MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Prisoners of war in the aftermath of the most recent conflict between Armenia and Azerbaijan (2021/2693(RSP))

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on behalf of the Verts/ALE Group
European Parliament resolution on Prisoners of war in the aftermath of the most recent conflict between Armenia and Azerbaijan (2021/2693(RSP))

The European Parliament,

– having regard to its previous resolutions on Armenia and Azerbaijan,
– having regard to the EU-Azerbaijan Cooperation Council of 18 December 2020 and the EU-Armenia Partnership Council of 17 December 2020,
– having regard to the UN Charter, UN Convention Against Torture, European Convention on Human Rights, and the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949,
– having regard to the UN Security Council Resolutions 853, 874, 884 and United Nations General Assembly resolutions 49/13 and 57/298,
– having regard to the EU Statement on captives from the recent conflict between Armenia and Azerbaijan of 29 April 2021,
– having regard to the Declarations by the High Representative on behalf of the European Union on Nagorno-Karabakh of 11 October and 19 November 2020,
– having regard to the Statements by the High Representative/Vice-President Josep Borrell on Nagorno-Karabakh of 27 September, 18 October, and 10 November 2020,
– having regard to the Statements by the Co-Chairs of the OSCE Minsk Group of 25 October 2020 in Washington D.C., 30 October 2020 in Geneva, as well as of 5 May 2021,
– having regard to the European Court of Human Rights’ notification to the Council of Europe’s Committee of Ministers, under Rule 39 of the Rules of the Court, of interim measures in relation to the recent armed conflict between Armenia and Azerbaijan of 9 March 2021,
– having regard to Rule 144 of its Rules of Procedure,

A. whereas, on 27 September 2020, Azerbaijan launched a large-scale military offensive along the Line of Contact in the Nagorno-Karabakh conflict zone and resulted in a new war between Armenia and Azerbaijan; whereas both sides reached an agreement on a humanitarian ceasefire on several occasions in October 2020 that did not last; whereas military activities, including against civilian targets, continued until a Russian-brokered ceasefire on 9 November 2020 was agreed;

B. whereas the people affected over the course of this long-standing conflict have already experienced excessive suffering, and overall, the conflict has led to extensive and unacceptable civilian casualties;
C. whereas everyone deprived of their liberty for reasons related to the conflict should be returned to their homes, and human remains should be returned to relatives; whereas the most recent outbreak of fighting resulted in both military and civilian captives, many of whom are still unaccounted for;

D. whereas several exchanges of prisoners of war and civilians detained in the context of the Nagorno-Karabakh armed conflict were conducted since December 2020, with the most recent taking place on 5 May 2021; whereas the Armenian side confirms that 69 Armenian prisoners were returned and claims that between 188 to 249 Armenian prisoners have not been returned yet;

E. whereas the European Court of Human Rights (ECHR) received complaints regarding 249 Armenians allegedly captured by Azerbaijan, 72 of which are still in Azerbaijan; whereas their detention has been acknowledged by the Azerbaijani Government, claiming that they have not been able to identify the remaining 112 individuals among their captives; whereas the ECHR decided on interim measures in relation to these cases;

F. whereas the ECHR also received complaints in relation to 16 Azerbaijanis allegedly captured by Armenia, 12 of which were repatriated by Armenia in December 2020; whereas the ECHR suspended examination under Rule 39 in relation to the other four;

G. whereas there are allegations that prisoners of war and other protected persons have been subjected to extrajudicial killing, enforced disappearance, torture and other ill-treatment, as well as reports of human rights violations against civilians and military captives, and of desecration of the dead;

H. whereas positive achievements on the repatriation of human remains and the provision of humanitarian assistance to populations severely affected by the conflict have been made over the past months;

I. whereas renewed efforts are necessary to build confidence between both countries and make progress towards sustainable peace;

1. Expresses its solidarity with the victims of the conflict between Armenia and Azerbaijan, as well as their families and friends; welcomes the provision of humanitarian assistance by the EU and the Member States and emphasises the importance of addressing the immediate needs of the civilian populations affected by the conflict;

