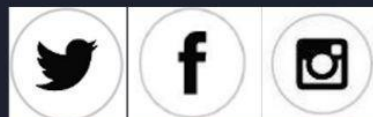




Azerbaijan's Denial of Existing POWs: The Case of Alexander Yeghiazaryan

Contact:
Sharmagh Mardi
Lilit Harutyunyan
info@cftjustice.org
www.CFTJustice.org



[@CFTJustice](https://www.instagram.com/CFTJustice)

I. Introduction

During the 44-day war in 2020, Azerbaijani forces captured over 300 Armenian soldiers. Despite ongoing peace talks since the war's end, Azerbaijan continues to deny the existence of eighty Armenian prisoners of war (POWs), while officially acknowledging the imprisonment of only twenty-three political prisoners and hostages. This report focuses on one of the eighty Armenian POWs who remain detained in Baku's prisons without due process, Alexander Vachik Yeghiazaryan. The report describes his capture and continuous efforts by his family to confirm his whereabouts. It also outlines the legal framework relevant to this case. Azerbaijani authorities deny Alexander's status as a prisoner of war and he is officially missing in action (MIA), despite clear evidence detailed below.

II. Background Information

1. Personal Details:

- **Name:** Alexander Vachik Yeghiazaryan
- **Date of Birth:** 12 September, 1986
- **Last Contact:** October 20, 2020

2. Military Service:

- Alexander completed his 2-year mandatory military service in 2006. Armenia conscripted him as a reserve serviceman on September 30, 2020. He served in various military units until his last known contact.

III. Timeline of Events

- **October 20, 2020:** Last contact with his brother, Hayk Vachik Yeghiazaryan.
- **October 21, 2020:** Loss of contact. Alexander was in Zangelan with 62 servicemen before Azerbaijani forces captured the city.
- **Confirmed by Azerbaijan:** Three months after capturing Zangelan, Azerbaijani authorities confirmed the captivity of the POWs who were captured alongside Alexander, but failed to acknowledge Alexander's capture or provide any information about his whereabouts.

IV. Documentation and Evidence

1. **Video Evidence:** Two videos show Alexander and his fellow soldiers during their capture. In both videos, unidentified individuals physically assault Alexander.

The first clip¹ was published on the Telegram channel called "Yaşa Azərbaycan" on October 21, 2021. The video depicts 4 Armenian servicemen being captured, including Alexander. Alexander is lying on his back on the ground, while an Azerbaijani soldier ties half-naked Gegham Elibekyan's hands behind his back. The other 2 POWs, Tigran Khachatryan and Artur Stepanyan can also be

¹ <https://drive.google.com/file/d/1k8CkB6auTygGAX2pVTyGcYQZRNPG3q/view?usp=sharing>

seen in the clip. Alexander's brother recognized his brother in the clip, and other repatriated POWs later confirmed to Alexander's brother that it was him. In the clip, four armed Azerbaijani soldiers are clearly seen. One of them is standing next to Alexander pointing his weapon at him.

The second clip² was published on the Telegram channel called "Azerbaijan62" on November 22, 2021. In the clip, Alexander sits in a chair with bound hands in front of him. An Azerbaijani soldier standing in front of Alexander holds a knife in his right hand and strikes him in the face with his left hand. Alexander's brother said he looked scared but in good physical condition, with no visible injuries. According to CFTJ Witness 24LC-0020³, the other POW Gegham Elibekyan was also in the clip. The Azerbaijani soldiers were asking them questions, and despite receiving answers, they continued to hit them.

2. **Witness Testimonies:** POWs provided consistent accounts of their captivity and confirmed Alexander's presence throughout this time.

The POWs confirmed that they were together from the first moment of capture. The Azerbaijani soldiers tied their hands and took them to a kindergarten located in Zangelan, Nagorno-Karabakh. After a few hours, they were transported to Baku by Ural cars. The Azerbaijani soldiers physically assaulted them during transportation. The POWs were together with Alexander in the same cell and underwent the same interrogations until November 5th, 2020, after which they were separated and put in different cells. Since Alexander was fluent in Russian, he served as a translator for other POWs during their interrogations. Another POW from a separate group also confirmed seeing Alexander in the Investigative Committee Building of Azerbaijan, where Alexander translated for him during his interrogation.

