

NAGORNO-KARABAKH UPDATE

Testimony by:

DAVID L. PHILLIPS

Adjunct Professor

Georgetown University, School of Foreign Service

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I would like to thank Congressman Christopher H. Smith and Congressman James P. McGovern, Co-Chairmen of the Tom Lantos Human Rights Commission, for holding this hearing on human rights abuses and crimes against humanity of ethnic Armenians in Nagorno -Karabakh (also known as “Artsakh”). I also want to pay respect and convey my appreciation to Luis Moreno Ocampo for his testimony on genocide in Artsakh.

During the Commission’s June 21, 2023 hearing, I outlined the record of the Aliyev regime’s admissions of genocidal intent and partnership with the Erdogan regime in actions to erase the Armenian physical, religious and cultural presence in Artsakh and eventually the current Republic of Armenia, which has already been whittled down to a small fraction of its historical size and seen the elimination of its Christian population and churches as part of this process. That continued in the Soviet and post-Soviet periods, and I refer the Commission again to the Cornell University site using advanced satellite imagery, <https://caucasusheritage.cornell.edu/>.

The language used by President Aliyev and his officials leaves no question about their genocidal intent.¹ Other genocide prevention scholars, human rights organizations and lawyers are increasingly public in raising the alarm². Independent media and travel blockades imposed by Azerbaijan and the Russian Federation (which has a control position as “peacekeeper”) confirm the intent and plan to commit genocide. From my own experience attempting to engage with Azerbaijani civil society, I can confirm that even the most committed democrats there are afraid to touch the issue of peacefully living with Armenians, because of government retribution.

President Aliyev himself has mandated education, public campaigns, censorship, and other methods aimed at dehumanizing Armenian Christians for his entire tenure. A recent poll by the Free Alliance of Euro-Asian Sociologists showed that **67% of Azeris believe that Armenians will be “killed or displaced.”** 43%

¹ <https://www.armenian-assembly.org/azerbajiangenocideintent>

² In addition to Mr. Ocampo ,for example, notably, former Special UN Advisor on the Prevention of Genocide Jaun Mendez, https://un.mfa.am/file_manager/un_mission/Preliminary%20Opinion%20-%2023.08.2023.pdf?fbclid=IwAR1GiF2RXSqVuj_xACulkhaPZ-ZIVjUCx73m7GVLc_EEPzQ84V3FzQen2Q; Genocide Watch, <https://www.genocidewatch.com/single-post/genocide-emergency-azerbaijan-s-blockade-of-artsakh>; the University Network for Human Rights (participating with Wesleyan University, the Yale Lowenstein Project, UCLA's Promise Institute for Human Rights, and Harvard Law School) <https://humanrightsnetwork.shorthandstories.com/the-tip-of-the-iceberg-NK/>; The Lemkin Institute for Genocide Prevention, <https://www.lemkininstitute.com/armeniaproject>;

agreed the Armenians will be killed; 24% believe they will be driven out of their homes.³ 62% believe that Artsakh is under blockade, dispelling the government's position expressed at the recent UN Security Council session⁴ that there is no blockade.

In June, along with Michael Rubin and Ambassador Brownback, I noted some overdue, concrete steps the United States should take not only to prevent the current course of conduct but also to bring more credibility to U.S. positions on democracy, human rights, consequences for atrocities and genocide prevention in other parts of the world. Both Artsakh and Armenia are functioning, established democracies with permanent ties to the U.S. Those steps include enforcing the sanctions of Section 907 of the Freedom Support Act, the Humanitarian Aid Corridors Act (22USC2378-1), and the Global Magnitsky Act to start.

The United States has repeatedly called for the opening of the Lachin Corridor, again as recently as August 31, 2003,⁵ stating “[w]e reiterate our call to immediately re-open the Lachin corridor to humanitarian, commercial, and passenger traffic.” That was followed by additional Azeri violations of the cease-fire terms and taking three Armenian lives.⁶

It is often argued that sanctions are not always effective, and that is true. The significant role Turkey and Azerbaijan have played in helping Russia and others evade sanctions is overlooked. Azerbaijan does not have a diversified economy, however. It relies on oil and gas resources, and the levels of corruption by the Aliyev family are well documented.⁷ Azeri pro-democracy and human rights efforts are completely stifled.⁸ Freezing accounts and financial resources of the officials and corrupt leadership responsible for genocidal activity would be more effective than in many other instances where sanctions on responsible persons have been applied.

