

Civic Solidarity Platform Working Group on the Fight Against Torture
Civic Solidarity Platform Turkmenistan Working Group
Crude Accountability

ENFORCED DISAPPEARANCES DURING THE NAGORNO-KARABAKH CONFLICT



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About the Project

In 2022-2023, Crude Accountability, in cooperation with members of the [Turkmenistan Working Group](#) and the [Working Group on the Fight Against Torture](#) of the [Civic Solidarity Platform](#) (CSP), initiated a project to research the issue of enforced disappearances in the region of the Organization for Security and Cooperation in Europe (OSCE).

With generous funding from [Austausch, e.V.](#), a German human rights NGO, the project focuses on the issue of enforced disappearances within the context of the OSCE December 2020 decision, which was adopted by consensus at the Ministerial Council Meeting in Tirana, Albania in December 2020, for an [expanded OSCE commitment on torture prevention](#). This commitment includes the fight against enforced disappearances and incommunicado detention.

Focusing on the Balkans, Belarus, Chechnya, Nagorno-Karabakh, Tajikistan, Turkmenistan, and Ukraine, the project draws attention to the ongoing horrors of enforced disappearances in the context of conflict and repression. The Balkans, Chechnya, Nagorno-Karabakh, and Ukraine provide examples of enforced disappearances in conflict zones—both as a tool of regimes and armies, and as a product of war. Belarus, Tajikistan, and Turkmenistan are examples of regimes that use enforced disappearance as a tool of repression, even in peacetime. However, the use of enforced disappearances in all seven regions is one that is related to repression, as our policy papers demonstrate.

About Crude Accountability

Crude Accountability is a non-profit organization committed to defending the human rights and environment of communities affected by oil and gas development in the Caspian and the Black Sea regions. Crude Accountability works to hold governments and corporations accountable for their actions and advocate for sustainable and just energy practices. For more information, please visit Crude Accountability's website at <https://crudeaccountability.org>

About Civic Solidarity Platform

Civic Solidarity Platform is a network of human rights NGOs, activists, and experts from across Europe, the Caucasus, and Central Asia. The platform collaborates to promote and protect human rights, democratic principles, and civil society participation within the OSCE region. For more information, visit <https://www.civicsolidarity.org/>

About the Author

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Mushegh Yekmalyan has over 25 years of experience working on Human Rights in various locations, consistently collaborating with international inter-governmental and non-governmental organizations. He possesses over seven years of experience with the OSCE, working both in Field Missions and ODIHR. Additionally, he worked as a project manager for the largest EU-funded project by Penal Reform International, which covered nine countries of the former Soviet Union. Mushegh held the positions of Head of European Affairs and Director of the EU Liaison Office at the International Rehabilitation Council for Torture Victims, based in Brussels. His extensive work experience also encompasses a number of short and long-term assignments with organizations such as ICRC, OMCT, ARTICLE19, Anti-Slavery International, and the European Commission. He is a member of the EU Informal Panel of Experts on the Implementation of the EU Anti-Torture Regulation.

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Enforced Disappearances during the Nagorno-Karabakh Conflict

Summary

The Nagorno-Karabakh conflict is a long-standing issue between Armenia and Azerbaijan over Nagorno-Karabakh, a region in the South Caucasus, which is predominantly inhabited by Armenians.

The conflict escalated into a full-scale war in the 1990s, leading to a ceasefire signed in 1994. Sporadic violence persisted and in 2020, the conflict re-ignited and lasted until November 2020, when a peace deal was brokered by Russia. This conflict has resulted in a significant loss of life and forced displacement of individuals. In addition, the 2020 war and the violence that followed the ceasefire agreement led to the capture of prisoners of war (POWs) and the enforced disappearance of soldiers and civilians, which remains a humanitarian concern.ⁱ Over 4,500 people have gone missing since the beginning of the Nagorno-Karabakh conflict, causing great suffering to their families.ⁱⁱ

The Nagorno-Karabakh conflict is a source of tension in the South Caucasus region and continues to threaten the population, including using enforced disappearances as a weapon of intimidation. The situation remains challenging due to the lack of cooperation from the Azerbaijani government and the absence of international organizations on the ground in Nagorno-Karabakh.

