



REPORT

OF THE COMMISSIONER FOR HUMAN RIGHTS (OMBUDSMAN)

OF THE REPUBLIC OF AZERBAIJAN IN RELATION TO

AZERBAIJANIS MISSING DURING THE FIRST KARABAKH WAR



Baku, 2023

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INTRODUCTION

The war, which began with Armenia's military aggression against Azerbaijan, has led to countless tragedies, war crimes, gross violations of human rights and freedoms, and has created a humanitarian catastrophe in the region. One of the most serious consequences of the conflict so far is that nearly 4,000 Azerbaijanis are still missing. For almost 30 years, the Armenian side has been refraining from informing about the fate of these missing people.

One of the unfortunate points is that the statements of the people released and held hostage by Armenia confirm the cases of torture, inhuman treatment and murder of Azerbaijanis. These people still bear the traces of these traumas. Thus, among the missing are civilians taken hostage during the occupation by the Armenian armed forces. However, the requirements of international humanitarian law are clear: According to the IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War and Additional Protocol I, hostage-taking is prohibited by direct instruction.

Several mass graves were discovered on the liberated territories of Azerbaijan after the Second Karabakh War, and it is believed that these human remains belong to those missing during the First Karabakh War. The news of the discovery of such graves in the liberated territories in a certain sense consoles the relatives of the missing, since their return every year seems more and more unrealistic, at least there is hope that they are not tortured in captivity and that their remains will finally be buried properly. Unfortunately, the Armenian side, despite its international legal obligations and numerous appeals in this regard, has refused to cooperate in this matter and has not provided information on the burial sites. The fact that Armenia planted landmines in those territories during the occupation and has not yet provided accurate maps of the mines also slows down the process.

All this is an indication of open disrespect for international law. Thus, international humanitarian law requires that the deceased be buried separately if circumstances permit. Corpses should be respected, buried with dignity, and marked for easy identification and protection. The First Additional Protocol to the Geneva Conventions provides that the remains of persons killed during hostilities, occupation or detention shall be treated with respect and, if possible, returned to their families (Article 34).¹

Unfortunately, conflicts continue to occur in the world today, people go missing for various reasons and their fate is perceived as a global problem. Since it is not known whether the missing persons are alive or dead, their families have to live with permanent psychological trauma and anxiety, as well as economic and other difficulties, depending on the role of the missing person in the family. The families of some 4,000 missing Azerbaijanis have been going through this for almost 30 years. In some families, even several people went missing at the same time.

Although much work has been done in cooperation with the International Committee of the Red Cross (ICRC) to obtain information on missing Azerbaijanis, the expected results have not been achieved.

As a result of the Second Karabakh War, which took place from 27 September to 10 November 2020, after the liberation of Azerbaijani lands and the restoration of historical justice, the families of the missing increased their hopes to obtain information about them. Attempts have already been made to heal the deep wounds of war by resolving the conflict. This process, which is vital to the entire region, can be achieved only through the efforts of both parties. Thus, the lack of clarity regarding the fate of missing persons is also an obstacle to a lasting peace process between countries.

¹https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf

UN Security Council Resolution 2474 of June 11, 2019 also calls for all possible measures to be taken to search for missing persons and return their remains, as well as to contribute to the peace process by providing information on missing persons as a result of armed conflict.²

The seriousness and sensitivity of the problem must be taken into account, there must be an effective mechanism for monitoring compliance with States' obligations, and efforts must be made to protect the human rights of missing persons and their families.

It is necessary to take into account the seriousness and delicacy of the problem, there must be an effective mechanism for monitoring the fulfillment of States' obligations, and efforts must be made to protect the human rights of the missing and their families.

This report of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, which is devoted to 30 August – International Day of the Victims of Enforced Disappearances, was prepared in order to record in detail the information about missing Azerbaijanis, to bring this issue to the attention of the international community and to ensure getting information about their fate.

Methodology:

The report reflects the collected and analyzed information on missing persons during the First Karabakh War that was obtained through cooperation with relevant national and international organizations. The activities of the Ombudsman in this sphere to date, the information disseminated in local and foreign mass media on this issue have also been summarized.

During the preparation of the report, meetings were held with the families of a number of missing persons, as well as with persons held hostage in Armenia, and the factual materials obtained were included in the report as a main source. The Commissioner for Human Rights and her representatives held meetings with family members of the missing persons, collected the necessary information from them, registered their appeals. The photographs presented by them and taken during the meetings were used with the consent of these persons.

²<https://digitallibrary.un.org/record/3808667>

1. THE FIRST KARABAKH WAR

Armenia has been pursuing a policy of hatred, ethnic cleansing, genocide and aggression against the Azerbaijani people for many years without giving up its unfounded territorial claims against Azerbaijan. As a result of the violation of the territorial integrity of our country, numerous criminal acts, as well as war crimes, have been committed against the peaceful Azerbaijani population, in particular against peace and humanity.

In order to achieve its nefarious goal, Armenia forcibly and systematically deported Azerbaijanis from their historical ancestral lands in the territory of Western Azerbaijan. In addition, bloody attacks were carried out on Azerbaijanis living in the Karabakh region of Azerbaijan, as well as in Armenia, which led to the death of civilians and the influx of Azerbaijani refugees and internally displaced persons.



At the end of 1987, Armenia openly declared its rights to the Karabakh region of Azerbaijan, and shortly after that, Azerbaijanis were massively expelled from Armenia.

It should be noted that in 1948-1953, 150,000 people, and in 1988-1992, 250,000 of our compatriots were forcibly expelled from the territory of present-day Armenia, the ancestral homeland of Azerbaijanis, and 229 Azerbaijanis were brutally killed.

Since January 1988, under the auspices of the former leadership of the USSR, the government of Armenia, the committees of Karabakh and Krunk, the Church of Etchmiadzin began to implement the policy of "Armenia without Azerbaijanis", thereby carrying out thousands of bloody actions in the process of expelling Azerbaijanis.

At the same time, as a result of the conflict in the mountainous part of the Karabakh region of Azerbaijan, the territorial claims of Armenia to Azerbaijan and the process of deportation of ethnic Azerbaijanis from Armenia entered an even more acute phase. Armed attacks were organized against Azerbaijanis living in villages in the mountainous part of Karabakh, and terrorist acts were committed against the civilian population.