³ <https://www.panarmenian.net/m/eng/news/309022>

⁴ <https://www.azatutyun.am/a/32551777.html>

⁵ <https://www.state.gov/the-humanitarian-situation-in-nagorno-karabakh/>

⁶ <https://www.azatutyun.am/a/32574049.html>

⁷ Ilham Aliyev 2012 PERSON OF THE YEAR IN ORGANIZED CRIME AND CORRUPTION

<https://www.occrp.org/en/poy/2012/> ; <https://www.occrp.org/en/azerbaijanilaundromat/>;

⁸ <https://www.amnesty.org/en/location/europe-and-central-asia/azerbaijan/report-azerbaijan/>;

<https://www.hrw.org/world-report/2022/country-chapters/azerbaijan>;

<https://www.hrw.org/news/2023/07/25/azerbaijan-opposition-leader-arrested>

If the situation is not dramatically reversed soon, the U.S. and its allies should give the Armenians the means to defend themselves in exercise of the duty to prevent genocide, lest history repeat itself.

Today, the world's attention is focused on the Azeri blockade of the Lachin corridor which is in violation of its own November 2020 signed obligations. It must respect a 5-kilometer-wide corridor from Armenia to Artsakh solely under Russian control. The International Court of Justice decision requires enforcement of that obligation, which was also discussed in June. This blockade began with so-called Azerbaijani eco-activists who colluded and worked with authorities to gain access to the Lachin Corridor and block it. Facial recognition established that they were tied to the Aliyev regime⁹ and they left when the Azeri government established its own checkpoint to block the road. This checkpoint has also been used to take hostages, including recently students going to college in Yerevan and a patient being transported by ICRC.¹⁰

Predictably, the situation has deteriorated, and that reporting is clear. Therefore, I would like to call the Commission's attention to the individual perpetrators who have evaded sanction or any consequence to their actions, which has only enabled further atrocities and genocidal acts to continue and ask that Congress exercise its power to stop this genocide.

Background

In the fall of 2020, in response to unprovoked attacks against the Armenians in Artsakh, I undertook a research and documentation project in cooperation with Columbia University and the Artsakh Human Rights Ombudsman Office. The documentation project was envisioned as a deterrent to future crimes. The project bears witness to crimes against humanity and preserves evidence to hold perpetrators accountable.

Azerbaijan's aggression, known as the "Forty-Four Day War", ended on November 10 with the signing of a trilateral statement between Armenia, Azerbaijan, and Russia. The Artsakh Atrocities Project provides information on Azerbaijan's "systematic effort to drive Armenians from their homeland through killings, ethnic cleansing and deportations" that constitutes crimes against

⁹ <https://www.azatutyun.am/a/32176325.html>; <https://tatoyanfoundation.org/joint-report/?lang=en>

¹⁰ <https://eurasianet.org/three-more-armenians-detained-at-azerbaijans-lachin-checkpoint>;
<https://eurasianet.org/azerbaijan-arrests-nagorno-karabakh-resident-during-medical-evacuation-for-war-crime>;
<https://www.icrc.org/en/document/armenia-azerbaijan-medical-patient-arrested-during-transfer-through-lachin-corridor>

humanity, as well as other atrocities committed by Azerbaijani armed forces and nearly 2,000 Turkish-backed Islamist fighters.

More than 3,900 Armenians died during the 44-day war beginning on September 27, 2020, and over 100,000 civilians were displaced by constant shelling. There are numerous verified cases of Azerbaijani soldiers mutilating dead bodies, beheading and executing both combatants and civilians, and using banned weapons (e.g., cluster bombs, white phosphorus gas).

