



Via Electronic Mail

October 28th, 2023

Name: Center for Truth and Justice
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RE: CFTJ Urgent Report on Azerbaijan's Detention of Armenian Political Prisoners and POWs

The Honorable Anthony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

The Center for Truth and Justice is writing to bring to your attention the Azerbaijani regime's broken diplomatic promises pertaining to the unjust imprisonment of eight democratically elected representatives of the Armenian indigenous population in Nagorno-Karabakh.

The Center for Truth and Justice

The Center for Truth and Justice (CFTJ) is a 501(c)(3) U.S. nonprofit organization based in Los Angeles, California. CFTJ has been documenting human rights violations and war crimes against Armenians since the 2020 war in Nagorno-Karabakh. CFTJ set up fact-finding infrastructure in the region and has been collecting first-hand testimonies from victims. CFTJ preserves evidence and makes it available for educational purposes, advocacy and potential legal actions. The CFTJ team is composed of attorneys and law students in the U.S., Canada, United Kingdom, Armenia, and Nagorno-Karabakh, as well as human rights advocates and other professionals.

Azerbaijan's Failed Promises of Amnesty and Good Faith Peace Negotiations

Azerbaijan has failed to uphold its promises of amnesty and undermined the US State Department's public calls on amnesty and good faith peace negotiations. These detained individuals, whose only "crime" was the peaceful exercise of their political rights, have been

held under false and fabricated charges, reflecting a broader pattern of political suppression and disregard for ethnic Armenian rights by Azerbaijan.

Azerbaijan has a pattern of renegeing on promises to international actors while violating the fundamental human rights of those detained - in breach of international law. CFTJ has ample evidence of Azerbaijan committing human rights violations on other detainees and POW's while these individuals are under Azerbaijani custody. This pattern will continue with the eight individuals detained, unless there is intervention by international powers, like the U.S. Azerbaijan should not be an exception to U.S. policies and principles in support of international humanitarian and human rights laws.

Broken Promises and Diplomacy

In May 2023, President Ilham Aliyev of Azerbaijan delivered a speech in Lachin in which he stated: "The Nagorno Karabakh parliament should be dissolved, the president should surrender, and all ministers, deputies and others should give up their positions. Only in that case can a concession be made to them. Only in that case can we talk of an amnesty... My word is final, and everyone knows that both in Azerbaijan and the rest of the world, including Armenia. We do what we say. Not a single word of ours remained as empty, and it never will be in the future either. If I say that amnesty can be an option, they should not miss this opportunity."¹

In a May 30, 2023, press release, the US Department of State publicly welcomed Azerbaijan's talk of amnesty and Armenia's commitment to peace. However, despite the surrender of these leaders and their compliance with Aliyev's conditions to disband and surrender the parliament of Nagorno-Karabakh, Azerbaijan has broken and renegeed on every promise of amnesty.²

Unjust Imprisonment

Among those already apprehended are eight former Armenian leaders from Nagorno-Karabakh, listed below, with some sources indicating plans for the detention of an additional hundreds Armenians.

The individuals who have been arrested include:

¹ Aliyev, Ilham. "Ilham Aliyev met with people who returned to the city of Lachin and presented house keys to them." President of the Republic of Azerbaijan, 28 May 2023, <https://president.az/en/articles/view/60027>.

² Miller, Matthew. "Continued Peace Talks Between Armenia and Azerbaijan." U.S. Department of State, 30 May 2023, <https://www.state.gov/continued-peace-talks-between-armenia-and-azerbaijan/>.

