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@Hostages in the context of the Karabakh conflict - an update

Introduction

Hostage-taking has been an intractable problem since the beginning of the conflict over Karabakh - an area of Azerbaijan populated mainly by ethnic Armenians. Over 20,000 people are estimated to have died in this conflict which has spread beyond Karabakh, now under the overall control of ethnic Armenian forces, to other areas of Azerbaijan which they have occupied. Hundreds of people, many unarmed civilians, have been held as hostages by all sides to the conflict.

These hostages have been held by private individuals, with the knowledge and/or complicity of the authorities. They have also been held by the authorities themselves, who in some cases are reported to have detained people and then distributed them as hostages to private families who have members held as hostages by the other side. There have been many reports of torture and ill-treatment in detention. The self-perpetuating cycle of taking hostages to exchange for those held by the other side has been exacerbated by the activity of intermediaries, who have brokered hostage distribution to families, or their exchange, for money. Even corpses are traded.

Humanitarian law forbids hostage-taking under any circumstances. Amnesty International has persistently appealed to all parties to the conflict to ensure that no one is detained as a hostage, or otherwise held solely on the grounds of their ethnic origin. The organization strongly believes that all human rights violations are to be deplored and that in no circumstances can abuses perpetrated by one party be used as justification for abuses carried out by another. In April 1993 Amnesty International issued a report which focused on hostage-taking in the context of the Karabakh conflict, and which also gave a general background to the situation and an overview of the organization's other related concerns. For further details see *Azerbaijan: Hostages in the Karabakh conflict: civilians continue to pay the price*, AI Index: EUR 55/08/93.

Since that report was published both Armenia and Azerbaijan have acceded to the four Geneva Conventions of 12 August 1949, and there have been a number of officially-sanctioned hostage exchanges in addition to those which have taken place on a private basis. However, further cases of hostage-taking have come to light.

This report sets out several developments which have arisen since the first paper was written, including updates on the situation of the individual hostages mentioned in the April 1993 document and several new cases which have since emerged. It also covers concerns on the judicial death penalty, in the light of over a dozen death sentences which have been passed on prisoners in connection with the Karabakh conflict.

Background to the hostage-taking issue

Hostage-taking has escalated both in terms of numbers and geographical extent since the outbreak of intercommunal violence over the Karabakh problem in 1988. From initial and occasional seizures within Karabakh of isolated community members such as shepherds, the practice of hostage-taking, with the knowledge or acquiescence of the authorities, grew with the scale of the armed conflict. Inhabitants were taken during raids on villages, and then during more organized military operations. The problem spread beyond the Karabakh area itself, to include the seizure of citizens of other states in transit through Azerbaijan, or even in other states themselves. There have also been reports of hostages from Azerbaijan being held in Armenia. The distinction between hostages and prisoners of war is also frequently blurred, in a situation where there have been no formal declarations of war and the self-proclaimed Nagorno-Karabakh Republic (NKR) established by the ethnic Armenians is not recognized either internationally or by the Azerbaijani authorities. For example there have been reports that men captured during combat operations have been handed to private families to be held as hostages, with their safety dependent on the return of the family member held by the other side. Sources in Armenia and Azerbaijan have over the years compiled lists containing hundreds of names, but the exact number of those currently still detained is difficult to determine owing to the conflict situation and the widespread involvement of individuals making private exchanges. Several more recent examples of alleged hostage-taking are given below, as an example of the continuing practice.

Hostage-taking: update on individual cases

In its first report Amnesty International gave several examples of cases in which non-combatant civilians were said to have been detained as hostages (both by the authorities themselves, or with their knowledge or acquiescence) solely on grounds of their ethnic origin. The armed conflict and the numerous private exchange deals have made information gathering extremely difficult, but the available further information on the hostages' situation is set out below.

Vilik Ilich Oganezov and Artavaz Aramovich Mirzoyan

Vilik Oganezov and Artavaz Mirzoyan are ethnic Armenian citizens of the Republic of Georgia. On 28 April 1992 they were travelling on business from Samara in the Russian Federation to their home city of Tbilisi, the capital of Georgia. During the journey the plane became low on fuel and had to land in order to refuel in Baku, the Azerbaijani capital. Azerbaijani soldiers and armed airport staff boarded the plane and demanded to see all passports. At that time most people still held only their old internal passports of the former Soviet Union, which specified the holder's ethnic origin.