As a result of Armenia's aggressive policy against Azerbaijan, based on hatred, ethnic cleansing, genocide and groundless territorial claims, in late 1991 - early 1992 the conflict between Armenia and Azerbaijan entered a military phase.

Resolutions 822, 853, 874 and 884 of the UN Security Council of 1993 called for the immediate, complete and unconditional withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan. At the same time, the resolutions of the

UN General Assembly "On the situation in the occupied territories of Azerbaijan" in 2006 and 2008, as well as the relevant decisions of the Organization of Islamic Cooperation, the Non-Aligned Movement, the OSCE, the Parliamentary Assembly of the Council of Europe, the European Parliament and other international organizations demanded the withdrawal of Armenian armed forces from the occupied Azerbaijani lands.

As a result of the Armenian military aggression, until May 12, 1994, when an agreement on a ceasefire was reached between the parties, 20 percent of the territory of Azerbaijan - the city of Khankendi, Khojaly, Shusha, Lachin, Khojavend, Kalbajar, Aghdam, Fizuli, Jabrayil, Gubadli, Zangilan regions, as well as 13 villages of the Tartar region, 7 villages of the Gazakh region and 1 village of the Sadarak region of Nakhchivan were occupied by the Armenian army.

After the signing of a ceasefire agreement between Armenia and Azerbaijan in 1994, the OSCE Minsk Group was established under the co-chairmanship of the United States, Russia and France to resolve the conflict. The OSCE Minsk Group and other international organizations acting as mediators between the parties in resolving the conflict have been conducting peace negotiations for almost 30 years on the implementation of UN Security Council resolutions and the elimination of the consequences of Armenia's military aggression against Azerbaijan, but failed due to the destructive position of Armenia.

Despite the fact that UN Security Council Resolutions in respect to some countries have been implemented within several days, unfortunately no practical steps have been taken to implement the resolutions and other international documents in favor of Azerbaijan for a long time, and the provisions enshrined in them remained just on a paper.

Therefore, the political and military leadership of Armenia, convinced that it would not be subjected to any pressure at the international level and even more inspired by this, continued to commit crimes against peace and humanity, war crimes, terrorism and financing of terrorism against Azerbaijan.

Despite Azerbaijan's repeated warnings to Armenia, the opposing side continued its aggressive policy and did not hesitate to target civilians, including socially vulnerable groups (children, women, the elderly, persons with disabilities). This is a gross violation of international humanitarian law, including the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War and other norms of international law.

In general, the First Karabakh War of 1988-1994 led to the occupation of 20 percent of our lands, the forcible expulsion of more than one million Azerbaijanis from the lands of their ancestors and the death of more than 20 thousand citizens, caused severe injuries resulting in disability, and about 4,000 people were captured and taken hostage and went missing.

In total, in 1988-1993, 900 settlements, 150,000 houses, 7,000 public buildings, 693 schools, 855 kindergartens, 695 medical institutions, 927 libraries, 44 temples, 9 mosques, 473 historical monuments, palaces and museums, 40 thousand museum exhibits, 6 thousand industrial and agricultural enterprises, 160 bridges and other infrastructure facilities were destroyed in Karabakh.³

Thus, the fundamental human rights and freedoms of the civilian population in the ancient territory of Azerbaijan - Karabakh and surrounding districts were massively violated, including the right to life, safe residence, health, property, freedom of movement and other rights, as well as collective human rights of the third generation - the right to sustainable development, peace and a healthy environment.

³<https://www.justice.gov.az/categories/22>

2. PERSONS MISSING AS A RESULT OF WAR

According to the latest information, a total of 3,890 persons, including 719 civilians and 3,171 servicemen, went missing as a result of the First Karabakh War. Of the missing civilians, 20 are girls, 71 are minors, 154 are elderly and 267 are women. It should be noted that of the 3,890 missing persons, 872 were taken hostage, including 29 children, 98 women and 112 elderly persons, who remained in the region during the occupation of villages and towns and did not leave their homes. The Republic of Armenia denies the fact that these persons were taken hostage and detained, whereas the testimonies of released servicemen and civilians who witnessed the incident prove these facts.

As a result of the Khojaly genocide, which is the most striking example of the hatred policy pursued by the political leadership of Armenia against Azerbaijanis, 613 people died. Of these, 63 children, 106 women and 70 elderly people. 8 families were completely destroyed, 25 children lost both parents and 130 children lost one of their parents. In addition, 487 people, including 76 children, were injured.

According to the State Commission on Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan during the Khojaly genocide, 196 people are listed as missing. Of these, 36 are children, 65 women and 34 adults. The fact that 95 people out of 196 missing were taken hostage during the occupation is established on the basis of the testimony of witnesses. The State Commission recorded and transferred to the archive the written and video testimonies of 413 people (136 children, 201 women and 60 old people) taken hostage by the Armenians during the occupation of Khojaly and then released by various means.

Letters submitted by the ICRC in 1998 and 2001 mention the names of 54 Azerbaijanis and confirm that they are alive. According to the information, representatives of the ICRC visited 54 Azerbaijani citizens taken hostage by the Armenian military in the Republic of Armenia and in the occupied territories of Karabakh of the Republic of Azerbaijan, and they were officially registered by the ICRC. However, those 54 people reported to be alive were subsequently killed by the Armenian military-political leadership. Of these, only 17 corpses were returned home, 33 of them, including 6 women, died in custody, their bodies were not returned, and the fate of 4 people was not reported at all, which is a serious violation of human rights.

There are reports of the discovery of numerous mass and individual graves in the liberated territories of the Republic of Azerbaijan, especially in the Khojavend, Kalbajar, Aghdam and Fuzuli regions, as well as around Shusha. Up to now mass graves have been found in several villages - the Bashlibel in Kalbajar, Edilli in Khojavand, Sarihajili in Aghdam, Seyidahmadli in Fuzuli and other settlements of these regions.