1. **Ruben Vardanyan** - Nagorno-Karabakh State Minister
Tenure: November 2022 - February 2023.
He was arrested while attempting to enter Armenia via the Lachin Corridor.
2. **Davit Babayan** - Nagorno-Karabakh Foreign Minister
Tenure: January 2021 - January 2023.
Notably, he voluntarily complied with demands for his surrender from Baku to mitigate the suffering of the Artsakh Armenians.
3. **Davit Manukyan** - Nagorno-Karabakh Defense Army Deputy Commander
He was detained by Azerbaijan's Border Guard Service (BGS) on September 27 during his attempt to journey to Armenia via the Lachin Corridor.
4. **Levon Mnatsakanyan** - Nagorno-Karabakh Defense Minister
Tenure: June 2015 - December 2018.
He was apprehended on September 29 en route to Armenia through the Lachin Corridor. Additionally, he served as the commander of the Nagorno-Karabakh Defense Army and as Nagorno-Karabakh's police chief.
5. **Arkady Ghukasyan** - Nagorno-Karabakh President
Tenure: 1997-2007
6. **Bako Sahakyan** - Nagorno-Karabakh President
Tenure: 2007-2020
7. **Davit Ishkhanyan** - Nagorno-Karabakh Parliament Speaker
8. **Arayik Harutyunyan** - Nagorno-Karabakh President
Tenure: 2020-2023.
As per Azerbaijani press, on October 3, it was declared that President Harutyunyan was detained and moved to Baku.

Zara Amatuni, the spokesperson for the International Committee of the Red Cross (ICRC) office in Armenia, reported that the International Red Cross has not been granted access to the detained Nagorno-Karabakh officials. As of October 28th, 2023, CFTJ does not have any evidence corroborating the contrary.

Armenian civilians, [notably men over the age of 18], have also been arbitrarily arrested with no evidence for the grounds of arrest. Vagif Khachatryan, a 68-year-old individual, was among the Nagorno-Karabakh patients who were under the care of the ICRC while being transported to Armenian hospitals for urgent medical treatment during the illegal ten-month blockade. Subsequently, he was apprehended at an Azerbaijani checkpoint situated in the Lachin corridor and subsequently charged with the alleged crimes of both killing and deporting ethnic Azerbaijani residents of Nagorno-Karabakh at the outset of the first Armenian-Azerbaijani conflict. The Armenian Foreign Ministry decried this legal process as a “sham trial,” with its

spokesperson, Ani Badalian, staunchly affirming that Khachatryan's detention and prosecution were conducted “in blatant violation of international humanitarian law.”³

The adverse impact of political arrests of Armenian leaders on democracy, the peace process and regional stability

Azerbaijan's escalating aggression, broken promises and its political arrests undermines U.S. efforts to counteract the undesirable rise of the power and influence of an autocratic state violating international law with impunity.

These actions are not mere legal proceedings but a targeted strategy to punish “these individuals simply based on their role as democratically-elected representatives or as persons charged with the maintenance of security” and protection of the indigenous population.⁴ The unlawful detention of these representatives — *elected voices of the Armenian people in Nagorno-Karabakh* — undermines the peace process and hinders the potential for any meaningful dialogue between the conflicting parties.

These individuals, targeted explicitly for their roles as democratically elected officials or protectors of their indigenous communities, must not face retribution for demanding freedom and rightly fearing atrocities if Armenians of Nagorno-Karabakh were to fall under Azerbaijani rule for the first time.

Azerbaijan cannot be trusted to fulfill its promise to respect the rights of ethnic minorities. The United Kingdom Law Society’s Universal Periodic Review report on Azerbaijan to the UN Human Rights Council highlights the lack of judicial independence and restrictions on access to justice.⁵ The Law Society’s report details how judges and courts in Azerbaijan restrict access to justice through various means, such as violation of the relevant code of conduct by judges during proceedings, arbitrary rejection of evidence, unreasonable restrictions on the right to appeal, and systematically favoring prosecutors’ arguments over defense counsel’s. Azerbaijan’s poor record of complying with International Court of Justice and European Court of Human Rights decisions,

³ Badalian, Susan, and Ruzanna Stepanian. "Karabakh Armenian Goes On Trial In Azerbaijan." Azatutyun, 13 October 2023, <https://www.azatutyun.am/a/32636537.html>.

⁴ “More than 100,000 ethnic Armenians have fled Nagorno-Karabakh, they are not on vacation, Sean Murphy says at ICJ.” *Ilurer.com*. 12 October 2023. <https://www.ilurer.am/en/2023/10/12/More-than-100-000-ethnic-Armenians-have-fled-Nagorno-Karabakh-hey-are-not-on-vacation-Sean-Murphy-s/1012513>.