Vilik Oganezov and Artavaz Mirzoyan were identified as ethnic Armenians, and escorted off the plane. They report that their valuables were confiscated on the runway and

they were then taken to a temporary detention cell of the airport police where they were beaten. On 1 May 1992 they were transferred to investigation-isolation prison No. 3 in the Shuvelyan suburb of Baku, under the jurisdiction of the Ministry of Internal Affairs. The two men allege that they were beaten again there, and constantly asked for money in exchange for their release. They were not formally charged with any offence, and their lawyer reports that Azerbaijani officials told him that the sole ground for detaining Vilik Oganezov and Artavaz Mirzoyan was as hostages owing to their ethnic origin. However, like a number of other ethnic Armenians taken from outside the Karabakh area, neither man had Armenian relatives involved in the conflict with whom exchange arrangements could be made.

On 13 February 1993 Vilik Oganezov and Artavaz Mirzoyan were transferred to a holding centre in Binagady near Baku where conditions were said to have been worse than in Shuvelyan. They report that they were given very little food and were exposed to extremes of temperature, with the windows kept wide open in the winter months and closed in summer.

On 27 July 1993 the two men were transferred to corrective labour colony no. 3 in Gobustan in the Karadagsky district of Baku, in accordance with a presidential decree which stipulated that all Armenians held as hostages or prisoners of war should be taken to a specially-designated detention centre (see below).

A month later, on 26 August, Vilik Oganezov and Artavaz Mirzoyan were among a group of 29 ethnic Armenians handed over by the Azerbaijani authorities to the International Committee of the Red Cross (ICRC). They were subsequently transferred to Tbilisi, along with two other Georgian citizens from that group whose cases had also been taken up by Amnesty International. They were Karen Karapetyan and Remi Arutyunov, detained in August and October or November 1992 respectively while in transit through Azerbaijan on the Moscow-Tbilisi train.

Amnesty International has information on at least three other Georgian citizens of Armenian origin said to have been detained as hostages while in transit through Azerbaijan, and who were not among the group of 29 released. They are **Boris Babalyan** (born 1936, detained 12 November 1992 on the Moscow-Tbilisi train), **Amaik Samoylovich Muradyan** (detained late 1992 or early 1993 at Akstafa station while on the Moscow-Tbilisi train and last reported to be in Taz, Azerbaijan), and **Romeo Aleksandrovich Seyranov** (aged 28 when he was detained on 8 October 1992 in the town of Kazakh). Amnesty International is still trying to ascertain their current whereabouts. A fourth such Georgian Armenian, **Gurgen Agasovich Tomoyan**, is reported to have died in prison in Baku in 1993. Aged in his 60s, he had been detained on 5 November 1992 in Gyanja.

Decision of the United Nations (UN) Working Group on arbitrary detention

The case of Vilik Oganezov and Artavaz Mirzoyan was reviewed by the UN Working Group on arbitrary detention, an independent group of experts established in 1991 which investigates cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards. The Working Group decided on 28 September 1993 in Decision 31/1993 that the detention of Vilik Oganezov and Artavaz Mirzoyan "manifestly cannot be linked to any legal basis", and declared it to be arbitrary and in contravention of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

Lev Vaganovich Avakov-Leonov

Lev Avakov-Leonov, an ethnic Armenian born in Azerbaijan, was aged 84 when he was abducted from his home in Baku by four unknown people who broke in on 21 March 1992.

According to unofficial sources he was seen later in poor health in Agdam, a town on the edge of the disputed Karabakh region, together with other ethnic Armenian hostages pending exchange. His situation was believed to be very difficult as he had no known relatives in Karabakh able to arrange such an exchange, and others there who were holding Azerbaijani hostages preferred to trade them for young, able-bodied Armenians. Agdam fell to the ethnic Armenian forces in July 1993, and nothing has been heard of Lev Avakov-Leonov since the last Amnesty International report was written.

His Russian wife and their adopted daughter, who is ethnically Azeri, left Azerbaijan in June 1992 in the face of increasing threats to their physical safety.