The discovered mass graves and human remains give grounds to say that the Azerbaijanis captured and taken hostage during the First Karabakh War were brutally tortured to death, and their remains were buried en masse.

Based on the testimony of eyewitnesses and materials collected by the Working Group of the State Commission on Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan, the remains of 15-20 Azerbaijani civilians were found buried at a depth of 3 meters in a mass grave in the village of Edilli, Khojavend region, who were killed while held hostage by the Armenian armed forces during the occupation. Moreover, it was established that the hands and feet of the Azerbaijani military servicemen, who were found in a mass grave in Edilli, were tied with wire or rope.⁴

⁴ <https://www.ombudsman.az/en/view/news/3447/the-reaction-of-the-ombudsman-to-the-discovery-of-another-mass-burial-found-in-khojavend>



In the course of the next measures taken in this direction, on the Farrukh plateau of Khojaly district the remains of several people were found. In contrary to the allegations of the Armenian side, as a result of the forensic examination of human remains discovered near the Farrukh village, it was established that those persons were buried there with no gravestones or markings and due to the forensic anthropology results those human remains belonged to the Azerbaijani Turks.⁵

The State Commission on Prisoners of War, Hostages and Missing Persons registered 62 Azerbaijani servicemen as missing in the battles for the Farrukh Heights during the First Karabakh War of 1992-1993. At the same time, according to the information collected, 46 Azerbaijani servicemen went missing in the village of Pirir in the Khojaly region and the village of Aliagali in the Aghdam region, located near the Farrukh plateau.⁶



⁵ <https://apa.az/az/hadise/komissiya-ferruxda-tapilmis-meyit-qaliqlarinin-azerbaycanlilara-aid-oldugu-subut-edilib-video-699220>

⁶ <https://azertag.az/xeber/2072423>

To this date, several mass graves have been found in Shusha as well. In particular, the graves unearthed near the Shusha prison show the evidence of torturing people, i.e. burial of heads separately from the bodies, existence of nails in the abdomen of skeletons and other such cases. The last such mass burial site was found in a sewage well.⁷



In general, nearly 500 human remains were discovered up to day in the mass graves found in the liberated territories. As a result of the identification processes, 15 out of nearly 4,000 missing persons were identified and their remains were handed over to their families and buried in accordance with the burial rites. Among those 15, four belonged to civilian people, and the remaining 11 were military personnel.⁸

The discovered mass graves and human remains are a clear example of the crimes committed by Armenians in the First Karabakh War and once again prove Armenia's policy of genocide against Azerbaijanis.

One indisputable fact in this regard is the material received by the Radio Counter-Intelligence Service of the relevant State bodies of Azerbaijan during the occupation of the Kelbajar region in April 1993. At that time, the headquarter's radio station located in the Vardenis region of Armenia issued an order to the main radio station in the Kalbajar war zone ("Hurricane") to deliver to all mobile radio stations in the region. The order called for the immediate destruction and burial of captive and hostage Azerbaijani citizens, including the elderly, women and children. The aim was to conceal the traces of their crimes from the international delegation that arrived at the time in the war zone.

Testimonies and journalistic interviews of people released from Armenian captivity confirm various crimes, including war crimes, were committed by the Armenian armed forces during the First Karabakh War.

Referring to the documents published by the State Commission on Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan, it should be noted that during the occupation of Azerbaijani territories by the armed forces of Armenia, Azerbaijani citizens captured and taken hostage were not only treated inhumanely, but even used for various purposes:

- Having placed at the disposal of the civilian population, they were demonstrably humiliated and insulted in public squares, with the aim of inciting hatred in Armenian society
- were used as slaves, especially in hazardous industries;

⁷ <https://www.ombudsman.az/en/view/news/4134/ombudsmans-reaction-regarding-the-discovery-of-another-mass-grave-in-shusha/>

⁸ <https://report.az/daxili-siyaset/dovlet-komissiyasi-15-nefer-itkin-dusmus-seksin-talevine-aydinliq-getirilib/>

- were killed as victims on the graves of members of a terrorist gang and Armenian soldiers who died in the days of remembrance of the “Armenian genocide” and in battles;
- were used in acts of vandalism, demolition and looting of historical monuments, cemeteries, residential and administrative buildings in the occupied settlements;
- were incited to commit physical and immoral acts against each other and etc.

There are also facts that the Armenian special services incited the hostages to commit acts of terror and provocation against the Republic of Azerbaijan through threats and blackmail.

At the same time, some people took advantage of the complexity of organizing work with the victims of the war at the initial stage due to the aggression against the Republic of Azerbaijan and humanitarian problems arose because of the conflict. Thus, dozens of Azerbaijani citizens, including corpses, were returned by the Armenians in exchange for large sums of money, and in some cases, families were deceived and scammed. The following two facts provided by the State Commission on Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan are as follows:

- On November 7, 1993, a brother Isaev Jahangir Ismail oglu and his sister's husband Mammadov Mammad Garib oglu went to search for Isaev Asker Ismail oglu, who went missing on December 31, 1992 in the Gazakh region on the border with Armenia. On the Armenian-Georgian border, they met with the Armenians, entered into negotiations. Those persons were taken to Armenia under the pretext that they would meet with Asker Isaev and he would be released. At present, the fate of all three remains unclear.
- The relatives of Guliyev Khagani Nureddin oglu, a soldier of the Azerbaijani Army who went missing in the battles for the Aghdara region of the Republic of Azerbaijan in February 1993, contacted Armenians living in Russia on their own initiative. The Armenians convinced them that Khagani Guliyev was alive and promised to release him for \$ 25,000. Mahir Guliyev, brother of Hagani Guliyev, who had raised money with the help of his close relatives, left for Russia in the summer of 1996. However, the Armenians killed Mahir Guliyev, who brought the money, took the money and disappeared.

3. OMBUDSMAN'S ACTIVITY IN CONNECTION WITH MISSING PERSONS

As it is known, for many years the policy of hatred and ethnic cleansing pursued by neighboring Armenia against our country has led to the violation of many basic human rights of the Azerbaijani people. In this regard, the Ombudsman pays special attention to the investigation of the facts of violation of various international law and human rights by Armenia, including the fate of Azerbaijanis missing as a result of the war and to informing the world community.