It is essential that those responsible for these violations be held accountable and the OSCE and its participating States, with the active involvement of civil society, play the main facilitating role in bringing justice to the victims and their families.

This paper focuses on the conflict between Armenia and Azerbaijan, particularly the recent outbreaks of violence in 2020 and 2022. It pays special attention to the issue of enforced disappearances, arbitrary detention, and executions, and provides recommendations for OSCE institutions, OSCE participating states, and civil society to address the situation.

Background on the Nagorno-Karabakh Conflict

The Nagorno-Karabakh conflict is a long-standing and periodically violent conflict between Armenia and Azerbaijan over the Nagorno-Karabakh region, an area in the South Caucasus with a majority Armenian population.ⁱⁱⁱ

The Armenian population in the Nagorno-Karabakh Autonomous Region has raised concerns about discrimination, suppression, and threats to their existence under Azerbaijani control as early as the 1960s. These concerns prompted Armenians in the region to appeal for reunification with Armenia at the time.

Tensions re-emerged in the 1980s, when the Soviet leader Mikhail Gorbachev initiated Perestroika and declared a new era of respect for human rights and fundamental freedoms in the USSR. In February 1988, protests erupted in Stepanakert, the capital of Nagorno-Karabakh, which led to violence across Azerbaijani cities that were home to Armenian communities.

In 1990, Armenians were attacked in Baku, home to almost three hundred thousand ethnic Armenians. Many were killed and many left for Armenia and Russia. More than half a million Armenians fled Azerbaijan, including from Kirovabad (Ganja). The Azerbaijani population from Armenia was also deported, but there were no documented ethnic attacks on Azerbaijanis in Armenia.

The fighting in the Nagorno-Karabakh region, where many Armenians lived, started soon after, and the full-scale war began in 1991, after the dissolution of the Soviet Union. The war lasted four years, resulting in extensive loss of life and displacement of people, including the practice of ethnic cleansing, and enforced disappearances. A ceasefire was signed in 1994.

Enforced Disappearances in the First Nagorno-Karabakh Conflict

During the 1990s war, both Armenia and Azerbaijan compiled extensive lists of disappeared. During active fighting, the lists were often inaccurate due to the changing situation and the sporadic, and often private, exchange of POWs and civilians. In many cases, civilians and military personnel were taken on both sides and then transferred to either unknown facilities or into the possession of private individuals who would use these hostages as exchange barter for persons captured by the opposing side.

In the 1990s and 2000s, a functional international working group (IWG) was developed to locate those who were forcibly disappeared in the Nagorno-Karabakh conflict.

The IWG was led by Svetlana Gannushkina from Memorial, Russia, and co-chaired by Bernhard Klazen from Germany and Paata Zakariashvili from Georgia. The IWG began to make regional visits in 1997 to work with Armenian and Azerbaijani authorities to locate and exchange the disappeared without any preconditions or numerical equivalence between the exchanged persons. Numerical equivalence, according to the IWG, created an incentive for the sides to try to capture new hostages in an exchange

barter. The IWG uncovered several cases in which hostages were taken on the territory of neighboring Georgia,^{iv} who were transferred to Azerbaijan and handed over to families of the disappeared even after the ceasefire.

Beginning in August 1999, the work of the IWG was supported by the OSCE, which played a crucial role in enhancing the capacity of the group as well as its public standing and visibility.

The IWG also had good working relations with the International Committee of the Red Cross (ICRC) delegation in Stepanakert, Nagorno-Karabakh. Informal meetings and information exchanges with the ICRC focused on humanitarian issues including the disappeared and detained persons and delivered important results. Civil society, through the working group, was able to publicly address issues that the ICRC was unable to address because of its mandate.

Armenian and Azerbaijani working groups for the disappeared worked in tandem with the IWG and operated well, communicating the lists of disappeared through Memorial and the IWG.

