

**Submission to the UN Special Rapporteurs on Extrajudicial,
Summary or Arbitrary Executions
on the Protection of Dead Persons and their Human
Remains, Including Victims of Potentially Unlawful Killings.**

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Introduction:

This report is submitted in response to the Special Rapporteur's request for information on state policies, laws, regulations, and practices governing the protection of dead persons and their human remains, particularly in contexts of potentially unlawful killings. It focuses on the Republic of Azerbaijan's obligations and actions concerning the protection of deceased individuals, particularly Armenian servicemen, in the context of the 2020 Nagorno-Karabakh conflict.

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

The Center for Truth and Justice (CFTJ) is a nonprofit organization documenting human rights violations and war crimes against Armenians since the 2020 war in Nagorno-Karabakh. CFTJ set up a fact-finding infrastructure in the region and has been collecting first-hand testimonies from the victims. CFTJ preserves evidence and makes it available for educational purposes, advocacy, and potential legal actions. The work CFTJ does is dedicated to amplifying the voices of victims of human rights violations, including discrimination, ethnic cleansing, displacement, war crimes, mass atrocities, and genocide. CFTJ educates and trains law students and lawyers in Armenia and Nagorno-Karabakh—prior to the mass deportations and its dissolution as of January of 2024—on [evidence-based interview](#) techniques, comporting with international legal standards and rules of evidence. The mission of CFTJ is to serve as a living memorial to those who perished or suffered from human rights abuses and war crimes. A permanent home for victim testimonies, CFTJ strives to foster education, empathy, justice, and change.

This report relies on testimonial evidence and satellite images.

1. Policies Governing the Protection of Dead Persons and Their Remains:

The protection of dead persons and their remains is a fundamental aspect of human dignity and rights. International Humanitarian Law (IHL), including the Geneva Conventions, mandates the respectful treatment of the dead in armed conflicts, requiring parties to prevent despoliation and ensure proper burial. These norms are integral in maintaining the dignity of deceased persons and providing solace to bereaved families.

In the context of the 2020 Nagorno-Karabakh war, the Republic of Azerbaijan failed to implement policies that align with these international standards. Evidence, as documented by the CFTJ, shows a distressing pattern of desecration and mutilation of deceased Armenian servicemen by Azerbaijani forces. This raises serious concerns about the lack of effective policies or measures by the Azerbaijani government to ensure the protection and respectful treatment of the dead, particularly those from the Armenian community.

2. Legal and Administrative Regulations

Respect for the dead and their proper handling is not only a matter of ethical and cultural significance but also a legal obligation under international law. Countries are expected to have domestic laws and administrative regulations that reflect the principles enshrined in international treaties and conventions.

However, the incidents reported in the Nagorno-Karabakh wars suggest a concerning gap in Azerbaijan's adherence to these legal frameworks. The documented cases of desecration, such as mutilation of corpses and failure to return remains to families for proper burial, indicate a severe lapse in the enforcement of both domestic and international laws that safeguard the dignity of the dead.

3. Institutional Practices and Procedures

Institutional practices and procedures play a critical role in ensuring the respectful treatment and protection of dead persons and their human remains. Standards and protocols, both national and international, are essential for guiding actions in conflict situations.

The reported actions of Azerbaijani forces and the subsequent handling of the remains of Armenian servicemen reflect a deviation from accepted standards and protocols. The failure to search for, recover, and respectfully handle the remains of deceased servicemen, as reported by witnesses and documented in videos, contradicts the principles of dignity and respect for the dead. This lack of adherence to established procedures exacerbates the suffering of families and communities, denying them the closure and respect accorded to their cultural and religious practices.