The Azerbaijani Ombudsman has repeatedly raised the issue of our missing compatriots in cooperation with foreign ombudsman and national human rights institutions as well as international organizations and stressed the need to call on Armenia to fulfill its obligation to provide information.

Activities in this regard were carried out both before the Second Karabakh War and during the post-war period. Thus, during the Ombudsman's visits in the framework of international cooperation, meetings with ICRC representatives⁹ and letters addressed to them, the fact that thousands of our citizens were taken prisoner and missing, taken hostage was raised and calls were made for the release of our servicemen who died during the ceasefire¹⁰.

As mentioned above, the urgency of this issue has increased since the Patriotic War, and work is underway to take practical measures to clarify the fate of missing persons.

On the eve of the International Day of the Missing on August 30, 2021, Ombudsman Sabina Aliyeva released a video message to highlight the relevance of the issue. In an extensive video message¹¹ released on that date, the Ombudsman spoke about the concerns of many of our compatriots and their families who went missing as a result of Armenia's military aggression against Azerbaijan.

In her address to the world community, the Ombudsman called for accurate information about the fate of our prisoners, missing persons and hostages, the return of survivors, and the return of the remains of the dead.

In connection with this date, the Ombudsman gave a speech in an international conference on missing persons at ADA University, calling for joint efforts to ensure the norms of international law and the prevention of human rights violations.



⁹https://azertag.az/en/xeber/AZERI_OMBUDSWOMAN_MEETS_ICRCs_OFFICIAL_IN_GENEVA-589552

¹⁰ <https://apa.az/en/domestic-policy/-125734>

¹¹<https://www.youtube.com/watch?v=jow7U-E--84>

On the eve of this day, in the "Objective" program on AZTV, dedicated to the fate of the captives and the missing people, the Ombudsman noted that this date has been celebrated by the UN since 2011 and is an important day for our country, emphasizing that behind the fate of our missing compatriots during the First Karabakh war are great human and family tragedies, the suffering of a generation.¹²

In the second part of the "Report on hate crimes and hate speech against Azerbaijanis" published on May 4, 2021¹³, as well as in her appeal on September 21 - International Day of Peace,¹⁴ the Ombudsman called for objective information about the fate of missing persons. In addition, in a statement on the occasion of June 1 - International Children's Day, the Ombudsman stressed that there are also children among the missing of our compatriots and victims of the policy of ethnic cleansing and genocide carried out by the Armenian aggressors against the Azerbaijani people.¹⁵

**Azerbaijani,
Commissario
diritti umani:
3.890 persone
risultano ancora
dispersi**

In Azerbaijan, Diritti e integrazione
2 Dicembre 2021 Redazione_Ue
0 comments



All this information was widely covered in electronic and print media, on television. Along with the local media, foreign media also focused on the points raised by the Ombudsman on the fate of the missing. The facts about Azerbaijan, voiced by the Ombudsman in the Italian Senate, were widely covered in the Italian and Turkish press.¹⁶

In an interview with the Italian newspaper L'Opinione, the Azerbaijani Ombudsman spoke about the war crimes committed by Armenia against our country, as well as the fate of our missing compatriots.¹⁷

The documentary "Khojaly Witness", filmed on the initiative of the Ombudsman on the occasion of the 30th anniversary of the Khojaly genocide, is based on the facts of torture of civilians during the genocide on the night of

February 25-26, 1992, and their missing relatives.¹⁸

The Ombudsman's Office also commented on the information about the discovery of mass graves in the liberated territories mentioned in the previous chapters.

Ombudsman Sabina Aliyeva expressed concern about the indifference to the fate of the missing Azerbaijanis at meetings and events during visits to foreign countries.

The Ombudsman raised this issue at the presentation of the report of the Human Rights and Equality Institution of Turkey on Azerbaijan, at her official meetings in Bulgaria, as well as other events in which she participated.



¹²<https://www.youtube.com/watch?v=tp69OQCMcfk>

¹³<https://www.ombudsman.az/en/view/news/2650/ombudsman-of-azerbaijan-sent-the-second-part-of-the-report-on-hatred-policy-against-azerbaijanis-to-international-organizations/>

¹⁴<https://www.ombudsman.az/en/view/news/2698/appeal-by-the-commissioner-for-human-rights-ombudsman-of-the-republic-of-azerbaijan-in-connection-with-september-21-the-international-day-of-peace>

¹⁵<https://www.ombudsman.az/en/view/news/1872/statement-by-the-commissioner-for-human-rights-ombudsman-of-the-republic-of-azerbaijan-in-relation-to-june-1-international-day-for-protection-of-children/>

¹⁶<https://az.trend.az/azerbaijan/gundem/3521979.html>

¹⁷http://opinione.it/esteri/2021/12/03/domenico-letizia_italia-ombudsman-azerbaigian-sabina-aliyeva-commissario-ai-diritti-umani-repubblica-dell-azerbaigian-roma/

¹⁸<https://www.youtube.com/watch?v=FxLNjDf33fM>

Speaking at the OSCE Security Cooperation Forum as part of international events, the Azerbaijani Ombudsman informed the participants about the missing persons from the First Karabakh War, emphasizing that the adversary side has not yet provided information about the 3,890 missing Azerbaijanis.



Speaking at a meeting of the OIC Ombudsman Association in Morocco, the Ombudsman said that numerous reports and calls were made on human rights violations committed by Armenia. During her visit to Morocco, the Azerbaijani Ombudsman also met with several officials of the Kingdom. In addition to the fact that Azerbaijani territories were landmine contaminated during the Armenian occupation, the fate of about 4,000 Azerbaijanis who went missing due to war that remained unknown for almost 30 years was discussed at the meetings, and it was emphasized that such an approach should be strongly condemned.

During the presentation of the report prepared on the basis of the results of the fact-finding mission to Shusha, Aghdam and Tartar conducted by a delegation led by Şeref Malkoç, President of the OIC Ombudsman Association, in her remarks for the media outlets in Ankara, Sabina Aliyeva emphasized the issue of Armenia's failure to provide information about the missing Azerbaijanis.¹⁹



The Ombudsman also raised this issue in her meetings with the Secretary General of the CoE²⁰ and the President of the ECHR²¹ during her visit to Strasbourg in 2022, and requested to take appropriate measures.