The Artsakh Atrocities dossier includes: (i) reports issued by the Ombudsman on Human Rights in Artsakh and reports by other reputable human rights sources; (ii) news articles and opinion pieces covering the events; (iii) password-protected videos (with gruesome imagery); (iv) targeting culture; (v) humanitarian agencies involved in the conflict; (vi) information on hate crimes in the West; (vii) perpetrators of the conflict and war crimes; and (viii) information on Armenian prisoners of war still held by Azerbaijan.

Since December 12, 2022, Azerbaijan's blockade of the Lachin Corridor connecting Artsakh with Armenia placed the population of Nagorno-Karabakh under siege, depriving Armenians of external contact and precipitating a humanitarian emergency. These events constitute a "Second Armenian Genocide." With the blockade's consequences becoming more urgent and Azeris firing on Armenian farmers and committing other atrocities. There is ample evidence of the Aliyev regime's implementation of its avowed continuing genocide.

Making farmers sniper targets physically prevents harvesting and agriculture to feed the population. It also has a psychological impact of preventing farmers and gardeners from going out to the fields, lest they be shot¹¹. EU Observers on the Armenian-Azeri border actually came under Azeri fire¹².

Even if the Lachin corridor is opened, the Aliyev regime has never held to a cease-fire or other agreement, so we can expect additional crises in the future until the

¹¹ While not in Artsakh, but in the Republic of Armenia, this Commission should also note that Azerbaijan has repeatedly engaged in cross border sniper fire at a plant being built by an American firm, hitting two Indian nationals working there. <https://www.aei.org/foreign-and-defense-policy/azerbajians-attack-on-american-company-should-end-sanctions-waiver/> <https://en.armradio.am/2023/07/10/smelter-in-yeraskh-once-again-targeted-by-azerbajani-forces-video/> On September 1, 2023, Azerbaijan also continued firing at the civilian airport at Kapan, Armenia, <https://www.azatutyun.am/a/32577856.html>. The pattern of cease fire violations is well documented in OSCE and UN records.

¹² <https://www.politico.eu/article/azerbaijan-armenia-border-gunfire-european-union-observers-verin-shorzha-united-nations-nagorno-karabakh/>

perpetrators are publicly held to account. These include the top leaders of Azerbaijan such as the President Aliyev and the first Vice President (Mrs. Aliyev), and their inner circle including the foreign minister, defense minister and Presidential assistant Hikmet Hajiyev, as well as President Erdogan and his foreign minister.

Before turning to the lower-level individual perpetrators identified on the Columbia research website, I would like to call attention to some of the more current perpetrators and their crimes.

Perpetrators Related to the September 2022 Azeri Attack on Sev (Black) Lake

On September 13, 2022, prior to the blockage of the Lachin Corridor and in violation of the cease-fire, Azerbaijan special forces attacked in the Black (Sev) Lake region. A video released in early October 2022, and verified by independent media, showed the extrajudicial killing of at least 7 Armenian military personnel who were captured as prisoners of war (POWs); the survival of an additional Armenian soldier is not known. This extrajudicial killing was conducted when the Armenian military personnel were already bound and disarmed, and in clear custody of Azerbaijani military personnel. Those directly responsible include:

Elshan Tarlanovich Sanaev (Elşən Tərլanoviç Sanayev), Colonel, Azerbaijani Armed Forces, Ground Forces Command, Commander of 218th Commando Brigade; and

Anvar Zakaria oglu Afandiyev (Ənvər Zəkəriyyə oğlu Əfəndiyev), Lieutenant General, Azerbaijani Armed Forces, Commander of Ground Forces Command.

Perpetrators Related to the Lachin Corridor Blockade.

The so-called Eco-Activists who initiated the blockade did not represent environmental causes prior to their blockade and are documented in the thorough report “The Azerbaijani Government’s “Eco-Activists” Agents... Evidence of State Control and Hatred, available at <https://tatoyanfoundation.org/joint-report/?lang=en>.