However, Memorial's report stated^v that the two sides had difficulty working together effectively. For example, the list of the disappeared for Azerbaijan had not been updated since the end of the war. Many of those listed had already been returned or their bodies had been recovered. The Azerbaijani working group was also reportedly stacked with officials more interested in the Azerbaijani state narrative rather than addressing the disappeared as a human rights issue.^{vi} There were documented cases in which a disappeared person was freed on ransom paid by the family of the hostage, after four years of being kept in Azerbaijan by a private family in their house as a slave.^{vii}

On the Armenian side, as the Memorial report claims, the Armenian Government Working Group on Missing Persons in Armenia did not show much enthusiasm and interest in effectively locating the disappeared Azerbaijanis.

Very often those who were repatriated would talk about other hostages or POWs in the same facility, who were unreported by the holding side even though there were inquiries about those persons.^{viii}

Another difficulty was that the coordinators from the Azerbaijani side faced pressure and intimidation from the state and were accused of being traitors who speak to Armenians, regardless of the issues and purpose. The Azerbaijani state media also spread disinformation to discredit the Working Group and its activities.

The last exchange of individuals from the first war took place in 2003.

The 2020 Nagorno-Karabakh Conflict

Violent conflict over the Nagorno-Karabakh region and adjacent territories erupted again on September 27, 2020, and lasted until November 9, 2020, when a Russian-brokered peace deal was signed^{ix} and large-

scale military operations ceased. The peace deal secured Azerbaijan's control over previously Armenian-controlled territories. Districts and villages with Armenian populations, which came under Azerbaijani control, were 'cleansed' of Armenians.

Despite the ceasefire, there were reports of sporadic fighting, hostage-taking, and territorial advances by the Azerbaijani army, as well as extrajudicial executions of POWs. According to RFE/RL, over 6,500 people died in the fighting.^x

Enforced Disappearances in the 2020 and 2022 Wars

In the 2020 war, the technological and tactical advantages of the Azerbaijani army allowed it to advance swiftly, breaking through the defenses of the Nagorno-Karabakh army on the Southern front. Azerbaijani armed forces encircled many Armenian regiments, which were either exterminated or forced to surrender. The retreat of the Armenian forces was poorly organized, and many Armenian soldiers were lost in the forested mountains of Southern Karabakh. The majority of these soldiers were later killed in ambushes or after surrendering to the Azerbaijani armed forces. Video and photo evidence of those captured by the Azerbaijani soldiers was leaked to social media websites allowing relatives and lawyers to recognize those in captivity.

Many Armenian civilians were also forcibly disappeared, and the whereabouts of some of those captured remains unknown. Although video and photo evidence of their capture was leaked to social media, Azerbaijan has not admitted to their captivity.

The hostage-taking continued after the ceasefire and in December 2020 more than 70 Armenian servicemen were taken prisoner; 10 were executed on the spot by Azerbaijani forces in the district under the control of the Russian peacekeeping forces. Half of those taken during this escalation are still being held in Baku. According to the lawyers of those missing servicemen, more than 200 Armenian POWs and civilians are suspected to be in Azerbaijani custody,^{xi} in violation of point 8 of the Tripartite Statement of the ceasefire. Azerbaijan admits to holding only 33 POWs.^{xii}

During 2021 and 2022 several dozen Armenian servicemen were captured during border clashes between Armenia and Azerbaijan.

One of the most violent clashes happened on September 13-14, 2022, when almost 250 Armenian servicemen died, and several were taken hostage. A few were returned later but more than a dozen are still missing. According to Human Rights Watch, at least seven Armenian soldiers were executed by Azerbaijani soldiers in extrajudicial killings in September 2022.^{xiii}

The whereabouts of many of those captured is still unknown. These individuals are considered to be forcibly disappeared.

