



## The position of the Human Rights Defender of Armenia regarding the conviction of two Armenian servicemen who were taken into captivity on May 26 by the Azerbaijani armed forces in the sovereign territory of the Republic of Armenia



11 July 2023

### → Factual Information:

According to the information received by the parents and relatives of the two servicemen of the Armenian Armed Forces, Mr. Karen Ashot Ghazaryan (conscript), and Harutyun Yurik Hovakimyan (contract serviceman) were captured by the Azerbaijani armed forces on May 26, 2023, in the sovereign territory of the Republic of Armenia.

According to the information registered by the Human Rights Defender's Office, they were transferring nutrition and water supplies to the combat positions of the Armenian Armed Forces and were taken captive by the Azerbaijani side in the middle of the combat positions located between the Chakaten and Shikahogh villages of the Republic of Armenia.

Afterwards, the truck the Armenian servicemen were using was later found crushed after a search operation by the Armenian side. Subsequently, the Azerbaijani General Prosecutor's Office charged (on May 26) the two captive Armenian servicemen with violations of various articles of the Criminal Code of Azerbaijan. After trials, which lasted a few days, and two sessions, the Azerbaijani court charged the two Armenian servicemen under Articles 206.3.3 (smuggling of firearms and ammunition by on preliminary arrangement by group of persons), 214.2.1, 214.12.3 (terrorism committed on preliminary arrangement by group of persons, committed with application of firearms or subjects used as a weapon), 228.2.1 (illegal purchase, transportation, storage of firearms on preliminary arrangement by group of persons), 283.2.1 (incitement of national, racial, religious hostility with application of violence or with threat of its application), 318.2 (illegal crossing of the border committed on preliminary arrangement by group of persons) of the Criminal Code of Azerbaijan. The Azerbaijani court sentenced the Armenian servicemen to 11 years and 6 months of imprisonment.

### → Violations of international human rights law and international humanitarian law by Azerbaijani military servicemen:

The information registered by the Human Rights Defender's Office shows that this act of the Azerbaijani authorities demonstrates their disregard for the norms of international law, international human rights law, and international humanitarian law. Azerbaijan's actions are in violation of Article 2(4) of the Charter of the United Nations, which prohibits the threat or use of force against the territorial integrity or political independence of any state.

Furthermore, the Azerbaijani authorities are violating Article 9(1) of the International Covenant on Civil and Political Rights, which protects the right to liberty and security of persons and prohibits arbitrary arrest or detention.

The Armenian servicemen illegally kept in Azerbaijan should have the status of Prisoners of War, and their detention, criminal prosecution, and proceedings are gross violations of international humanitarian law, including the Third Geneva Convention.

These servicemen were taken captive from the sovereign territory of the Republic of Armenia during an incessant international armed conflict. International humanitarian law is warranted in such situations, regardless of the reasons or intensity of the confrontation.

Moreover, the policy of Armenophobia and ethnic hatred against Armenians propagated by the Azerbaijani authorities further confirms the unlawfulness of the criminal proceedings. It is evident that the fundamental rights of the Armenian prisoners of war are endangered in these circumstances.

According to the evidence gathered by the Human Rights Defender's Office, the Armenian Prisoners of War and civilian captives have been subjected to, and are at constant risk of, torture, inhuman and degrading treatment. Such actions are in direct violation of Article 13 of the Third Geneva Convention, which stipulates that prisoners of war must be humanely treated and protected against acts of violence, intimidation, insults, and public curiosity". Accordingly, any materials that enable individual prisoners to be identified must normally be regarded as subjecting them to public curiosity and, therefore, may not be transmitted, published or broadcast.

Therefore, based on the monitoring and analysis of the facts registered by the Human Rights Defender's Office, it is evident that there are grave violations of fundamental human rights of Armenian Prisoners of War, Mr. Karen Ashot Ghazaryan and Mr. Harutyun Yurik Hovakimyan, as well as international humanitarian law and the basic norms and requirements of international law.

**Office of the Human Rights Defender of Armenia**