Sadly, as the report notes, several were prominent in entities which received U.S. funding. One of those actors deserves special mention for his candid video in

March 2023, revealing the depth of the dehumanization of ethnic Armenians. During the blockade he happily declares:

“We will soon slaughter an Armenian for Nowruz here and will add his blood on kebab,” original video at <https://armenpress.am/eng/news/1106803.html>.

Perpetrators Related to the 2020 44 Day War

The Artsakh Atrocities Project spotlights perpetrators of the conflict in Artsakh, highlighting: (i) Turkish commanders overseeing and advising the operations; and (ii) Azerbaijani military actors commanding soldiers and mercenaries, and (iii) mercenary leaders hired and supported by Turkey, and (iv) jihadis.

The types of atrocities attributable for which this list of perpetrators was compiled include torture, execution, mutilation, disappearances, and mistreatment of POWs. One of the sad truths is that in direct violation of the November 2020 Tripartite Statement ending hostilities, Azerbaijan was to release all Armenian prisoners. It not only violated that agreement, took new prisoners even in Armenian territory, but also repeatedly lied about the prisoners it was holding.¹³ Here are some illustrative examples.¹⁴

Arsen Gharakhanyan

During the Battle of Hadrut in October 2020, during the 44-Day War between Armenia and Azerbaijan, a number of ethnic Armenian civilians were captured by Azerbaijani military personnel. These include Sasha Gharakhanyan, then 71, an ethnic Armenian civilian who refused to flee, and Arsen Gharakhanyan, 44, Sasha’s son, who lived in Moscow but had returned to visit his parents before hostilities began. Both were taken captive by Azerbaijani military personnel and taken to a prison in Baku; Sasha was released in December 2020, but Arsen remained in captivity. Videos were released on Azerbaijani social media in January 2021 showing Arsen being forced to say that Karabakh belonged to Azerbaijan and insulting the Armenian prime minister Nikol Pashinyan. A motion was passed by the European Court of Human Rights calling for Arsen’s release in mid-January; Arsen’s body was discovered in Aygestan, a small town east of Hadrut, days later.

¹³ Remarkably, there is Turkish video of President Erdogan’s wife Ermine advising Aliyev not to release the POWs. <https://www.duvarenglish.com/turkish-first-lady-and-aliyevs-cheerful-discussion-on-prisoners-of-war-caught-on-camera-news-57842>

¹⁴ Information provided by our working, research colleagues in Stepanakert.

He had been tortured and shot to death no more than 4 days prior to the discovery of his body.

Benik Hakobyan & Yuri Adamyan

Following Azerbaijan's capture of Hadrut on 15 October 2020 during the 44-Day War, a number of videos were released on Azerbaijani military personnel in Hadrut. These included videos of the capture and extrajudicial execution of Benik Hakobyan, 73, an ethnic Armenian civilian and resident of Hadrut, and Yuri Adamyan, 25, an ethnic Armenian and resident of the nearby village of Tyak who had volunteered for service at the start of hostilities. The videos were independently verified by independent media investigations. In the video of the extrajudicial killing, Hakobyan and Adamyan are clearly captives and positioned at a wall before a voice, speaking Azerbaijani in a native accent, says, "aim for their heads," and they are executed by a firing squad of multiple gunmen.

Gennadi Petrosyan

Gennadi Petrosyan, 69, was an ethnic Armenian resident of the village of Madatashen. Petrosyan refused to evacuate his home during the 44-Day in 2020 when Azerbaijani forces were advancing following the capture of Hadrut on 15 October. Azerbaijani special forces in particular were quickly advancing through mountainous terrain between Hadrut and Shushi and surprised Armenian military personnel and civilians with their method of advance independent of the primary Azerbaijani military offensive. On October 28 called a close friend and neighbor who had already evacuated, asking for help to flee and stating that Azerbaijani military personnel had entered Madatashen. There was no further news from Petrosyan. In November and December 2020 videos were shared on Telegram channels, verified by independent media, of the beheading and desecration of Gennadi Petrosyan.