⁵ The Law Society of England and Wales. "Stakeholder Submission to the UN Human Rights Council’s Universal Periodic Review – AZERBAIJAN." The Law Society, 44th Session, Oct-Nov. 2023, <https://www.lawsociety.org.uk/campaigns/international-rule-of-law/features/weve-submitted-a-universal-periodic-review-report-on-azerbaijan-to-un-human-rights-council>.

including failure to comply with the court's decision to sentence an Azerbaijani diplomat, Ramil Safarov, for the racially motivated and unprovoked murder of ethnic Armenians, further underscores the country's disregard for international law.

We urge the Secretary of State to take the following actions:

- Engage with the President of Azerbaijan directly and diplomatically to emphasize the importance the United States places on human rights, the rule of law, and democratic representation.
- Provide a transparent account of the charges against these eight individuals and the legal processes to which they have been subjected.
- Ensure their humane treatment while in detention, in accordance with international human rights standards.
- It must be demanded that Azerbaijan immediately and unconditionally release all Armenian political prisoners and POWs held by the Aliyev regime.
- Imposition of Magnitsky Act Sanctions on the Aliyev regime for its gross violations of human rights.

Azerbaijan's unjust imprisonments, disregard for democracy, human rights and the peace process pose a threat to regional stability and U.S. interests.

Strong U.S. leadership can secure the release of the detained individuals. The U.S. State Department has proclaimed "Aggressive rhetoric can only perpetuate the violence of the past; constructive dialogue—both public and private—can create peace, opportunity, and hope. The United States stands ready to support the efforts of both parties to conclude a durable and dignified peace agreement."⁶

During his address to the nation on October 19, President Biden did not mince words by saying "when dictators don't pay a price for their aggression, they cause more chaos and death and destruction. And the cost and the threats to America and the world keep rising."⁷

⁶ Miller, Matthew. "Continued Peace Talks Between Armenia and Azerbaijan." U.S. Department of State, 30 May 2023, <https://www.state.gov/continued-peace-talks-between-armenia-and-azerbaijan/>.

⁷ Agreement Clark, Joseph. "Biden Says U.S. Leadership Vital, Pledges Support for Israel and Ukraine." DOD News, 20 Oct. 2023, <https://www.defense.gov/News/News-Stories/Article/Article/3564178/biden-says-us-leadership-vital-pledges-support-for-israel-and-ukraine/>.



We urge you to take decisive action to ensure no harm is done to Armenians unlawfully detained by Aliyev and demand their immediate and unconditional release.

Cc:

Senator Ben Cardin, Chairman, Senate Foreign Relations Committee

Senator James Risch, Ranking Member, Senate Foreign Relations Committee

Senator Jeanne Shaheen, Chair, Senate Foreign Relations Subcommittee on Europe

Senator Pete Ricketts, Ranking Member, Senate Foreign Relations Subcommittee on Europe

Senator Tim Kaine, Chair, Senate Foreign Relations Subcommittee on Human Rights

Senator Marco Rubio, Ranking Member, Senate Foreign Relations Subcommittee on Human Rights

Senator Chris Coons, Chairman, Senate Foreign Operations Subcommittee

Senator Lindsey Graham, Ranking Member, Senate Foreign Operations Subcommittee

Rep. Michael McCaul, Chairman, House Foreign Affairs Committee

Rep. Gregory Meeks, Ranking Member, House Foreign Affairs Committee

Rep. Thomas Kean Jr., Chair, House Foreign Affairs Subcommittee on Europe

Rep. William Keating, Ranking Member, House Foreign Affairs Subcommittee on Europe

Rep. Chris Smith, Chairman, House Foreign Affairs Subcommittee on Human Rights

Rep. Susan Wild, Ranking Member, House Foreign Affairs Subcommittee on Human Rights

Rep. Mario Diaz-Balart, Chairman, House Foreign Operations Subcommittee

Rep. Barbara Lee, Ranking Member, House Foreign Operations Subcommittee

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