2. Deplores past violations of ceasefires, which led to civilian suffering, loss of life, and a significant number of displaced people, and aggravated the conflict between the two states and respective societies; condemns all attacks targeting civilians, irrespective of their origin; recalls states’ obligations to protect civilian lives under international humanitarian law;

3. Calls on Azerbaijan to swiftly return all remaining prisoners of war and detained persons, regardless of the circumstances of their arrest; recalls that all captured or detained persons must be treated humanely and benefit from the protections of
international law; calls on all sides to clarify the fate and whereabouts of the disappeared, and to treat dead bodies with dignity;

4. Urges the government of Azerbaijan to provide the lists of all persons in captivity in Azerbaijan and to provide information about their whereabouts and state of health, and insists on its obligation to comply with the interim measures decided by the ECHR;

5. Recalls that failure to disclose information on the fate and whereabouts of missing persons may amount to enforced disappearance, which both Azerbaijan and Armenia have committed to preventing; condemns all instances of torture and enforced disappearances, also when perpetrated in armed conflict, as well as ill-treatment and the desecration of bodies;

6. Calls on all sides to refrain from any violence, harassment, torture and ill-treatment of prisoners and fully respect the provisions of international humanitarian and human rights law; insists on the respect of legal safeguards, access of independent lawyers, doctors, international organisations, and human rights defenders to prisoners, as well as communication with their relatives;

7. Insists that both states are under international obligations to conduct independent, prompt, public and effective investigations and prosecute all credible allegations of grave breaches of the Geneva Conventions and other violations of international law and war crimes, in order to ensure accountability of those responsible and redress for the victims;

8. Calls for guaranteeing humanitarian access, safe return of the displaced populations, as well as preserving and restoring the cultural and religious heritage in and around Nagorno-Karabakh; urges all parties to also cooperate on demining, including the exchange of data necessary to conduct effective demining of conflict regions and lifting restrictions on access to Nagorno-Karabakh, including for representatives of international humanitarian organisations;

9. Calls on all parties to continue to consolidate the ceasefire, as well as to refrain from any actions or rhetoric that could jeopardise it; calls on the VP/HR and the EEAS to closely follow the implementation of the provisions of the ceasefire, especially with regard to its monitoring mechanism;

10. Deplores the opening of the so-called Trophy Park in Baku, inaugurated on 12 April 2021, as it further intensifies long-standing hostile sentiments and undermines the building of mutual trust between Armenia and Azerbaijan;

11. Calls upon both sides to engage in substantive negotiations under the auspices of the OSCE Minsk Group Co-Chairs, without preconditions and on the basis of the agreed upon principles, in order to find a comprehensive and sustainable settlement to the conflict, including on the status of Nagorno-Karabakh;

12. Stresses the need to consult and cooperate with civil society and human rights defenders, in particular on issues of reconciliation and humanitarian assistance, as well as the importance of sustainable funding and the freedom of such organisations to
conduct their work without restrictions; commends the work of the International Committee of the Red Cross on the ground;

13. Calls on the EU Delegations and Member States’ representations in both countries to increase their support for human rights defenders’ work, and, where appropriate, to facilitate the issuance of emergency visas and provide temporary shelter in the EU Member States;

14. Highlights the particular effect of the conflict on women and marginalised groups, including the rise in domestic violence in the aftermath of the recent war, as well as the exclusion of women from the official peace process; calls on the Armenian and Azerbaijani governments, as well as international mediators to remove barriers to women's participation, across all tracks, and systematically include women experts and women human rights defenders in all consultations;

15. Supports the work of the OSCE Minsk Group Co-Chairs in seeking a negotiated political solution to the conflict and bringing lasting peace to the region; calls on the VP/HR and the EEAS to step up efforts to revitalise and effectively contribute to the peaceful resolution of this conflict, including through support for stabilisation, post-conflict rehabilitation, reconstruction, and confidence-building measures;

16. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, as well as of Armenia and of Azerbaijan.