



Plenary sitting

B9-0279/2021

18.5.2021

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))

Pedro Marques, Andrea Cozzolino, Isabel Santos
on behalf of the S&D 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, in particular of 20 January 2021 on the implementation of the Common Security and Defence Policy respectively the Common Foreign and Security Policy,
 - having regard to the declaration of the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the EU of 19 November 2020 on Nagorno-Karabakh,
 - having regard to the statement by the High Representative of the Union for Foreign Affairs and Security Policy of 14 May 2021 on the border situation,
 - having regard to the EU statement of 28 April 2021 on captives from the recent conflict between Armenia and Azerbaijan,
 - having regard to the statements by the Co-Chairs of the OSCE Minsk Group, in particular those of 13 April and of 5 May 2021,
 - having regard to the third Geneva Convention relative to the treatment of prisoners of war and the fourth Geneva Convention relative to the protection of civilian persons in time of war,
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to the European Convention on Human Rights,
 - having regard to the EU Global Human Rights Sanctions Regime allowing targeted sanctions to individuals, entities and bodies responsible for, involved in or associated with serious human rights violations,
 - having regard to the agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas,
 - having regard to Rule 144 of its Rules of Procedure.
- A. whereas the most recent armed conflict between Armenia and Azerbaijan from 27 September to 10 November 2020 took the lives of more than 5.000 soldiers, injured and killed hundreds and displaced thousands of civilians, and continues to afflict the population due to missing information about the whereabouts of relatives, the incomplete return of prisoners of war and other captive persons, the return of human remains, impeded access to humanitarian assistance and destroyed basic infrastructure;
- B. whereas the trilateral ceasefire statement of 9 November 2020 states, in paragraph 8,

that an exchange of prisoners of war, hostages and other detainees as well as the remains of the fatalities shall be carried out;

- C. whereas the exact number of prisoners of war remaining in custody remains disputed and difficult to verify due to a lack of precise information; whereas Azerbaijan claims it has returned all Armenian prisoners of war but acknowledges it is holding 72 persons who, it claims, are suspected of terrorism, while Armenia claims that Azerbaijan has returned 73 prisoners of war and civilians and has failed to provide information about dozens of other Armenian citizens that remain captive; whereas Armenia has returned all prisoners of war, thereby complying with the principle of “all for all” as part of the ceasefire statement of 9 November 2020;
- D. whereas international human rights organisations have been documenting credible reports about torture, inhuman and degrading treatment of prisoners of war and civilians detained by Azerbaijan, including forced false confessions and public statements, humiliating treatment divulged on social media, disappearance of detained civilians and executions of prisoners of war;
- E. whereas international humanitarian law as stipulated in the Geneva Conventions, the European Convention on Human Rights and the International Covenant on Civil and Political Rights requires parties to an international armed conflict to treat prisoners of war humanely in all circumstances and prohibits all forms of torture or inhuman or degrading treatment;
- F. whereas the European Court of Human Rights (ECHR) has granted Armenian requests for interim measures with respect to 229 individuals and requested Azerbaijan to provide specific information on these individuals; whereas the ECHR on 9 March 2021 concluded that Azerbaijan failed to comply, judging the information provided as too general and limited; whereas according to the information of the Court, 58 Armenian individuals were repatriated between December 2020 and February 2021 and 72 acknowledged captives remained in Azerbaijan until April, while for 112 individuals the government of Azerbaijan claims that it has not been able to identify them among their captives; whereas Azerbaijan has released 3 more detainees on 5 May 2021;
- G. whereas in December 2020 Armenia returned 12 Azerbaijanis out of 16 with regard to whom the ECHR applied interim measures; whereas the ECHR suspended examination of the cases in relation to the other four individuals given the nature of the information provided by the Government of Armenia;
- H. whereas the “Park of Military Trophies” inaugurated in Baku on 12 April 2021 reportedly displays Armenian military equipment, wax mannequins depicting dead and dying Armenian soldiers and models of Armenian prisoners of war chained in a cell, which may be perceived as a glorification of violence and risks inciting further hostile sentiment, hate speech or even inhuman treatment of remaining prisoners of war and other Armenian captive civilians, thereby perpetuating the atmosphere of hatred and contradicting any official statements on reconciliation;
- I. whereas Armenia and Azerbaijan have not resumed the political dialogue under the auspices of the OSCE Minsk Group Co-Chairs yet and a lasting settlement of the Nagorno-Karabakh conflict and the region’s future legal status remain outstanding;