After the November 9, 2020 ceasefire, several smaller groups of Armenian POWs and a few civilians were repatriated in exchange for Armenia's provision of minefield maps in the captured territories.^{xiv}

The exchange of Armenian POWs for minefield maps constitutes a serious breach of the Geneva Convention as POWs and all persons kept as a result of the armed conflict must be returned without ransom or any other precondition.

The Azerbaijani authorities continue to hold Armenian POWs and civilians, keeping them in custody and subjecting them to sham trials under accusations of being terrorists, and charging them with threatening Azerbaijan's territorial integrity.

Armenia returned all 13 of its POWs, including two Azerbaijani saboteurs captured in 2014 on the territory of Nagorno-Karabakh.^{xv}

Evidence of Disappearances

As of December 29, 2022, Azerbaijan confirmed that 38 Armenian captives are being held in Baku, mostly prisoners of war.^{xvixvii} The Armenian government and lawyers representing these individuals have filed requests for interim measures to the European Court of Human Rights regarding 280 persons, including civilians who are still missing. The ECtHR has granted these requests in most cases. In approximately 90% of these cases, the Armenian government has provided photo or video evidence showing that the Azerbaijani forces took these individuals into custody. The Azerbaijani authorities have failed to confirm the whereabouts of some of these individuals, despite solid evidence, including footage taken by Azerbaijani servicemen, that they are in their custody.

While complete and accurate information is hard to obtain, we have some fragmented photo and video evidence, as well as the testimony of returned Armenian POWs, pointing to concrete cases of individuals being held incommunicado and incognito in Azerbaijan.

Some POWs had the opportunity to contact their families only after being visited by the ICRC, weeks after capture, whereas the others had neither the chance to contact their families nor were they visited by the ICRC during the entire period of their detention. Azerbaijan did not acknowledge taking individual captives at the time, nor did Azerbaijan facilitate communication between captives and their families. This was reported by Human Rights Watch and by POWs who gave interviews to the media after their return.

Some of the returned POWs confirmed that they were never put in contact with the ICRC delegation or their families and were kept incognito. These individuals also reported that they were often transferred elsewhere, and when they returned, they learned that the ICRC delegation had already visited their facility and met with the Armenian POWs.^{xviii}

One of the repatriated POWs reported that he had not had access to any neutral authority nor his family while under Azerbaijani custody for 65 days. Up to the date of his repatriation in December 2020, his

family did not know anything about his whereabouts, apart from a video circulated on a Telegram channel where he can be seen in the custody of Azerbaijani servicemen. While in prison, he and his cellmates were taken out of their cell and transferred to another one. Later they learned from other POWs that on that day, the ICRC delegates visited the prison. Other repatriated former prisoners confirmed that they did not have an opportunity to contact their families for prolonged periods, up to 50 days, nor were their families notified by Azerbaijan.

In addition to captured servicemen, evidence suggests that many civilians were kept in incommunicado detention after their capture by the Azerbaijani army. Relatives of some civilians learned about the fact of their capture and detention only from videos published on social media, which demonstrates that Azerbaijan failed to comply with the obligation to transfer information about the whereabouts of civilians under its control, and to allow communication with relatives.

The Fact-finding Report^{xi} by the Fact-Finding Group states interviewees reported missing fellow villagers; for instance, H.S. of Berdashen village, as well as an additional seven other people. In the case of A.A., his whereabouts were unknown to his family members for at least ten days after his capture. He was given an opportunity to contact his wife only after the ICRC delegates visited him.

Most of the confirmed detainees were captured after the November 9, 2020 Tripartite Statement on cessation of hostilities entered into force. Armenian authorities, the Ombudsperson, and some international organizations insist that all persons detained in the context of the conflict have status under the Geneva Conventions and must be returned. Azerbaijani authorities refer to the Tripartite Statement and interpret it narrowly, arguing that all those detained after the signature of the statement, as of November 10, 2020, are not covered by it.

Regardless of the interpretation of the statement, Azerbaijani authorities are bound to and shall apply the provisions of the Geneva Convention, to which Azerbaijan is a party, relating to the repatriation of persons detained in the context of an armed conflict after the cessation of hostilities and other guarantees.