3. **DNA Testing:** Alexander's parents have submitted DNA samples to seek matches, but no matches have been identified thus far.
4. **International Inquiries:** Multiple requests from organizations such as the Red Cross have received no responses from the Azerbaijani authorities.

V. Legal Framework

Alexander was captured during the war while serving as a conscripted reserve serviceman, making him eligible for full POW protections under Article 4 of the Third Geneva Convention (1949). Furthermore, Article 5 ensures that these protections apply from the moment of capture until final release and repatriation. Additionally, Article 12 establishes that the Detaining Power bears full responsibility for the treatment of POWs, regardless of which unit or individuals captured them. Article 13 further reinforces this obligation by mandating that POWs must be treated humanely at all times, prohibiting acts that endanger their health or subject them to mistreatment, violence, or public humiliation. Article 118 obligates the Detaining Power to release and repatriate POWs without delay

² https://drive.google.com/file/d/1VnBOnuovtnP4N-k6kYkcxKrn773_c-Xa/view?usp=sharing

³ CFTJ Witness 24LC-0020 Testimony taken on 16 November, 2024.

after the cessation of hostilities.⁴ Any unjustified delay, refusal to release, or enforced disappearance violates the fundamental principles of the Geneva Conventions and constitutes a serious breach of international law.

Alexander was captured during the war with direct evidence confirming his detention, yet he was never acknowledged, released, or accounted for. His disappearance constitutes enforced disappearance as defined by the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which prohibits the deprivation of liberty by the state or its agents without acknowledgment or disclosure of the person's fate. Under Article 1 of the Convention, no exceptional circumstances, whether war, instability, or national security concerns can justify enforced disappearance. Article 2 establishes that enforced disappearance occurs when state agents detain a person and their whereabouts are concealed, placing them outside the protection of the law. Article 17 further prohibits secret detention, requiring that all detainees be registered and their status disclosed to families and legal representatives.⁵ The failure to acknowledge Alexander's capture, his continued disappearance, and the lack of information on his fate constitute serious violations of international law.

Alexander's capture and subsequent disappearance violate multiple provisions of the International Covenant on Civil and Political Rights (ICCPR). Article 9 of the ICCPR guarantees the right to liberty and security, prohibiting arbitrary detention and requiring that anyone deprived of their liberty be informed of the reasons for their arrest and have access to legal recourse.⁶ However, despite direct evidence of his capture, Alexander was never acknowledged, denied due process, and effectively placed outside the protection of the law. Article 6 protects the right to life, stating that no one shall be arbitrarily deprived of their life.⁷ The failure to disclose Alexander's fate or whereabouts raises serious concerns about extrajudicial execution, enforced disappearance, or inhumane treatment. Moreover, Article 7 strictly prohibits torture and cruel, inhuman, or degrading treatment.⁸ The secret detention of Alexander, without any communication with his family or legal representatives, subjects him to extreme psychological and physical harm, in violation of this fundamental right. The continued concealment of Alexander's fate also violates Article 10, which mandates that all persons deprived of liberty be treated with dignity and humanity.⁹ His disappearance prevents any independent monitoring of his condition and treatment, heightening the risk of abuse.

Alexander's capture and subsequent disappearance also violate multiple provisions of the European Convention on Human Rights (ECHR), which guarantees fundamental rights and freedoms. Under

⁴ Geneva Convention relative to the treatment of prisoners of war (adopted 12 August 1949), 75 UNTS 135, art 4, 5, 12, 13, 118.

⁵ International Convention for the Protection of All Persons from Enforced Disappearance (adopted 20 December 2006), 2716 UNTS 3, art 1, 2, 17.

⁶ International Covenant on Civil and Political Rights (adopted 16 December 1966) 999 UNTS 171 (ICCPR), art 9.

⁷ *Ibid.*, art 6.

⁸ *Ibid.*, art 7.

⁹ *Ibid.*, art 10.

