



Plenary sitting

B9-0288/2021

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))

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on behalf of the PPE Group

B9-0288/2021

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-Armenia Partnership Council of 17 December 2020 and the EU-Azerbaijan Cooperation Council of 18 December 2020 and their respective conclusions,
 - having regard to the UN Charter, UN Convention Against Torture, European Convention on Human Rights and the Geneva Convention (III) relative to the Treatment of Prisoners of War of 12 August 1949,
 - having regard to the EU Statement on captives from the recent conflict between Armenia and Azerbaijan of 28 April 2021,
 - having regard to the Statements by the Co-Chairs of the OSCE Minsk Group of 25 October 2020, 30 October 2020, 14 December 2020, 13 April 2021 and 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 relations 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 after the first war over Nagorno-Karabakh between 1988 and 1994 the international community tried to broker a lasting and comprehensive peace settlement to the Nagorno-Karabakh conflict through the OSCE Minsk Group Co-Chairs;
- B. whereas on 27 September 2020, war erupted between Azerbaijan and Armenia, which was started by Azerbaijan; whereas hostilities ended 44 days later following a ceasefire brokered by the Russian Federation, which was signed on 9 November 2020 and entered into force on 10 November 2020;
- C. whereas the ceasefire in point 8 of the Tripartite Ceasefire Statement stipulates that the exchange of prisoners of war, hostages and other detainees as well as remains of fatalities shall be carried out; whereas the exchanges should be conducted following the “all for all” principle;
- D. whereas both Armenia and Azerbaijan are parties to the Geneva Convention (III) relative to the Treatment of Prisoners of War, which in article 118 stipulates that prisoners of war will be released and repatriated without delay after the cessation of active hostilities; whereas article 18 stipulates that prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death

or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention;

- E. whereas since the hostilities were suspended, several exchanges of prisoners, both military and civilian, were conducted;
 - F. whereas according to worrying reports there are approximately 200 Armenians held in Azerbaijani captivity; whereas the European Court of Human Rights (ECHR) stated that it has received complaints regarding 249 Armenians captured by Azerbaijan; whereas ECHR applied interim measures with regard to the 229 Armenians, and 183 still remain in force; whereas the Azerbaijani authorities acknowledged that 72 Armenians are in their captivity; whereas with regard to 112 individuals no information has been submitted by Azerbaijan to the ECHR, whereas the fate of the others is unknown; whereas since the cessation of hostilities 73 Armenian POWs and civilians have been repatriated to Armenia;
 - G. whereas the ECHR also received complaints in relations to 16 Azerbaijanis allegedly captures by Armenia, 12 of which were repatriated in December 2020; whereas the ECHR suspended examination under Rule 39 in relation to the other 4 individuals given the nature of the information received by the Government of Armenia;
 - H. whereas there have been reports that Armenian servicemen and civilians have been taken prisoners also after the cessation of hostilities on 10 November 2020; whereas in the case of these hostages and prisoners the Azerbaijani authorities claim that they are *terrorists* and do not deserve POW status under the Geneva Convention;
 - I. whereas there have been reports of renowned human rights organisations of cases of abuse, degrading and inhumane treatment, including torture, of Armenian POWs in Azerbaijani captivity;
1. Deplores the violence conducted during the most recent war between Armenia and Azerbaijan over Nagorno-Karabakh; expresses solidarity with the families of the victims; deplores the violation of the ceasefire, which led to further human suffering, loss of life and destruction;
 2. Demands an immediate and unconditional release of all Armenian prisoners, military and civilian, detained during and after the conflict; recalls that the Tripartite Ceasefire Statement of 9 November 2020 foresees an exchange of prisoners of war, hostages and other detainees as well as remains of fatalities;
 3. Urges the Government of Azerbaijan to provide exhaustive lists of all persons held in their captivity in connection with the armed conflict and to provide information about their whereabouts and health;
 4. Demands that the Government of Azerbaijan respects legal safeguards, allows access of lawyers, doctors, human rights defenders to the Armenian prisoners and facilitates their communications with relatives;
 5. Deplores the abuse of Armenian POWs in Azerbaijani custody as reported; demands that the Azerbaijani authorities refrains from any violence, harassment, torture and ill-

treatment of Armenian prisoners and furthermore fully respects the provisions of international humanitarian and human rights law in this regard; calls on the Azerbaijani authorities to open judicial inquiries on the basis of all evidence of ill-treatment, torture and loss of life of prisoners; calls on the Government of Azerbaijan to fully cooperate with the European Court of Human Rights to investigate the validity of reports of dehumanising treatment of Armenian prisoners and to hold those responsible to account;

6. Calls on the Government of Azerbaijan to fully cooperate with the European Court of Human Rights on the issue of Armenian prisoners, and to comply with the interim measures of the Court, which ordered Azerbaijan to provide information on the conditions of detention of the prisoners, their state of health and measures undertaken to return them;
7. Expresses its belief that a full exchange of prisoners and remains of the deceased and final settlement of this issue is a humanitarian emergency, especially for their families and will be a first trust-building measure desperately needed in order to bring rudimentary stability in this region;
8. Recalls the efforts of the international community spearheaded by the Co-chairs of the OSCE Minsk Group to find a lasting, comprehensive and sustainable solution on the basis of the OSCE 2009 Basic Principles (Non-Use of Force, Territorial Integrity, and the Equal Rights and Self-Determination of Peoples); reminds that this can only be achieved through a negotiated political solution, with genuine commitment of all concerned parties;
9. Expresses strong concerns about the worrying recent developments along the Armenia-Azerbaijan border and underscores that border delimitation and demarcation must be resolved through negotiations, for the benefit of the security of the local populations as was also stated by the High Representative on 14 May 2021;
10. Deplores the opening of the so-called Trophy Park in Baku, open to the public since 14 April, as it further intensifies long-lasting hostile sentiments and underlines the building of mutual trust between Armenia and Azerbaijan;
11. Calls on the Vice-President/High Representative and the European Commission to offer all necessary assistance to both Armenia and Azerbaijan to consolidate the ceasefire, support any efforts leading to stabilisation, reconstruction and post-war rehabilitation;
12. 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 United Nations Secretary-General, the OSCE Secretary-General, the President, Government and Parliament of the United States of America, the President, Government and Parliament of the Russian Federation, the President, Government and Parliament of Armenia and the President, Government and Parliament of Azerbaijan.