The treatment of deceased persons and their remains in Azerbaijan, particularly of Armenian origin, raises serious concerns about the institutional practices and procedures, suggesting state-sponsored encouragement of mutilation and desecration. Several instances highlight this disturbing trend:

The handling of the Ramil Safarov case by the Azerbaijani government is a glaring example. Despite the European Court of Human Rights ordering a life sentence for the brutal murder of two Armenians, the Azerbaijani government not only pardoned Safarov upon his extradition but also promoted him, provided accommodation and back pay, and hailed him as a national hero. This action sets a concerning precedent and sends a message of approval for such heinous acts.¹

In March 2022, Azerbaijani soldiers were reported by AZTV, a state-controlled television channel in Azerbaijan, to have unearthed graves in the Armenian cemetery of Parukh, a village in Nagorno-Karabakh, falsely claiming them to be mass graves of Azerbaijanis.² Additionally, satellite imagery documented the destruction of an Armenian cemetery in the village of Sghnakh, a village in Nagorno-Karabakh. Such acts demonstrate a disregard for the sanctity of burial sites and a deliberate attempt to erase Armenian cultural heritage.

¹ Simon, Tisdall. Pardoning of Azeri axe murderers raises tensions in the Caucasus, 6 September, 2012
<https://www.theguardian.com/commentisfree/2012/sep/06/azeri-axe-murderer-caucasus>.

² Siranush Ghazanchyan, *Azerbaijan destroying the Armenian cultural heritage in Parukh and Karaglukh*, Public Radio of Armenia (2 April, 2022, 12:40 P.M.)
<https://en.armradio.am/2022/04/02/azerbaijan-destroying-the-armenian-cultural-heritage-in-parukh-and-karaglukh/>

Online Art Magazine, Hyperallergic, reported in 2019 Report details a 30-year-long systematic effort by the Azerbaijani government to erase the country's historic Armenian cemeteries.³ The methodical destruction of the Armenian cemetery in Djulfa, where Armenian monuments were destroyed with sledgehammers, and the debris dumped into the Araxes river, represents a stark example of this policy.⁴

These instances point to a pattern of institutional practices and procedures in Azerbaijan that not only tolerate but seemingly encourage the mutilation and desecration of Armenian remains and cemeteries.

The Azerbaijani government's actions and *inactions* in these instances violate international norms regarding the treatment of the dead and the preservation of cultural heritage. By glorifying acts of violence against Armenians and systematically erasing Armenian cultural sites, the Azerbaijani state appears to be fostering an environment of ethnic hatred and intolerance. These actions deeply impact the Armenian community, stripping them of their right to mourn and remember their ancestors according to their traditions. It also instills a sense of fear and insecurity, further exacerbating ethnic tensions.

The consistent pattern of state-sponsored or condoned actions that disrespect the dead and erase cultural heritage calls for urgent international scrutiny and accountability. Finally, the institutional practices and procedures in Azerbaijan, as evidenced by these examples, suggest a deliberate policy of encouraging the mutilation, desecration, and erasure of Armenian bodies and heritage. This policy not only violates international humanitarian norms but also contributes to the perpetuation of ethnic hatred and conflict, necessitating immediate international intervention and accountability.

4. Special Measures in Emergencies and Armed Conflicts:

³ Hakim, Bishra. Satellite Imagery Reveals Azerbaijan's Persistent Erasure of Armenian Heritage Sites, 22 August 22, 2021)

<https://hyperallergic.com/663782/satellite-imagery-reveals-azerbaijans-persistent-erasure-of-armenian-heritage-sites/>

⁴ Chapple, Amos. "When The World Looked Away: The Destruction Of Julfa Cemetery." Radio Free Europe/Radio Liberty, 10 Dec. 2020,

www.rferl.org/a/armenia-azerbaijan-julfa-cemetery-destruction-unesco-cultural-heritage/30986581.html.

Situations of emergency, including armed conflicts, require specific measures to ensure the protection of dead persons and their human remains. These measures are crucial for maintaining the respect for human dignity even in the most challenging circumstances.

In the case of the Nagorno-Karabakh conflict, there is a marked absence of such special measures or policies by the Azerbaijani authorities. The treatment of Armenian servicemen's remains, as per the CFTJ report, indicates a failure to establish or implement emergency protocols that respect the dead and address the needs and rights of bereaved families.