Saltanat Zulal gyzy Mamedova, Lyatifa Ibad gyzy Mamedova, Sabukhi Dzhakhangir ogly Aliyev, Salim Dzhakhangir ogly Aliyev, Shovket Ibad gyzy Dzhafarova and Samir Tadzhir ogly Dzhafarov

These six Azerbaijanis, three women and three children from the same family, were reportedly detained by ethnic Armenian forces in February 1992 while fleeing fighting around Khodzhalı, a town in the Karabakh area populated mainly by Azerbaijanis which fell at that time with great loss of civilian life.

In May 1992 the six were said to be in the village of Venk (known to the Armenians as Vankulu) in the Agdarinsky (Mardakertsky) district in the Karabakh area. No further news emerged until over a year later, when an Azerbaijani hostage released in August 1993 reported seeing Saltanat Mamedova (born 1931) and her daughter Lyatifa (born 1958) in the hands of private individuals in the Shusha district of Karabakh, where they were being made to work on a cattle farm. The town of Shusha had fallen to ethnic Armenian forces in May 1992, leaving them in overall control of the disputed enclave for the first time in the conflict.

Amnesty International has not been able to obtain any further information on their current situation. No other details have been forthcoming on the fate of Lyatifa's two sons Sabukhi (born 1981) and Salim Aliyev (born 1987), nor on the fate of another of Saltanat's daughters Shovket Dzhafarova (born 1958) and her son Samir (born 1988). The names of Sabukhi, Salim and Samir were included on a list of almost 100 children said to be aged 16 or under when taken hostage by ethnic Armenians, and to remain detained, which was presented to by the Azerbaijani "League for the Defence of Children" to a representative of the United Nations in Baku on 1 June 1994.

Alisher Gyulaly oghly Binaliyev, Dzhabar Gyulaly oghly Binaliyev, Akhmed Mamed oghly Ilyasov, Aly Rais oghly Badishev, Osman Khamdi oghly Khamdiyev and Gadim Pazli oghly Pazliyev

According to unofficial reports these six men were non-combatant civilians who were also detained in February 1992 by ethnic Armenians while fleeing Khodzhal. They are Meskhetian Turks, a minority forcibly deported from Georgia to Soviet Central Asia in 1944. Following inter-ethnic violence in Uzbekistan in 1989 much of the Meskhetian Turkish population was evacuated to other parts of the former Soviet Union, and some are said to have been relocated to what were then predominantly Azerbaijani-populated parts of Karabakh.

Amnesty International has received further information on only one of these six men - Alisher Binaliyev (born 1967). In January 1994 he was reported to be held by a private citizen, but with the knowledge or complicity of the authorities, in the city of Spitak in neighbouring Armenia along with ten other citizens of Azerbaijan. They were named as *Nazim Adil oghly Rashidov* (born 1941), *Zokhrab Guseyn oghly Guseynov* (born 1930), *Elshan Gasan oghly Bagirov* (born 1965), *Ulfat Iman oghly Aliyev* (born 1972), *Azer Vagif oghly Mamedov* (born 1971), *Dzheukhyn Vagif oghly Mamedov* (born 1974), *Niyameddin Vagif oghly Mamedov* (born 1979), *Elshad Kamran oghly Usubov* (born 1974), *Mukhtar Iskender oghly Abilov* (born 1974) and *Vugar Gamlet oghly Badalov* (born 1970). Vugar Badalov is said to have been captured on 8 May 1992 in or around Shusha, while serving in the Azerbaijani Army. The exact circumstances under which the others were initially detained are not known to Amnesty International, and no further personal details are available. Their names suggest they could be ethnically Azeri or Meskhetian.

Hostage-taking - further cases

Several more recent examples of alleged hostage-taking are given below, as examples of how the practice is continuing.

Yolchu Akhmed oghly Gyoyushov and Ramazan Gasym oghly Mamedov

Yolchu Gyoyushov and Ramazan Mamedov are ethnic Azeris from Georgia, which borders Armenia and Azerbaijan and has ethnic communities from both those countries. The majority of the Azeris live in three districts in the east of Georgia close to the border with Azerbaijan.