Evidence of Executions

There is also video evidence of extrajudicial executions of soldiers and POWs.^{xx}

In several instances, Armenian servicemen are filmed marching with their hands tied, then kneeling, and afterwards the executed bodies of the same persons are scattered on the ground with clear gunshot wounds to the backs of their heads.^{xxi}

In a few cases, individuals were seen alive and in Azerbaijani custody on video, but their deceased bodies were later found with fresh wounds during a body recovery operation. Analysis of one of the videos suggests that a row of servicemen, with their hands tied behind their backs, were added later.^{xxii} The fact that the dead servicemen's hands were tied suggests that they were captured alive and later

executed by Azerbaijani servicemen. This is supported by the context and the established practice of executing Armenian POWs in Azerbaijan. Extrajudicial executions of POWs were captured on video and verified by Human Rights Watch and Bellingcat.^{xxiii}

In December 2020, Amnesty International analyzed 22 cases of extrajudicial executions, mistreatment of prisoners, and desecration of bodies on both the Azerbaijani and Armenian sides, calling for a full investigation into the incidents.^{xxiv}

On May 3, 2021, the Armenian lawyers representing the interests of the family members of a number of ethnic Armenian servicemen and civilians who fell into the hands of Azerbaijani forces announced that they had evidence of nineteen Armenians, including seven servicemen, deliberately killed after falling into Azerbaijani custody. Eric Mkhitarian was one of them.^{xxv} According to the lawyers representing the victims before the European Court of Human Rights (ECtHR), Eric died from a gunshot wound to the neck. A repatriated POW reported that Eric was killed while in custody of Azerbaijani forces in the Hadrut area, where Eric was last seen in October 2020. In several videos Eric is alive under Azerbaijani army officers' control, being dragged into a car and then lying on the ground screaming.

According to the lawyer representing the POWs, until February 2021, Azerbaijan did not confirm to international bodies the captivity of E.Kh. and four other captives who fell into the hands of Azerbaijani servicemen on November 21, 2020, despite several videos distributed on social media showing these servicemen, in which the latter introduce themselves. According to the lawyers representing the interests of Eric Mkhitarian, mentioned above, and his family before the ECtHR, despite the fact that there is a video of him in the hands of Azerbaijani military personnel, which appeared on Telegram, and the ECtHR granted interim measures in his regard on November 30, 2020, Azerbaijani authorities have never confirmed his capture and whereabouts. In April 2021, his death was confirmed via four DNA tests, when his body was found with fresh gun wounds.^{xxvi}

Such actions violate international norms and as long as the detention of POWs under these conditions continues, the risk of enforced disappearance grows.

International Legal Obligations Related to Nagorno-Karabakh

State Parties to the Geneva Convention III have an obligation to ensure transmission of the information on detained POWs and civilians to their country and/or family (GC III, Art. 70) and notification to the power of origin through the Central Tracing Agency (GC III, Arts 69, 94, 104, 107, 120 and 122) and to ensure correspondence (GC III, Arts 71, 76 and Annex IV C. [CIHL, Rule 125]). Thus, each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate. As prisoners of war are only detained to stop them from taking part in hostilities, they must be released and repatriated when they are unable to participate in the conflict for health reasons, and of course as soon as active hostilities have ended.

More specifically, GC III contains rules on repatriation during hostilities (GC III, Art. 109-117), medical cases (GC III, Annexes I and II), and based on the agreements between the parties and at the end of active hostilities (GC III, Arts 118-119 [CIHL, Rule 128 A.]). In addition, the extensive requirements concerning registration, visits, and transmission of information with respect to persons deprived of their liberty are aimed, inter alia, at preventing enforced disappearances. The cumulative effect of these rules is that the phenomenon of “enforced disappearance” is prohibited by International Humanitarian Law. Additionally, under human rights law, enforced disappearance is prohibited under any circumstances. Enforced disappearance is a violation not only of the rights of the direct victim, but also of his or her relatives. That is why international law recognizes that, just like disappeared persons, families are also victims. Sudden separation, a lack of news, uncertainty, and fear of reprisal makes the mourning of a loss impossible and causes indelible suffering. For all these reasons, the failure to acknowledge the detention of captives and to delay or evade communications between captives and their families is a violation of both IHL and human rights norms.