¹⁹ <https://www.ombudsman.az/en/view/news/3156/oic-ombudsman-association-held-a-presentation-ceremony-for-its-report-on-azerbaijan>

²⁰ <https://www.ombudsman.az/en/view/news/3418/the-ombudsman-met-with-the-secretary-general-of-the-council-of-europe>

²¹ <https://www.ombudsman.az/en/view/news/3430/ombudsman-met-with-the-president-of-the-european-court-of-human-rights>



The Ombudsman Sabina Aliyeva held a meeting with the delegation of the International Commission on Missing Persons which acts to address problems concerning persons who went missing due to armed conflicts and other reasons. In this meeting the Ombudsman mentioned the issue of 4,000 missing persons, noting that their fate is unknown and Armenia is liable for violating human rights and international law norms.²²



Furthermore, as part of the fact-finding mission activities of the Ombudsman, the staff members of the Ombudsman Office conducted on site monitoring of the mass grave found in Edilli village and an extensive report based on the findings was developed and presented to the international community. A section in this report was devoted to the current situation concerning the persons who went missing during the First Karabakh War.²³

The Ombudsman also cooperates with the state bodies, international and civil society organizations, holds relevant events and discussions on this topic.²⁴ At the same time, the Ombudsman's statements and appeals continuously sent to the international bodies also call for taking measures to clarify the fate of missing persons.

The Ombudsman's social media pages regularly share information about the missing persons whose identity was confirmed after the discovery of mass graves. This should be noted that these facts constitute war crimes as well as blatantly violate the rules of international humanitarian law.

²² <https://www.ombudsman.az/en/view/news/3972/the-ombudsman-had-a-meeting-with-the-delegation-of-the-international-commission-on-missing-persons/>

²³ <https://ombudsman.az/en/view/news/3795/the-ombudsman-prepared-a-report-of-the-findings-of-the-independent-on-site-investigation-in-the-mass-graves-found-in-edilli-village-of-the-liberated-khojavend-district>

²⁴ <https://www.ombudsman.az/az/view/news/3435/ombudsman-aparatinin-emekdashlari-itkin-dushmush-soydashlarimizin-anim-merasiminde-ishtirak-edibler>

4. MEETINGS WITH THE RELATIVES OF THE MISSING PERSONS AND THE PERSONS TAKEN HOSTAGE BY ARMENIA

The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Sabina Aliyeva and the staff members of the Ombudsman Institution held several meetings with family members and other relatives of the persons missing during the First Karabakh War, as well as with those held in captivity by Armenia during the preparation phase of the present Report. Subsequently, the testimonies of those people interviewed during the meetings were used in this document.



During those meetings with the Ombudsman, the family members of the missing persons asked to assist in the return of their relatives or obtaining any information about their whereabouts.

This part of the Report contains information provided by the family members and relatives about persons missing during the period of occupation, the photos of the missing persons, as well as the stories and the information based on the eyewitness testimonies.

• **A meeting was held with Farida Jalil gizi Jabbarova, the wife of Azad Jabbarov Pirgulu oglu, b. in 1967, who went missing in the Khojaly district during the First Karabakh War:**



Farida Jabbarova was born on March 9, 1971, in the village Ardushlu of Lachin district. After getting married, she and her husband Azad Jabbarov rented a house in Khojaly and moved there in August of 1991. F. Jabbarova says she has 2 children from her marriage with Azad: Fuad Jabbarov, b. on May 1, 1990, and Nijat Jabbarli, b. on June 1, 1991.

Remembering those terrible days of the hostilities, F. Jabbarova sadly dates back to her memories, stating: *“Our ancestors always lived in Karabakh, we grew up on the bread and water of this land. The mountains and valleys here are all native to us, we grew up there. Unfortunately, our neighbor, the Armenians who ate the same bread with us in those lands, betrayed us. We could not know that they had bastard plans to cease our native lands.”*

F. Jabbarova added that her spouse, Azad, was very patriotic, a man attached to his land, and voluntarily joined the army on the eve of the attacks by the Armenian armed forces. She recalls that the situation in Khojaly at that time was very difficult. F. Jabbarova remembered how in February 1992, she left for her father's house in the village of Ardushlu of Lachin district due to the fact that her husband had already joined the armed groups and she had difficulty caring for babies alone.

She said the following about that terrible night: *“On that terrible night from 25 to 26 February, the Armenian armed forces with the participation of the Soviet army-backed 366th Motorized Rifle Regiment completely destroyed the city of Khojaly. The hundreds of inhabitants of this city, including the elderly, young people, women, and children without being differentiated were killed with special brutality, and over a thousand people were taken prisoners of war (PoWs) and hostage. One of those people was my spouse.”*

F. Jabbarova said with great longing that she had not been able to get information about Azad since that terrible day. She also added: *“My children and I have always been looking for him and we will look for him for the rest of our lives.”*

• ***The next person with whom the Ombudsman had an interview was Valeh Huseynov, an eyewitness to the Khojaly Genocide, whose wife was murdered during that tragic day and who was captured and tortured:***



It must be noted that Valeh Huseynov was born in 1968 in the city of Khojaly. During the tragedy, Vagif who was at the age of 23 at that moment said that while they were running towards the forest with his wife Saadat, she died of a gunshot wound.

V. Huseynov, taken hostage by the Armenian military around the forest that night, said during his 27-day Armenian captivity, he had witnessed how Azerbaijani captives and hostages were brutally treated.