The perpetrators in this brutal extrajudicial execution and act of terrorism in sharing the video of the execution and desecration of Petrosyan's body are the chain of command of the Azerbaijani special forces, who can be identified as the only Azerbaijani military personnel operating in the area of Madatashen on 27-29 October 2020. This analysis includes the testimony of Armenian civilians who were captured by Azerbaijani military personnel in this area, statements by the Armenian military at the time, live reporting of the war, and study of Azerbaijani tactics following the war.

Turkish Commanders and Other Personnel

- Defense Minister Hulusi Akar Akar, Turkish Defense Minister since 2018, was one of the first Turkish officials to make public threats against Armenia after Azerbaijani aggression in July 2020. In a meeting with Azerbaijani high command that month, he pledged Turkey's support to the Azerbaijani cause in Artsakh. Following that meeting, Turkish weapon shipments were delivered to Azerbaijan.
- Lieutenant General Şeref Öngay Öngay is the Commander of the Third Army of the Turkish Ground Forces, which is based in eastern Turkey and has responsibility for the Caucasus. Öngay had his contract extended at a time when Erdogan was purging the military, which implies trust from and loyalty to the higher-ups. The Armenian delegation at OSCE say he “took part in planning and conducting” Artsakh operations.
- Major General Bahtiyar Ersay Ersay, whose title is officially “Chief of the Operations Directorate of the Land Forces of Turkey,” oversaw the Azerbaijani General Staff in Artsakh following the sacking of former Azerbaijani Chief of Staff Najmeddin Sadikov. He previously led the 2nd Commando Brigade against the PKK, which was notoriously cruel against Kurdish civilians and soldiers (and contained Grey Wolves elements). Ersay was confirmed to reside in Azerbaijan as recently as March 15th 2021, using the title "Commander of the Turkish Mission in Azerbaijan". Since the Azerbaijani Chief of the General Staff remained vacant, Ersay has been seen wearing Azerbaijani military attire, it is likely he is de facto in charge of the Azerbaijani Armed Forces. Ersay was also involved in Syria and Libya, potentially recruiting and overseeing the mercenaries that fought there.
- Major General Göksel Kahya Kahya is an important Turkish drone commander who heads the Turkish Air Force’s 1st Supply and Maintenance Center. Prior to the Artsakh conflict, he led the deployment of Turkish Bayraktar TB2 drones in the Libyan Civil War. This drone expertise was shifted to Azerbaijan, where he was based since July 2020 and oversaw the well-documented use of TB2 drones. These drones both were instrumental in the Azerbaijani victory and made possible the devastating human rights abuses against civilians.
- Adnan Tanrıverdi Tanrıverdi is a retired Turkish general and the founder of SADAT Inc. International Defense Consultancy, a private defense contracting

company started in 2012. He was forced to resign from the military in 1996 due to Islamist affiliations and has filled SADAT with other hardline Islamists. SADAT has been referred to as a shadow military. He and SADAT have played an important role in recruiting, equipping, and transporting about 3,000 Syrian mercenaries to both Libya and Artsakh. Importantly, SADAT is also the primary organization training these Turkish-backed mercenary proxies.

Azerbaijani Commanders

- Lieutenant General Hikmat Mirzayev is the head of the Azerbaijani Defense Ministry's Special Forces, which played a leading role in the 2016 and 2020 conflicts. Many Special Forces members were also trained by Turkey, and therefore Mirzayev has likely worked with the Turkish high command in the past. With Turkish backing, Special Forces were also utilized much more in 2020. Personnel under Mirzayev's command engaged in war crimes and atrocities, including the killing of civilians, body mutilation, and beheadings, both in 2016 and 2020. For example, in 2020, special forces under his command were likely responsible for the execution of two Armenians in Hadrut, two beheadings, and numerous war crimes in Shushi.

- Major General Hikmat Hasanov is the Commander of the 1st Army Corps of Azerbaijan, which covered the northern frontline of the Artsakh conflict. Military personnel under Hasanov's command engaged in war crimes in the 2016 and 2020 conflicts. Following the 2016 conflict, Hasanov also oversaw a crackdown inside his corps seeking to find "Armenian agents" and allegedly targeting gay service members. In the process, at least eight died under torture.