Currently, the situation with enforced disappearances in the Nagorno-Karabakh conflict zone is much more complicated than it was previously because there is no parity on this issue between the two sides. As was described above, the advancing side, Azerbaijan, had only a few missing POWs (13 POWs all returned in November 2020). All the disappeared on the Armenian side, around 200^{xxvii} individuals including civilians and servicemen, are considered disappeared and there are fewer chances to find them alive. The previous experience of having an International Working Group on Missing Persons as it was in the aftermath of the first Karabakh war is not in place as there appears to be no interest on the Azerbaijani side to establish one. Under such circumstances, the main facilitating role must be played by the OSCE institutions and its participating States, with the inclusion of civil society.

However, the role of the Council of Europe is significant for advancing the process of identification of enforced disappearances and supporting in finding their whereabouts. In the Council of Europe Parliamentary Assembly resolution 2391 from 2021 on Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict,^{xxviii} in its paragraph 6 it reflects on the enforced disappearances:

“The CoE PACE is deeply concerned about the fate of around 30 Armenians, allegedly seen, filmed or photographed in captivity, with no indication as to their current whereabouts. The Assembly is alarmed at allegations made by Armenia that these persons have been subjected to enforced disappearance and possibly killed;”

it also states that the CoE PACE:

“remains concerned about the detention conditions of around 48 Armenians captured after the trilateral statement, who are still in captivity, most of whom have faced or are facing speedy criminal trials, which may raise fair trial issues under the European Convention on Human Rights (ETS No. 5);

calls on the Azerbaijani authorities to release all remaining captives and return them to Armenia without further delay;

encourages the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to carry out an ad hoc visit, notwithstanding that the ICRC has regular access to these persons.”

The Role of Civil Society

In the current situation, civil society in Armenia and Azerbaijan are not working together effectively to improve the situation of the disappeared.

Many civil society organizations that had worked on conflict resolution and enforced disappearances during the first Nagorno-Karabakh war in the 1990s are no longer willing to work on the issue as there are no documented cases of disappeared Azerbaijanis. A small group of Armenian NGOs, lawyers and activists are trying to find information on the missing individuals.

In addition, Azerbaijani civil society is largely controlled by the ruling family, and independent voices inside the country are under heavy pressure. Azerbaijan’s government has a long history of repressing dissent, according to Freedom House’s Azerbaijan 2022 report,^{xxix} which further complicates cooperation between civil society organizations in the two countries.

Cross-border cooperation among civil society organizations would be beneficial for the missing individuals and their families, as well as for promoting dialogue and reconciliation in the future. The situation is further complicated by the absence of international humanitarian and human rights organizations on the ground in Nagorno-Karabakh. The only organization that still has some humanitarian operations, despite the threats of being expelled by Azerbaijan, is the International Committee of the Red Cross (ICRC), which has a small office and limited operational capacities.

Recommendations

To the OSCE institutions

1. OSCE ODIHR should establish a working group to support CSOs on the ground to exchange information on missing and coordinate the data and lists of disappeared.
2. The Human Rights Department of ODIHR should prepare a report on enforced disappearances in the Nagorno-Karabakh conflict zone and organize a fact-finding mission as it did in Andijan, Uzbekistan in 2005.
3. The OSCE ODIHR Tolerance and Non-Discrimination unit should investigate hate crimes and publish a report on ongoing hate crime and related crimes related to the Nagorno-Karabakh conflict.
4. The OSCE High Commissioner on National Minorities (HCNM) should undertake a fact finding and monitoring mission to the region of Nagorno-Karabakh and fulfill its mandate of “silent diplomacy” to assist in trust-building between the sides and facilitate information sharing on enforced disappearances. The HCNM should publish a report on the protection of the rights of national minorities in the conflict area.
5. The OSCE incoming Chairman in Office should prioritize the issue of missing persons and enforced disappearances in the conflict zone and facilitate dialogue between both sides of this difficult situation.