One of the horrible points mentioned in his testimony was breaking his hands and burning them on a gas stove by the Armenian military when they found out that Valeh was a musician. V. Huseynov, who was constantly beaten and subjected to tortures during those days, described those days in his own words as such: *"Those painful 27 days were like 27 years to me."*

• ***Another meeting was held with Nazli Javad gizi Hasanguliyeva, a sister of the missing Shirindil Javad oglu Hasanguliyev:***

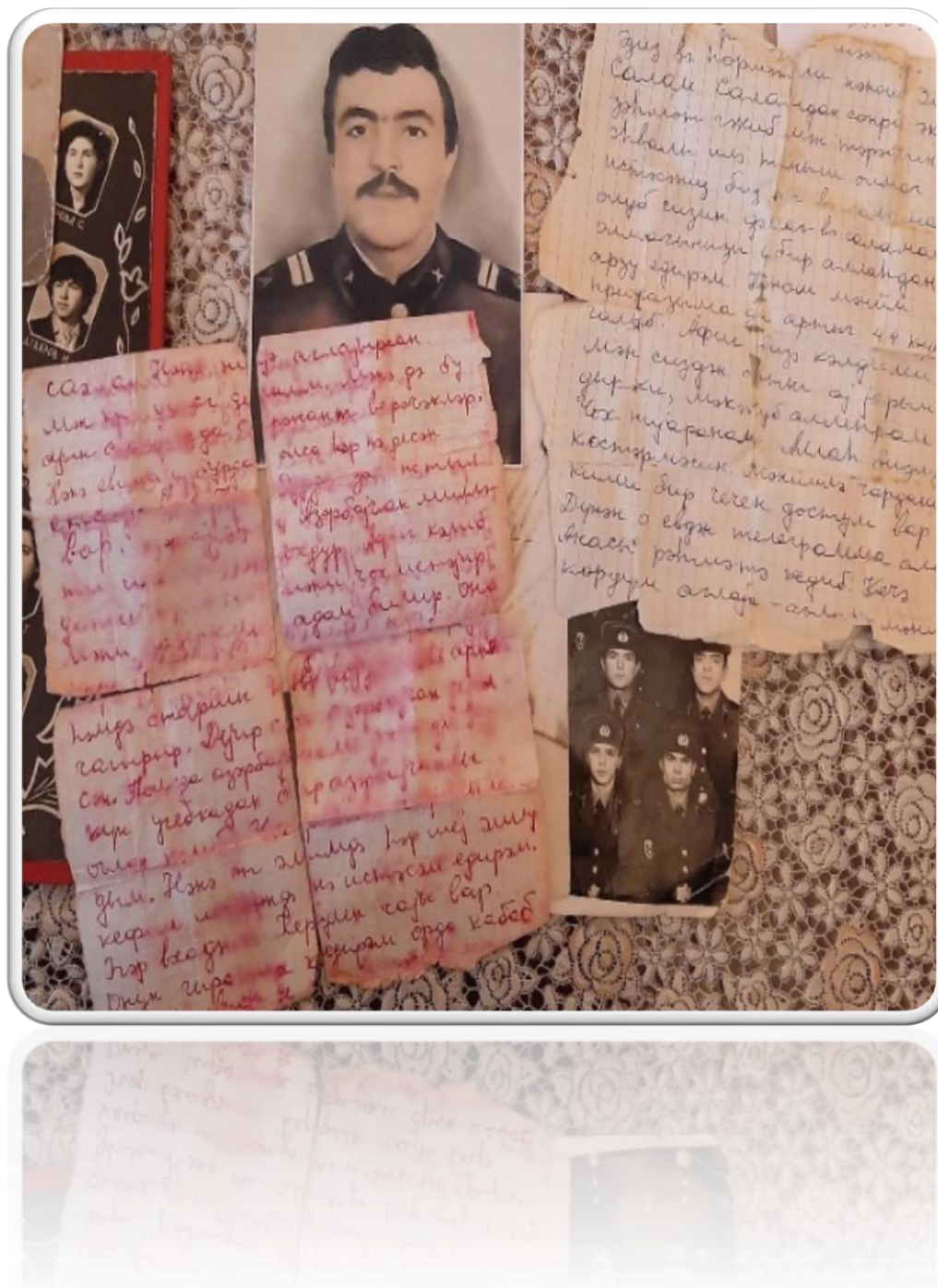


At the meeting with Nazli Hasanguliyeva, she said that she had been looking for her brother, Shirindil Javad oglu Hasanguliyev, b. on September 18 1968. She noted that her brother Shirindil, who was a last-year student at the university, left the university and voluntarily joined the army in October 1991, so, he took part in the defense of Malibayli, Karkijahan, Kosalar villages. In January 1992, he got permission to visit his family in the Mehdiabad settlement for a week, and on January 23, he returned to the front. His family received information that Shirindil had taken part in the Dashalti operation until January 26 of 1992, but could not obtain information about him after that date.



Our interviewee, Nazli Hasanguliyeva, and her mother have searched for her missing brother for years, but unfortunately, she was not able to find him up to date. A mother who lived with her son's grief and waited to receive any news from her child on any single day died in 2016.

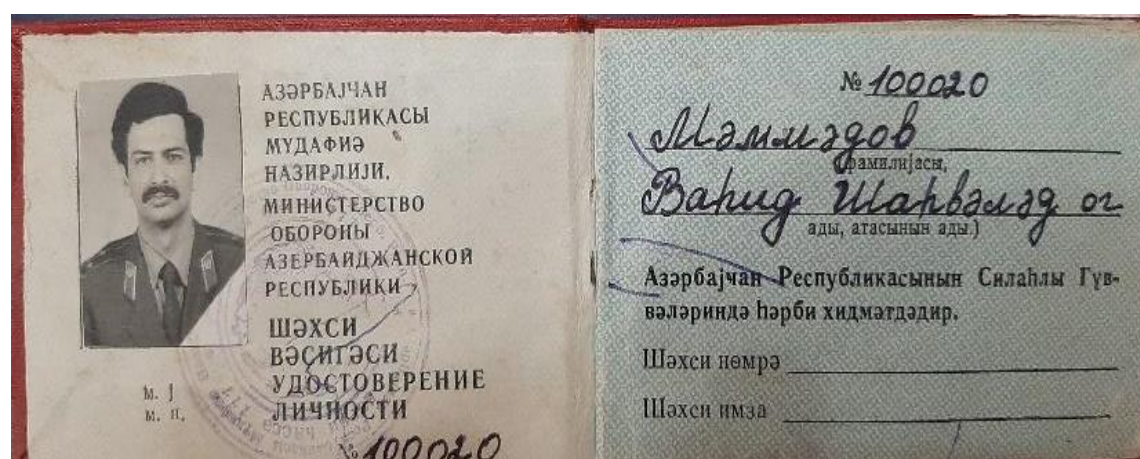
At present, Nazli Hasanguliyeva lives alone as the only survived member of this family. She said she had not lost hope and would look for his missing brother for the rest of her life.