The two men named above are from one of these districts, Bolnisi. They are said to have been seized by ethnic Armenians on 3 September 1993 near the village of Kvemo-Bolnisi, while they were tending cattle. According to relatives in Azerbaijan, Yolchu Gyoyushov and Ramazan Mamedov were taken first to the village of Sarchapet in the Kalinsky district of Armenia, then to the Armenian city of Vanadzor (formerly Kirovakan). It is reported that they are being held in private hands, but with the knowledge of the authorities.

Yolchu Gyoyushov was born in 1938 and is married with five children. His relative Ramazan Mamedov was born in 1942 and is married with two children. Amnesty International does not know exactly how the two men are related, and no further personal details are available.

Raisa Shirin kyzy Nukhiyeva, Sevil Vagif ogly Nukhiyev, Sevda Vagif kyzy Nukhiyeva, Mekhmer Eynish ogly Nukhiyev, Raisa Topish kyzy Nukhiyeva, Matanat Balay kyzy Nukhiyeva, Arzu Balay kyzy Nukhiyeva, Marks Eynish ogly Nukhiyev, Latafet Mussib kyzy Nukhiyeva, Leyla Marks kyzy Nukhiyeva, Narmina Marks kyzy Nukhiyeva

A group of 19 members of the Nukhiyev family from the village of Gorazly in the Fizuli district of Azerbaijan was said to have been taken hostage by ethnic Armenian forces at around 5pm on 2 July 1993. They had gathered for a wedding. Seven members have been released in exchanges since then and one, Vagif Kutais ogly Nukhiyev, is said to have died five to six months ago. The remaining 11 family members - four women, two men and five children, all named above - are reported by their relatives to remain held as hostages on the premises of the hospital in Khankendi (known to the Armenians as Stepanakert). The five children still detained, all girls, are Sevda (born 1980), Leyla (born 1983), Matanat (born 1983), Arzu (born 1986) and Narmina (born 1989).

Two other people not related to the family are also said to have been taken hostage on 2 July in Gorazly. One has since been released, but *Beyaddin Kagraman ogly Mamedov* (born 1935) is believed still to be detained.

Georgy Sergeyevich Tumanyan

Georgy Tumanyan, a student from the Republic of Armenia, was 17 when he was detained on 12 November 1993 while in transit through Azerbaijan on a train travelling from the Ukrainian capital of Kiev, where he was studying, to Tbilisi. He is said to have been seized by private Azerbaijani citizens to be used as a hostage, and taken subsequently first to Baku and then to the camp established by the Azerbaijani authorities for Armenian hostages and prisoners of war at Gobustan (see below). His relatives are said to have received a proposal,

from a private individual, to exchange him for a captured soldier from the Azerbaijani army.

Olga Gareginovna Arutyunova (Arutyunyan)

Olga Arutyunova was born on 29 January 1944 in Baku and by profession is a physics teacher. Her mother and husband are Russian, and her passport gives her nationality as Russian, but she is said to have suffered persecution in various forms in recent years as her middle name and surname are identifiably Armenian.

In March 1991 she applied for a new passport in her husband's name following her marriage, but the local authorities are said to have seized her existing passport and refused to give her a new one unless she changed the nationality recorded there from Russian to Armenian. This Olga Arutyunova refused to do, given the difficulties attendant on being identifiably Armenian in Baku, and she was given instead a temporary identification card. Her flat is said to have been unlawfully confiscated in March 1992.

On 4 February 1994 Olga Arutyunova was detained by police after she had again visited officials concerning the status of her passport, and was taken to the special holding centre of the Main Police Administration in Binagady on the outskirts of Baku. It is believed that she was detained in connection with Article 198 of the Azerbaijani Criminal Code ("violation of the regulations on the passport system"), which carries a punishment of up to one year's imprisonment for residing without an internal passport. However, by March it was reported that she still had not been formally charged with any criminal offence and so had not been able to obtain access to a defence lawyer. It is also alleged that officials holding Olga Arutyunova wished to exchange her for two Azeris they knew held hostage by ethnic Armenians.

Olga Arutyunova was eventually released on 23 April 1994, but the question of her passport has yet to be resolved.