- Major General Mais Barkhudarov is the Commander of the 2nd Army Corps of Azerbaijan, which covered the southern frontline in the Artsakh conflict. Like Hasanov, military personnel under Barkhudarov's command engaged in war crimes, both in the 2016 and 2020 conflicts. In 2020, his 2nd Corps committed atrocities against the civilian population of southern Artsakh.

- Major General Zaur Sabir Memmedov is deputy head of Azerbaijan's Special Forces command and is credited with the capture of parts of southern Artsakh, including Shushi. During the occupation of Shushi, Memmedov's special forces committed numerous human rights abuses, including taking hostages, killing civilians, and vandalizing Ghazanchetsots Cathedral. In the village of Karintak, just outside of Shushi, Memmedov's forces kidnapped, tortured, and murdered 58-

year-old Alvard Tovmasyan, a woman with mental disabilities. In all, at least 33 Armenian civilians have been confirmed

- Colonel Tehran Mensimov is the commander of the Nakhichevan Army's Special Forces, which played a leading role in the 2020 conflict, in particular the fighting around and in Shushi. As a result, Mensimov is culpable for the same crimes as Memmedov, such as Alvard Tovmasyan's murder, cultural vandalism, kidnapping, and others. Allegedly, he personally shot at an Artsakh citizen when he refused to come out of their house. Furthermore, on October 28, his troops kidnapped multiple Armenian civilians in Avetaranots, including 72-year-old Arega Shakhelyan and her husband, Eduard. The latter died in captivity "under unclear circumstances."

Azerbaijani Naval Special Forces (NSF) were responsible for war crimes against civilians and military personnel, including capture of hostages, torture, executions, dismemberment of bodies, and decapitations. Another concrete example of their brutality is their kidnapping of 71-year-old Sasha Gharakhanyan and his 44-year-old son Arsen. They were both held in captivity for weeks; Sasha was eventually released, but Arsen appeared in degrading Azerbaijani propaganda videos and was subsequently shot and killed. Neither were combatants. The NSF is easily identifiable by the distinct pattern of its camouflage uniforms. Many of the officers on the list were awarded medals for the brutal captures of Shushi and/or Hadrut, which implicated them in the above war crimes.

Azerbaijan personnel awarded medals

The following Azerbaijani personnel were awarded medals for their activities in Artsakh.

- Captain 1st Rank *Zaur Guliyev (Zaur Hikmət oğlu Quliyev)*, commander of the well-trained and versatile 641st unit, and awarded "Hero of the Patriotic War" for his fighting in Hadrut (war crimes listed above).
- Captain 2nd Rank *Orhan Gasimov (Qasimov Orxan Yusif oğlu)*, awarded for his role in the capture of Shushi (war crimes also above).
- Captain 2nd Rank *Shafi Sultanov (Sultanov Şəfi İlyas oğlu)*, awarded for his role in the capture of Hadrut.

- Captain 3rd Rank *Farhad Ismayilov (İsmayilov Fərhad Xudaverdi oğlu)*, awarded for his role in the capture of Hadrut.
- Captain 3rd Rank *Ilgar Nurmamedov (Nurməmmədov İlqar Əlfəddin oğlu)*, awarded for his role in the capture of Hadrut.
- Captain 3rd Rank *Eldar Panahov (Pənahov Eldar Aydın oğlu)*, awarded for his role in the capture of Hadrut.
- Captain 3rd Rank *Babek Shirinov (Şirinov Babək Mərdan oğlu)*, awarded for his role in the capture of Hadrut.

