 106; *Prosecutor v. Blagojević and Jokić* (Trial Judgment) IT-02-60-T (17 January 2005) para 620; *Prosecutor v. Stakić* (Appeal Judgment) IT-97-24-A (22 March 2006) paras 105–9;

⁴⁰ *Prosecute v. Bagosora et al.* (Trial Judgment) ICTR-98-41-T (18 December 2008), para. 2266.

⁴¹ *Prosecutor v. Brđanin* (Trial Judgment) IT-99-36-T (1 September 2004), para. 1019 (footnotes omitted).