Official reactions to hostage-taking

Amnesty International opposes the taking and holding of hostages both by governments and non-governmental entities. Hostage-taking is prohibited in all types of conflict by humanitarian law standards, including common Article 3 which appears in all four Geneva Conventions of 1949. Both Azerbaijan and Armenia acceded to the 1949 Geneva Conventions in June 1993 (although the instrument did not come into force in Azerbaijan until 1 December that year). In addition the NKR parliament voted to accede to the Geneva Conventions in April 1993, although the self-proclaimed republic is not recognized internationally.

Although officially all sides in the Karabakh conflict recognize the problem of hostage-taking, and condemn it, it is unclear how much political will exists to tackle the issue in the face of public pressure from those with relatives or friends held by the other side.

For a long time the task of compiling lists of hostages and prisoners of war was carried out by unofficial groups in Armenia and Azerbaijan who also tried to mediate in exchanges. Official reaction was slow, possibly to avoid acknowledgement that hostage-taking and exchanges were undertaken with the complicity of the authorities. Azerbaijan has also shown great reluctance to deal directly with the NKR, fearing that this would be regarded as tacit acceptance of the NKR's desired independent status.

Eventually, in January 1993, the Azerbaijani Government established a State Commission on Questions of Prisoners of War, Hostages and Missing Persons which was charged with compiling lists of hostages, establishing their whereabouts and formulating measures to secure their return. This was followed by a decree of 11 May 1993 issued by then President Elchibey, in accordance with which all those captured or detained for other reasons in zones of combat activity were to be taken within 10 days to a special camp under the direction of the newly-established State Commission. Armenians subsequently captured or otherwise detained were to be handed over to the commission within 48 hours.

A special holding centre for ethnic Armenian prisoners of war and hostages was established on the premises of corrective labour colony no. 3 in the settlement of Gobustan in the Karadagsky district of Baku. On 26 August 29 Armenians were handed over to the ICRC (see above), and a number of exchanges officially brokered by all sides have taken place since then (the NKR authorities have also established a Commission for the Exchange of Prisoners and Hostages). In a letter dated 5 November 1993 the chairman of the Azerbaijani State Commission, Namik Abbasov, told Amnesty International that as a sign of good will Azerbaijan had "unilaterally and unconditionally released all the Armenian hostages: about 70 persons during the period from July to September". He added that the process of searching for and releasing hostages kept in the custody of private persons was continuing.

Although Amnesty International welcomes the official moves that have been taken to break the vicious circle of hostage-taking, it is unclear how effective the various authorities can or wish to be in halting the involvement of private individuals in the practice. Many families do not believe that their governments are effective in arranging releases, and themselves seek out hostages to offer in exchange for relatives held by the other side. They are reluctant to give up these hostages, fearing that they thereby lose their only bargaining card. The authorities also have appeared reluctant to arouse public anger by seeking to end private hostage-taking without being able themselves to guarantee the safety and return of those held hostage by the other side, and so have become complicit themselves in the practice. In a letter to Amnesty International of 22 February 1994, for example, the Chairman of the NKR parliament's Permanent Commission on Issues of Nationalities, Mandate, Ethics and Human Rights wrote that the government condemned civilian hostage-taking but that "war dictates its own conditions, and hundreds of peaceful inhabitants of Karabakh who have become hostages force us to take adequate measures". Furthermore, official moves to control the problem of hostage-taking are not popular with criminal elements who are involved only for profit and who fear loss of trade. Hostages are traded for gold and petrol as well as money (in his letter of 5 November 1993 Namik

Abbasov wrote that the price of an Azerbaijani hostage could rise to US\$15,000, and that of a corpse was US\$1,000).

The death penalty and the Karabakh conflict

Among Amnesty International's other concerns in the conflict over Karabakh is the use of the judicial death penalty, which the organization opposes in all cases and without reservation, believing it to be a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment. Over a dozen death sentences have been handed down on prisoners in connection with the conflict over Karabakh, by courts in Azerbaijan, Armenia and the self-proclaimed Nagorno-Karabakh Republic (NKR).

Death sentences in Azerbaijan

Azerbaijan retains the death penalty, and unofficial sources reported in December 1993 that there were 48 people on death row. Amnesty International is concerned not only with the regular passing of death sentences in the country, but also by the fact that those tried by the Supreme Court as the court of first instance are not able to appeal against their sentence, in violation of Azerbaijan's solemn treaty obligations under Articles 6 and 14 of the International Covenant on Civil and Political Rights. Death sentences may only be overturned if the relevant legal authorities feel there are grounds to lodge a protest - a review process which is not automatic - or by petitioning for clemency to the president of the republic who has the constitutional authority to commute such sentences.