Article 2 (Right to Life), the state is obligated to protect the lives of individuals under its control.¹⁰ The failure to acknowledge Alexander's detention and disclose his fate raises serious concerns about extrajudicial execution or enforced disappearance, constituting a grave violation of this right. Article 3 (Prohibition of Torture) prohibits torture and inhuman or degrading treatment. Under Article 5 (Right to Liberty and Security), no one shall be deprived of liberty without legal justification, due process, and judicial oversight. Additionally, Article 13 (Right to an Effective Remedy) requires states to provide an effective legal avenue for victims of human rights violations.¹¹

Alexander's capture, video evidence of inhuman treatment, and subsequent disappearance constitute grave violations of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which explicitly prohibits acts of torture, enforced disappearance, and inhuman treatment under all circumstances. Under Article 1, torture is defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or with the consent of a public official for purposes such as punishment, intimidation, or coercion.¹² Enforced disappearance inherently involves prolonged mental and physical suffering, as the victim is placed outside the protection of the law, subjected to incommunicado detention, and exposed to the risk of ill-treatment or execution. Article 2 establishes that no exceptional circumstances, including war or national security concerns, can justify torture or inhuman treatment. Article 12 obligates states to conduct a prompt and impartial investigation whenever there are reasonable grounds to believe that torture has occurred.¹³ The failure to acknowledge Alexander's detention and disclose his fate constitutes an outright breach of this obligation, as it prevents any independent inquiry into his treatment and whereabouts. Furthermore, Article 14 guarantees the right of victims and their families to redress and compensation.¹⁴ The ongoing concealment of Alexander's fate denies his family this right, prolonging their suffering and psychological distress, which the Committee Against Torture has recognized as a form of inhuman treatment in itself.

Alexander's capture, enforced disappearance, and the failure to acknowledge his detention constitute serious violations of the Rome Statute of the International Criminal Court (ICC), potentially amounting to war crimes. Under Article 8, torture or cruel, inhuman, or degrading treatment is considered a war crime. Article 28 of the Rome Statute further establishes individual criminal responsibility for commanders and superiors who knew or should have known about such violations but failed to prevent or punish those responsible.¹⁵ The two video clips shared on social media may suggest the commander should have been aware of the crime but failed to act to prevent or punish it. Despite video evidence, Azerbaijan has not confirmed his capture.

¹⁰ Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 4 November 1950), ETS No. 005 (ECHR) art 2.

¹¹ *Ibid.*, art 3, 5, 13.

¹² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984) 1465 UNTS 85, art 1.

¹³ *Ibid.*, art 2, 12.

¹⁴ *Ibid.*, art 14.

¹⁵ Rome Statute of the International Criminal Court (adopted 17 July, 1998) 2187 UNTS 3, art 8, 28.

VI. Legal Actions Taken

- **International Organizations:** Appeals made to the Armenian office of the International Committee of the Red Cross resulted in acknowledgment of the case and efforts initiated to locate Alexander.
- **Legal Representation:** The family has engaged various legal organizations that have taken up their case, and initiatives have been pursued through the European Court to address the issue of missing individuals.

VII. Conclusion and Recommendations

Alexander's case is part of a larger, ongoing issue surrounding the treatment of Armenian prisoners of war following the 2020 Nagorno-Karabakh conflict, where Azerbaijani authorities continue to deny the existence of Armenian POWs under its custody, despite clear evidence to the contrary. Alexander's enforced disappearance and the failure to recognize his POW status are direct violations of international humanitarian law and human rights obligations. The unlawful detention, lack of due process, and continued denial of his whereabouts remain a grave injustice not only for Alexander but for all POWs held in similar circumstances.

Azerbaijan's refusal to acknowledge prisoners like Alexander exacerbates the human rights crisis, leaving families without closure or any form of justice. This report has outlined the legal framework under international law, which obligates Azerbaijan to provide recognition of POWs, ensure humane treatment, and adhere to the provisions of the Geneva Conventions and other international legal mechanisms.

The Center for Truth and Justice (CFTJ) calls for immediate intervention by international organizations and states to ensure Alexander's safety, humane treatment, and ultimate repatriation by international legal norms. The continued absence of accountability for the widespread violations of human rights and international humanitarian law targeting Armenian POWs in Azerbaijan demands resolute international action to address these systemic abuses and guarantee justice.

Recommendations:

1. Continuation of diplomatic efforts to secure acknowledgment of POW status from Azerbaijan.
2. Pursuit of legal avenues through international courts to compel communication and disclosure regarding Alexander's whereabouts.
3. Ongoing advocacy for the rights of missing persons and their families through international human rights organizations.

This report should serve as a basis for further actions and interventions supporting the search for Alexander Yeghiazaryan and ensuring compliance with international laws governing the treatment of prisoners of war.