- J. whereas on 12 May 2021, Azerbaijani troops crossed the Armenian border, advancing more than 3km into the Syunik province according to the Armenian government; whereas this violation of Armenian sovereign territory follows worrying statements by Azerbaijani representatives, including the President, which appeared to raise territorial claims and threaten the use of force; whereas these latest worrying developments along the Armenia-Azerbaijan border threaten the security of the local populations, undermine the efforts for security and stability in the region and underline further the urgent need to resume political dialogue and negotiations in order to achieve a lasting settlement of the conflict;
1. Urges the government of Azerbaijan to release without any further delay and without any condition all remaining prisoners of war and civilians held captive and to provide precise information on their conditions of detention and state of health as well as on the measures taken to enable their return;
 2. Urges to implement the agreements on the exchange of prisoners of war and the repatriation of human remains that were reached in the talks with the OSCE Minsk Group Co-Chairs in Geneva or are part of the trilateral ceasefire statement of 9 November 2020;
 3. Calls on Azerbaijan to comply with the interim measures by the European Court of Human Rights and provide the outstanding detailed information on the conditions of detention of the detainees, their state of health, and the measures taken to return them; calls to ensure that those still in custody are provided with all protections required under international human rights and humanitarian law, including freedom from torture and inhuman treatment;
 4. Expresses its grave concern about credible reports according to which Armenian prisoners of war and other captive persons have been and are being held in degrading conditions and subjected to inhuman treatment and torture when they were captured or during their detention;
 5. Reminds all the conflict parties about their international obligations for the respect of international humanitarian law, which prohibits torture and other degrading or inhuman treatment, and reiterates that torture and ill-treatment of prisoners of war constitute war crimes;
 6. Urges the authorities of the conflict parties to investigate all allegations of unlawful detentions of civilians and of inhuman and degrading treatment or torture of prisoners of war and of captive persons and to bring those responsible to justice, as such criminal acts would constitute war crimes;
 7. Insists on the urgent need to refrain from any hostile rhetoric or actions that may be perceived as inciting hatred or outright violence or as supporting impunity or that risk undermining the efforts to establish and promote an atmosphere conducive to trust and reconciliation, cooperation and sustainable peace;
 8. Urges to take concrete action to implement the outstanding points of the trilateral ceasefire statement of 9 November 2020, namely to release and return all persons remaining in captivity without delay and to ascertain the fate of the missing persons; in

this regard, recalls the urgent need to ensure unhindered access of international humanitarian organisations to Nagorno-Karabakh for the provision of humanitarian assistance to conflict-afflicted populations and to allow access to the UNESCO assessment mission for the protection of cultural and religious heritage without further delay;

9. Calls on the governments of Armenia and Azerbaijan to cooperate on demining and to accede to the Convention on Cluster Munitions of 2008 and to the Anti-Personnel Mine Ban Convention of 1997; encourages them to agree on a simultaneous accession to these conventions, as a first example of concrete action to establish an atmosphere of trust;
10. Calls on the conflict parties to reaffirm clearly and publicly their willingness to re-engage in the process led by the OSCE Minsk Group Co-Chairs and to resume political dialogue at the highest political level without further delay and with the objective of finding a lasting settlement and determining the future status of the Nagorno-Karabakh region; therefore, calls to refrain from any actions that contradict the efforts to re-establish negotiations; reminds the conflict parties that the process led by the Minsk Group Co-Chairs was founded on the group's Basic Principles that they themselves agreed to, reflecting the Helsinki Final Act principles of non-use of force, territorial integrity, and the equal rights and self-determination of peoples;
11. Calls on the Commission and the EU Member States to continue supporting the provision of urgent humanitarian assistance, the work of international organisations in this area and on the protection of cultural and religious heritage, as well as to support civil society organisations in Armenia and Azerbaijan that genuinely contribute to reconciliation;
12. Calls on the High Representative of the Union for Foreign Affairs and Security Policy, together with the EU Member States, to enhance and effectively contribute to multilateral efforts for a comprehensive and lasting settlement of the conflict and to also address the security, stability and regional cooperation in the South Caucasus at the upcoming Eastern Partnership summit in autumn 2021;
13. Stresses that the promotion and protection of democracy and human rights in third countries can be achieved effectively through the use of conditionality in the EU's economic and political incentives such as access to EU funding, the granting of the generalised system of preferences (GSP) and of further tariff facilitations, and the granting of EU visa facilitation and Schengen visa waivers; calls, in this regard, on the Commission and the EU Member States to consider the activation of the EU global human rights sanctions regime and the withdrawal of the EU-Azerbaijan visa facilitation agreement;
14. 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, the Council of Europe, the OSCE and to the Presidents, Governments and Parliaments of Armenia and Azerbaijan.