Jihadi Mercenary Leaders

- *Sayf Balud*, also known as Sayf Abu Bakr, was the leader of the Syrian National Army (SNA)'s Hamza Division beginning in 2016, which participated in Operation Olive Branch and the Libyan Civil War, both with Turkish patronage. He and approximately 500 of his men were reportedly flown to Azerbaijan to join fighting in Artsakh. Balud is a Syrian Turkman. Balud and his division have been responsible for multiple war crimes, including kidnapping Kurdish women and brutal repression in Afrin.
- *Fehim Isa*, possibly also known as Isa al-Turkmani has led the SNA's Sultan Murad Division since at least 2015, through which he has been directly involved in Operation Euphrates Shield, Operation Olive Branch, and the Libyan Civil War. Like Balud, he has enjoyed Turkish patronage and is an ethnic Turkman. He and his division have also been accused of multiple war crimes, such as the torturing of Kurdish soldiers and indiscriminate shelling of civilians.
- *Abu Amsha*, real name Muhammad al-Jassim, Amsha is the leader of the Suleyman Shah Brigade, nicknamed the al-Amshat militia, which gained prominence in 2018 for its brutal occupation of Afrin with Turkish support. In Afrin, al-Amshat confiscated property, kidnapped individuals for ransom, looted, raped and murdered. Amsha has been directly implicated in these war crimes, making \$12 million a year from ransoms. He was also accused of rape and murder. Turkish protection has reportedly allowed him to avoid punishment for these acts. He is also a Syrian Turkman, like Isa and Balud. Following Afrin, Amsha has also been an important recruiter for Turkish-backed mercenaries in Libya.

Others (with links to organizations fighting in Artsakh)

- *Ahmed Osman*, another military leader of the Sultan Murad Division who was involved in Operation Euphrates Shield, Operation Olive Branch, and the Libyan Civil War.
- *Mohammad al-Abdullah*, described in 2016 as the Hamza Division's "Head of Political Bureau."
- *Fadlallah al-Haji*, a Turkish protege and head of Faylaq al-Sham, an important Turkish proxy fighting in Syria, Lybia, and Artsakh. Al-Haji and his men have connections to the Muslim Brotherhood and fought with al-Qaeda in Idlib. He reportedly resigned in November 2020.

Post 2020 44 Day War Prosecutors and Judges

The Prosecution's Office of Azerbaijan and individual prosecutors

The Prosecution's Office of Azerbaijan is an institution overseeing all criminal proceedings in the Republic of Azerbaijan. In the subject matter circumstances, the Prosecution's Office initiated and pursued criminal charges against Armenian POWs such persecution was in outright disregard of Azerbaijan's obligations under international law.

The Prosecution's Office also carries institutional responsibility for the arbitrary detention of the Armenian POWs. Not only did the prosecution's office bring the charges before the courts of Azerbaijan due to which the POWs remained detained instead of being repatriated to Armenia, the Prosecution's Office pursued the charges up to the point of the sentencing of POWs based on charges which could not have been legitimately brought against members of the armed forces of another country in relation to an armed conflict.

The publicly available records of the criminal trials in Azerbaijan enable identification of the following individual prosecutors involved in the trial of Armenian POWs, particularly in the case of Levon Tosunyan, Grigor Saghatelyan, Haykaz Hovhannian, Hrayr Herabyan and Hrayr Tadevosyan.

- Jeyhun Azadaliyev, Junior Counsel of Justice.
- Orhan Samadov, a Senior-level attorney at the Department for the Protection of Public Prosecutions in the Serious Crimes Courts of the General Prosecutor's Office of the Azerbaijan Republic.

- Vugar Guliyev, Senior Prosecutor-Methodist of the State Prosecution Support Department in Serious Crimes Courts of the General Prosecutor's Office of the Azerbaijan Republic.

- Ziya Mansurov, Prosecutor of the same Department.

- Parviz Mirhashimov, Prosecutors of the Division for the Defense of Public Prosecutions in Grave Crimes Courts of the Department for the Protection of Public Prosecutions of the Prosecutor's General's Office of the Republic of Azerbaijan.

- Babakhan Hasanaliyev, Prosecutors of the Division for the Defense of Public Prosecutions in Grave Crimes Courts of the Department for the Protection of Public Prosecutions of the Prosecutor's General's Office of the Republic of Azerbaijan.

Judges involved in the trial of the mentioned Armenian POWs were:

- Panel of judges consisting of Faiq Qaniyev (Presiding Judge), Mirza Khankishiyev and Ilham Mahmudov: this panel sentenced Grigor Saghatelyan to 6 years of imprisonment (Baku Grave Crimes Court, Case №1(101)-1258/2021, 29 July 2021).