CFTJ report entitled [*Desecration of Soldiers' Corpses Carried out by Azerbaijan against Armenian Soldiers*](#) describes numerous evidence of the mutilation of dead Armenian servicemembers' bodies.⁵ Within this report, the testimony of **Witness 22LC-0053**, taken on October 18, 2022, provides a harrowing account of the aftermath of the Nagorno-Karabakh conflict, particularly concerning the treatment of deceased Armenian servicemen. His detailed recounting of events and observations provides critical insights into the systemic failures and atrocities committed:⁶

The witness describes finding the bodies of six Armenian servicemen, including his son, in a mutilated state. He specifically notes the presence of a crowbar at the site and injuries inflicted by sharp objects, suggesting deliberate mutilation. The witness's observations indicate that the mutilations were either inflicted before death or post-mortem on the deceased soldiers.⁷ The witness highlights the long delay in the recovery and return of remains. It took over 13 months for the Azerbaijani side to return the remains of 11 missing soldiers. The remains were found in various states of incompleteness, with some bodies missing significant parts.⁸

The remains, when returned, were in a condition that suggested a lack of respectful handling. The witness describes the remains being different, with only a few skulls and partial bodies

⁵ Center for Truth and Justice Report. "Desecration of Soldiers' Corpses Carried out by Azerbaijan against Armenian Soldiers.", 7 Nov. 2023, www.cftjustice.org/desecration-of-soldiers-corpses-carried-out-by-azerbaijan-against-armenian-soldiers/.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

returned. This indicates a disregard for the dignity of the dead and the bereaved families' cultural and religious practices.⁹ The account of this witness underscores a disturbing trend in the treatment of Armenian servicemen's remains by Azerbaijani forces.¹⁰ These actions, or inactions, by Azerbaijan in the aftermath of the conflict directly contravene the principles of respect for the dead and their proper treatment in times of conflict.

The consistent pattern of mutilation and desecration of the bodies, as detailed by the witness, points to atrocity crimes that were either overlooked or implicitly condoned by the Azerbaijani authorities. The Azerbaijani state's failure to investigate these acts or hold the military personnel accountable is a clear violation of international humanitarian norms. This lack of accountability and transparency in addressing the mistreatment of deceased Armenian servicemen's bodies calls for urgent international scrutiny.

The actions documented by Witness 22LC-0053 and others reflect a blatant disregard for international norms and standards regarding the treatment of the dead in armed conflicts. The failure to return remains in a respectful and timely manner, coupled with the evidence of post-mortem mutilation, highlights a systemic issue within the Azerbaijani military and governmental structures.¹¹ The psychological and emotional impact on the families of the deceased, who were denied the opportunity to mourn and bury their loved ones properly, is profound. The Azerbaijani state's failure in this regard exacerbates the grief of the families and communities involved.

In conclusion, the testimony of Witness 22LC-0053 provides compelling evidence of the grave violations committed by Azerbaijani forces against deceased Armenian servicemen. These actions, and the lack of measures to address them, align with the Special Rapporteur's mandate to investigate extrajudicial, summary, or arbitrary executions. The state of Azerbaijan's failure to protect the dignity of the dead, investigate the crimes, and hold the perpetrators accountable necessitates immediate and thorough international attention and action.¹²

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

5. Implications of the Armeniophobic Conditions in Azerbaijan

The documented desecration of Armenian servicemen's remains is not only a violation of international norms but also a reflection of deeper Armenia-phobic sentiments within Azerbaijan. Such conditions foster an environment where the dignity of the dead is compromised, and the humane treatment of remains is neglected.

This situation warrants immediate attention by the international community, including the Special Rapporteur, to address these human rights violations. The visceral brutality exhibited towards the deceased Armenian servicemen is a direct consequence of a state policy that seemingly condones or fails to effectively condemn and prevent acts of desecration and disrespect towards a specific ethnic group.

The Republic of Azerbaijan's actions during and after the 2020 Nagorno-Karabakh war against ethnic Armenians of Nagorno-Karabakh, specifically regarding the treatment of deceased Armenian servicemen, raise significant concerns about its commitment to protecting the dead and their human remains. The lack of effective policies, legal enforcement, and institutional practices, compounded by a context of ethnic discrimination, has resulted in grave violations of human dignity and international law. These issues must be addressed promptly and comprehensively to ensure respect for the dead and support the rights and sensibilities of families and communities affected by these actions.