• A meeting was held with Matanat Mammadova, a wife of the missing Vahid Shahvalad oglu Mammadov, and sister of Agasi Rauf oglu Huseynov:



Matanat Mammadova said during the armed conflict between Armenia and Azerbaijan, which started with the military aggression against Azerbaijan, our family faced a great tragedy. This must be noted that her husband, Major Vahid Mammadov, who served in the military of the Republic of Azerbaijan, took an active part in the defense of our lands in the direction of Shusha from November 1991 to May 1992. Within this period of time, even not so regularly, she was able to keep in touch with her husband.



She also added that her last conversation with her husband on the phone was on May 3, 1992, but later she was not able to contact him. Although Matanat Mammadova searched for her husband, Vahid Mammadov, together with her two young children, who were under her custody during those difficult and painful days of the war, the searches did not yield positive results.

Agasi Rauf oglu Huseynov, who was a brother of Matanat Mammadova, also went missing in the First Karabakh War. She mentioned that he went to the combat zone voluntarily to help soldiers and civilians as he was a fifth-year student at Azerbaijan Medical University. Agasi had his last phone call with his mother Svetlana Huseynova from Shusha on May 7, 1992.



According to his comrades who saw them for the last time, when our soldiers were on the front line in the direction of Shusha to ask for help by radio, Vahid immediately prepared to leave, Agasi wanted to go with him, but Vahid objected. Later, his comrades witnessed how Vahid was getting into a “BTR” car.

Matanat Mammadova has not yet received full and comprehensive information about the subsequent events and the fate of both her husband and a brother.

• **Representatives of the Ombudsman met with Alakbar Izzet oglu Majnunov, whose father (Izzet Goja oglu Majnunov), mother (Gulum Karam gizi Kazimova) and sisters (Gulafa Izzet gizi Majnunova and Sakina Izzet gizi Majnunova), are reported missing up to date:**



Alakbar Majnunov, who was 12 years old during the war, was living in the village of Chaytumas in Gubadli district together with his father, mother, brother, and two sisters. Alakbar Majnunov remembers how he heard shots every day at that time. Since it was no longer possible to live in the village, the family members packed their belongings in a “Kamaz” car and prepared to leave the village. On August 30, 1993, Armenians began firing on their house. Alakbar Majnunov continues his memories as mentioned below:

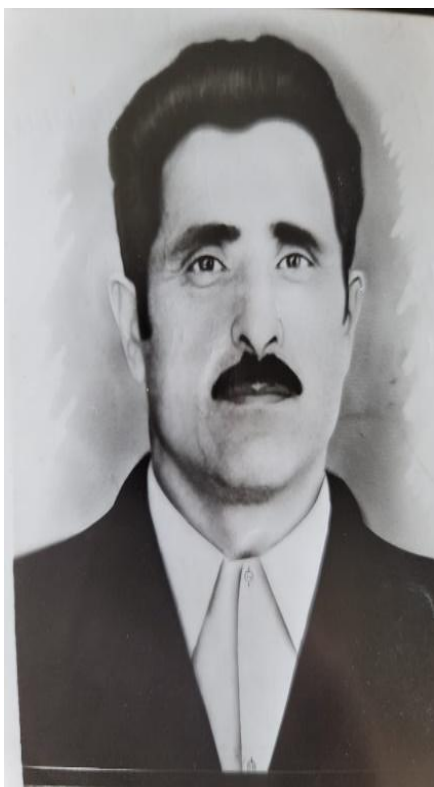
"My father told my brother and me to go to the garden and he would come. We already saw the Armenian militants 300 meters away from our house. They kept firing at us. My brother and I immediately started moving towards the garden, as my father said. There was a valley-like area where we stopped to wait for our family members. But one of the Armenian soldiers noticed us and immediately fired in that direction with an “RPG” weapon. A house near us caught fire. There was a place like a water reservoir in that direction, and we jumped into it. We had to move away from that area and moved in the direction of the Hakari River belonging to the Gubadli district.

When they met their cousin's family on the way, they saw that their two cousins (Ali and Jamil Majnunovs) were also seriously injured. Although our interlocutor and his brother wanted to return back to their families, their uncle's family tried to convince them that their father would return. So, waiting for the night, they left the village.

Alakbar Majnunov, who said with heartache that he was expelled from his ancestral homeland and became an IDP as a result of the occupation of Azerbaijani lands by the Armenian armed forces, has not received any information from his family members since that day. As a child, he was saddened by the loss of his father and mother, as well as sisters.

During the occupation of Chaytumas village of Gubadli district, four family members of our interviewee were taken hostage by the Armenian armed forces. But, Alakbar Majnunov lived with his uncle's family, who were also internally displaced.

Over the years, he only had information that his mother, Gulum Kazimova, and his sister, Sakina Majnunova, were forced to work in one of the kindergartens in the occupied Khankendi city, according to the information gathered by the State Commission on Prisoners of War, Captives, Hostages and Missing Persons of Azerbaijan. Alakbar Majnunov, who has no information about their fate, says that he has spiritually suffered since 1993.



İzzat Majnunov



Gulum Kazimova



Gulafa Majnunova

• ***The next meeting was held with one of our citizens who suffered the most as a result of the war - Arif Nayib oglu Ahmadov, who was taken hostage and tortured during the Khojaly genocide. As a result of this tragedy, four of his relatives were killed, and the other six from his relatives are still reported missing***



This must be noted that Khojaly resident, Arif Ahmadov is an eyewitness of the Khojaly genocide, which was committed by the Armenian armed forces against the Azerbaijani civilian population on the night of February 25-26, 1992 with the direct participation and support of the 366th motorized infantry regiment. According to him, the Khojaly city, first, was besieged on all sides by Armenian troops, then it was shelled by artillery and heavy military equipment, as a result of which, in a short period of time, it was completely engulfed in flames.