To the OSCE participating States

1. Given the huge number of war crimes and crimes against humanity, the participating States of the OSCE should initiate an investigation and if necessary trigger the Moscow Mechanism of the OSCE to appoint a special rapporteur on the conflict in Nagorno Karabakh to investigate, among other issues, enforced disappearances in Azerbaijan.
1. Participating states should consider establishing a contact group on the conflict in case revival of the OSCE Minsk Group on Nagorno Karabakh is deemed not suitable under the current circumstances.
2. Participating states should utilize the OSCE tools and mechanisms used in other conflicts and in particular in Ukraine vis-a-vis the conflict in Nagorno Karabakh.

To civil society organizations

1. Modeled on the International Working Group, chaired and mediated by the Memorial Foundation of the Russian Federation, currently designate a civil society organization that could start working with civil society from both sides of the conflict to exchange information and try to support the search of missing and disappeared persons.
2. Establish a Regional Working Group on Missing persons, supported by Georgian civil society organizations that closely work with both Armenian and Azerbaijani CSOs.

Specialized International NGOs could play a more active role in the search and investigation of the whereabouts of missing persons in the Nagorno Karabakh conflict zone.

Important work is also being carried out by local civil-society organisations, including for example the Helsinki Citizens' Assembly of Vanadzor. This NGO provides free legal advice on human rights issues and has prepared a draft law on "Missing Persons." It promotes civil society initiatives and peace building (including through commemorating the missing on August 30), and encourages contacts among the three countries in the region. The Helsinki Citizen's Assembly in Azerbaijan, as another example, contributed to passing the 1997 law "On Compulsory Personal Insurance of Military Servicemen" that benefits the families and this NGO intends to lobby for a law which would entitle families of missing civilians to this insurance payment.^{xxx}

Conclusion

In the current circumstances of widespread and violent international conflict, none should be ignored or left without the proper attention to the protection of human rights and international human rights law, as human suffering is the same everywhere.

Due to propaganda and disinformation on one side and a lack of willingness and capacity to work in a proper manner to defend their own citizens' rights on the other side, ordinary people on the ground face all the suffering without due justice and international mechanisms of protection in place.

However, pretending there is an artificial parity in the case of the Nagorno-Karabakh conflict is a destructive approach that deepens human suffering. Unlike conflicts like Transnistria and Abkhazia, there is no presence of any UN agency in Nagorno-Karabakh, which allows the ongoing atrocities and continuous war crimes to go unnoticed and deprives the people of Nagorno-Karabakh from seeking justice and remedies.

The OSCE's Personal Representative of the OSCE Chairman in Office for the Nagorno-Karabakh conflict (Minsk Group) is the only functioning office apart from a small mission of the ICRC in Stepanakert focused on this issue. Since the start of the war in Ukraine, the Minsk Group format is paralyzed. Hence, there is a need to establish a new functional working group that focuses on human rights and humanitarian issues and as was mentioned in the recommendations, the OSCE ODIHR can play an instrumental role in this.

President Aliyev's claim that the human rights of those in Nagorno-Karabakh is an internal Azerbaijani issue should be challenged by the international community as human rights are never an internal matter to any state, especially a state with one of the lowest rankings in the global human rights index.

Overall, the situation with enforced disappearances remains complex and the efforts of Armenia are not bringing the desired results. Furthermore, the more time that goes by the greater are chances of losing traces of the disappeared who otherwise might be found. Efforts should be directed towards the institutionalization of searching for the missing.

The OSCE has the necessary tools and is the only organization that has dealt with the Nagorno-Karabakh conflict for three decades, and it is high time to get involved more intensively on the ground.