- Panel of judges consisting of Eldar Ismayilov, Javid Huseynov, and Samir Aliyev: This panel of judges sentenced Haykaz Hovhannisyanyan, Levon Tosunyan and Hrayr Herabyan, among others, to 6 years of imprisonment (Baku Grave Crimes Court, Case number (101)-1242/2021, 22 July 2021).

The recent University Network Report confirms that Azerbaijan continues to capture Armenians outside the hostilities including civilians, and uses coerced self-incrimination, torture and degrading treatment. “Perpetrators of torture have included soldiers, special forces, military police, SSS officials, as well as guards and wardens in prisons and other detention centers. Azerbaijani forces also reportedly recruited civilians, including doctors and their patients and minors, to participate in acts of torture in jails and during transfers. Hundreds of Armenians have been detained and at least 37 remain in detention as of August 17, 2023.”¹⁵

“These Armenian POWs were detained in undisclosed sites and in Baku prisons while Azerbaijan denied knowledge of detainees’ locations to the families, the ICRC, and the Armenian government, despite video evidence that numerous individuals were in custody.”¹⁶

¹⁵ <https://humanrightsnetwork.shorthandstories.com/the-tip-of-the-iceberg-NK/>

¹⁶ <https://humanrightsnetwork.shorthandstories.com/the-tip-of-the-iceberg-NK/>

Recent developments

Since December 12th, 2022, the Azerbaijani government has blocked the Lachin corridor, effectively severing the sole connection between the Republic of Artsakh and Armenia, as well as to the outside world. Presently, the lives of over 120,000 innocent civilians, including 30,000 children, are at-risk.

On February 22, 2023, the International Court of Justice (ICJ) ordered: “The Republic of Azerbaijan shall, pending the final decision in the case and accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, take all measures at its disposal to ensure unimpeded movement of persons, vehicles, and cargo along the Lachin Corridor in both directions.” The order was reaffirmed on July 6, 2023.

The humanitarian crisis has worsened starting June 15, 2023, when the Red Cross, the sole humanitarian organization with permission to access Artsakh, has been denied entry to deliver food and medical supplies. Furthermore, the Azerbaijani government has unlawfully established an armed checkpoint on the Lachin corridor, a clear violation of the International Court of Justice’s order, the resolution adopted by the PACE on June 22, 2023, as well as the tripartite cease-fire agreement signed by Armenia, Azerbaijan, and Russia in November 2020. Azerbaijan has ignored calls from the UN Secretary General, the U.S. Secretary of State and the President of France to comply with the ICJ binding order and open the Lachin Corridor.

The Russian peacekeeping contingent, entrusted with the safeguarding of this route, has failed to control the corridor, contravening their obligations as stipulated by the tripartite cease-fire agreement. President Aliyev acts with impunity, rebranding and exporting Russian oil and gas to Europe, bypassing western sanctions against Russia for its conduct in the Ukrainian war.

The Lachin Corridor must be opened immediately to humanitarian, commercial and passenger traffic. Gas, electricity, internet and air connections must be restored. If Russian peacekeepers cannot maintain order they should be supplemented or replaced. POWs must be accurately accounted for and released. Representatives from Baku and Stepanakert must agree urgently on modalities for transporting emergency provisions. Further ceasefire term violations must have consequences. Via Minsk Group mediation, they should resume discussions on all humanitarian, security and political issues.

Lessons

The international community failed to sanction individuals who committed crimes after the war in 2016 and 2020. Its failure sent a message to the Government of Azerbaijan that it can act with impunity and escape repercussions for its crimes against humanity, ethnic cleansing and acts of genocide. This signaled Azerbaijan as well as other regimes around the world that they can escape consequences for violating international humanitarian law and committing crimes against humanity. History shows that appeasement exacerbates conflict. A world order to which Americans aspire requires a response, lest perpetrators conclude that they can escape criminal prosecution, asset freezes, and travel bans.

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