He said that armed Armenians were shooting civilians at every corner of the city, and did not even refrain from committing vandal acts on the dead bodies. Arif Ahmadov also noted that most of the barefoot and unarmed people who tried to escape from the Armenian militants towards the forests and mountains died because of the cold and frozen weather, and furthermore, while trying to escape, they were captured by the Armenian armed forces together with their families.

Arif Ahmadov recalling those days, added with a great pain that his sons, Tural Ahmadov, Khayal Ahmadov, his wife Dunya Alasgarova, and their 4-year-old daughter Arifa Ahmadova were held captives by Armenians in cold huts in winter without any conditions to survive, along with other residents of Khojaly.

Although his family members were returned back three days later, he remained in captivity in the Agbulag village of Khojaly for a month and thirteen days. During this time, he was also subjected to horrific tortures, like other captives and hostages. One of the Armenian soldiers pulled out his gold teeth with pliers. The witness said that he was beaten with an iron stick every day and that he was deprived of his basic needs, even food and water, and he could only drink a little amount of water once or twice a day after long pleas. He said that the captive young people were injected with diesel fuel, causing irreparable damage to their health.

Later, Arif Ahmadov added: *“In front of my eyes, Armenians shot 14 civilians in the head and threw them into silage. Among those 14 were my nephew Abulfat Aliyev and my brother's grandson Rufat Aliyev. ”*

Other members of his family, who were taken hostage, including his 72-year-old mother Durna Ahmadova, brothers Eldar Ahmadov, Rafil Ahmadov, Agali Aliyev, and his brothers' wives Suraya Aliyeva and Suraya Ahmadova - are still missing and he has not received any information about them.



Rafil Ahmadov



Eldar Ahmadov

Arif Ahmadov concludes: "Among my other relatives, my brother Islam Ahmadov, Yelmar Ahmadov, my nephew Abulfat Aliyev and my brother's grandson Rufat Aliyev was also killed by Armenian armed attacks."



Yelmar Ahmadov



Abulfat Aliyev

CONCLUSION

As provided in the present Report, as a result of Armenia's unlawful territorial claims against Azerbaijan ascertained since 1988, and hatred policy, ethnic cleansing, genocide, and military aggression, the territorial integrity of our State has been threatened. The peaceful civilians became victims of numerous genocidal acts, particularly, crimes against peace and humanity and war crimes.

Armenia's gross violations of international humanitarian law (IHL), including the requirements of the 1949 Geneva Conventions on the Protection of Victims of War and the 1977 Additional Protocol, thereto, the forcible disappearance of PoWs and civilians taken hostage, and other similar criminal acts can be good examples to such violations.

For many years, many of our compatriots' families who went missing during the First Karabakh War have longed for information about their fate. Despite the repeated calls by the Azerbaijani side to provide information on the whereabouts, as well as the mass graves of the Azerbaijani PoWs and hostages, who were tortured and brutally murdered, and whose bodies were humiliated, Armenia deprived their families of the right to be informed about the fate of the missing relatives, by failing to do so.

However, according to the IV Geneva Convention relative to the Protection of Civilian Persons in Time of War, Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. This Convention directly recognizes the right of family members to receive information about the fate of their relatives. This right is also reflected in a number of Recommendations of the Parliamentary Assembly of the Council of Europe (868; 1056, etc.).

The UN General Assembly Resolution 3220 (XXIX) of 6 November 1974 also calls the parties to the conflict to provide information on missing persons. Furthermore, the relevant Resolution adopted by the UN Human Rights Commission in 2002 recognizes the obligation that the other side of the armed conflict must participate in the search for missing persons.

It should be highlighted that the ICRC, which has been supporting missing families since 1992 to search the fate of their relatives, has an important role in collecting and centralizing data on persons missing as a result of the military aggression of Armenia against Azerbaijan. During this period of time, many biological samples were taken from family members of those people, and consequently, about 3,000 samples have already been collected in the Database.²⁵

Apparently, the failure to provide information about missing persons to family members is a serious violation of the "right to respect for private and family life" enshrined in international human rights law and IHL. This also includes the information about those who lost their lives. Furthermore, the opposite side of the conflict is also obliged to assist in the search for missing persons.

It is an undeniable fact that the testimonies of the captured and released servicemen, civilians, as well as other eyewitnesses, journalistic interviews, mass graves recently discovered in our liberated territories and other information obtained from various sources once again prove the facts of hostage-taking, detention, and killing of Azerbaijanis by Armenia during the First Karabakh War.

Hundreds of Azerbaijanis, who were subjected to intolerable physical and psychological tortures during their captivity, and acquired life-long disabilities as a result of severe injuries, still suffer from physical and mental problems.

Armenia's political and military leadership facilitates the illegal hostage-taking of Azerbaijani civilians not only during the First Karabakh War, but in the aftermath since 1994 when the first long-term ceasefire was declared between the parties. This is a clear manifestation of ethnic hatred against peaceful Azerbaijanis.

The Azerbaijani Ombudsman always keeps in the focus the issues of protection of the rights of persons went missing as a result of the Armenian military aggression against our country and their families. The Ombudsman addressed public

²⁵<https://mfa.gov.az/en/news/no03822>

appeals on serious violations of IHL in relation to the PoWs, hostages, and missing persons, and on facts of torturing and other cruel, inhuman or degrading treatment or punishment of them, and so forth, to the UN, the Council of Europe, ICRC and other competent international and regional organizations.

All the issues, including the facts we have raised in this Report, are very serious human rights violations and therefore, require international organizations to take concrete decisions and preventive measures. Because, about 20 percent of its historical lands remained under the Armenian occupation for nearly 30 years, and more than one million compatriots have lived as refugees and IDPs for many years.

As the Ombudsman of Azerbaijan, I urge international organizations and the world community to bring further clarification to the fate of our compatriots who went missing during the First Karabakh War as a result of Armenia's military aggression against Azerbaijan, to hand over the survivors to our country, to provide the accurate information about the places of mass burial of the murdered civilians and to bring the perpetrators of war crimes to justice under international law.

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