Endnotes

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- ⁱ <https://www.hrw.org/world-report/2023/country-chapters/armenia>
- ⁱⁱ <https://avarchives.icrc.org/Film/25810>
- ⁱⁱⁱ <https://www.rferl.org/a/1065626.html>
- ^{iv} P. 20, Search of Disappeared in the zone of Karabakh Conflict, Published by Memorial, 2004 (in Russian) https://memohrc.org/uploads/files/404_source.pdf
- ^v Search of Disappeared in the zone of Karabakh Conflict, Published by Memorial, 2004 (in Russian) https://memohrc.org/uploads/files/404_source.pdf
- ^{vi} Search of Disappeared in the zone of Karabakh Conflict, Published by Memorial, 2004 (in Russian) https://memohrc.org/uploads/files/404_source.pdf, p. 6.
- ^{vii} Ibid.
- ^{viii} Ibid, p.23.
- ^{ix} <https://www.cfr.org/global-conflict-tracker/conflict/nagorno-karabakh-conflict>
- ^x <https://www.rferl.org/a/armenia-azerbaijan-killed-wounded-armed-incident-nagorno-karabakh/32302862.html>
- ^{xi} <https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>
- ^{xii} As of this writing, Azerbaijan acknowledges 33 POWs. When work on this piece began, there were 39 POWs, but in the intervening months, six prisoners have been released. This is a changing number: <https://providencemag.com/2023/06/thousands-of-armenian-mothers-mourn-children-killed-by-azerbaijan/>
- ^{xiii} <https://www.hrw.org/world-report/2023/country-chapters/armenia>, <https://www.hrw.org/world-report/2023/country-chapters/azerbaijan>
- ^{xiv} <https://eurasianet.org/a-year-after-war-armenian-prisoners-still-bargaining-chips-in-azerbaijan>
- ^{xv} <https://livenews.am/press/2020/76120/14/17/04/>
- ^{xvi} <https://armenpress.am/eng/news/1101255.html>
- ^{xvii} As stated earlier in the report, the current number is lower, but the number is correct as of December 2022.
- ^{xviii} Fact-Finding Report: Human Rights Violations during the 44-day war in Artsakh https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf

^{xix} Fact-Finding Report: Human Rights Violations during the 44-day war in Artsakh
https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf
<https://livenews.am/press/2020/76120/14/17/04/>

^{xx} [Fact-Finding Report: Human Rights Violations during the 44-day war in Artsakh](https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf)
https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf, p. 51.

^{xxi} P. 63 IBID

^{xxii} P. 56 IBID

^{xxiii} Both Human Rights Watch and Bellingcat have confirmed the authenticity of those recordings of the war crimes: <https://www.hrw.org/news/2022/10/14/video-shows-azerbaijan-forces-executing-armenian-pows>; <https://www.bellingcat.com/news/2022/10/20/an-execution-near-sev-lake-armenia-azerbaijan>

^{xxiv} <https://www.amnesty.org/en/latest/press-release/2020/12/armenia-azerbaijan-decapitation-and-war-crimes-in-gruesome-videos-must-be-urgently-investigated/>

^{xxv} [Lawyer Artak Zeynalyan, “Մամլոն հարողողագրուլթյունը - 8,”](https://www.facebook.com/permalink.php?story_fbid=838308290099364&id=100017606020589) Facebook post, May 3, 2021,
https://www.facebook.com/permalink.php?story_fbid=838308290099364&id=100017606020589

^{xxvi} <https://www.icj-cij.org/public/files/case-related/180/180-20210916-APP-01-00-EN.pdf>

^{xxvii} In the course of the past two years the results of NDA tests as well as repatriated bodies from Azerbaijan reduced the total number of the disappearances from 280 to 200.

^{xxviii} Council of Europe Parliamentary Assembly resolution 2391 of 2021 on Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict <https://pace.coe.int/en/files/29483/html>

^{xxix} Freedom House Report on Azerbaijan <https://freedomhouse.org/country/azerbaijan>

^{xxx} <https://hcav.am/en/situation-of-the-rights-of-persons-missing-as-a-result-of-the-44-day-hostilities-of-2020/>