In the course of the conflict over Karabakh at least nine ethnic Armenians have been sentenced to death. Although no executions have been reported, six of these men have died while in custody between June 1992 and April 1994.

One of the first cases involving ethnic Armenians to come to Amnesty International's attention was that of *Grachik Petrosyan, Gagik Arutyunyan, Arno Mkrtchyan, Arvid Mangasaryan* and *Garnik Arustamyan*. These five men were sentenced to death without right of appeal by the Supreme Court in Baku on 19 March 1992, after being convicted of the murder of an Azerbaijani journalist and three military personnel in Karabakh. Other defendants received sentences of imprisonment, although all are reported to have been released in hostage exchanges rather than serving these terms. Such instances of persons convicted of a criminal offence being used in hostage exchanges is not uncommon, blurring the distinctions between prisoners, prisoners of war and hostages. Two of those sentenced to death in this case have since died in prison - Arno Mkrtchyan in September 1993 and Grachik Petrosyan in or around November that year.

The other ethnic Armenians under sentence of death who have died in custody are *Yury Dzhangiryan* in June 1992, *Sergey Grebenkov* (who was half Armenian and half Russian) in February 1993, *Armen Avanesyan* in October 1993 and *Arkady Ayriyan* in April 1994. Officially Sergey Grebenkov took his own life and the others died of various illnesses, but there have been allegations that beatings and medical neglect contributed to

their deaths. It is also reported that Yury Dzhangiryan had been taken to Agdam before his death, to be used in a hostage exchange.

Five death sentences were passed last year on a group of Russian servicemen captured in Azerbaijan. *Vladislav Kudinov, Konstantin Tukish, Yaroslav Yevstigneyev, Andrey Filippov* and *Mikhail Lisovoy*, privates in the Russian Seventh Army deployed in Armenia, were arrested in September 1992 and accused of taking part in fighting in the Karabakh region in June that year during which some 20 Azerbaijani soldiers were killed. The five men were sentenced to death without right of appeal by the military collegium of the Supreme Court on 12 May 1993, but parliament voted to hand the men over to the Russian authorities on 3 September. In what was reported to be a reciprocal deal the NKR authorities are said to have handed over 14 Azerbaijanis - nine hostages and five captured soldiers.

At least one death sentence passed on an Azerbaijani soldier for desertion has also been reported. *Private Yemin Ramiz ogly Salimov* was sentenced to death by a military tribunal in the city of Fizuli in early 1993, for battlefield desertion. The outcome of his case is not known to Amnesty International.

Death sentences in Armenia

Armenia also retains the death penalty. In Soviet times the country lacked its own facilities to carry out executions, prisoners under sentence of death being sent to another republic for that purpose, and no executions have been reported over the past four years. The seven men awaiting execution as of the beginning of 1994 included two sentenced to death in 1990.

These men are believed all to be Armenian citizens. However, the two most recent sentences to come to Amnesty International's attention were passed on citizens of Azerbaijan.

Bakhtiar Khanali ogly Shabiev and *Garay Muzafar ogly Nagiev* were convicted in the Armenian capital of Yerevan in April 1994 of murder (Article 99 of the Armenian Criminal Code), attempted sabotage (Article 63), robbery (Article 88) and threats to kill (Article 223). According to press reports they were among a group of eight prisoners of war standing trial for, among other things, the murder of three ethnic Armenian civilians in the Kelbajar region of Azerbaijan in early 1993, and of attempting to poison a reservoir in Armenia. The other defendants received terms of imprisonment of from 12 to 15 years.

The Kelbajar region of Azerbaijan was the scene of an offensive by ethnic Armenian forces in March and April 1993, and has been occupied by them since then. It is currently unclear if the Azerbaijani soldiers were captured in Armenia, or in Azerbaijan and transferred to Armenia for trial (the Armenian government supplies moral and material support to ethnic Armenians in Azerbaijan, but consistently rejects allegations of military involvement). If the soldiers were abducted from Azerbaijan Amnesty International would regard this with concern - the United Nations Human Rights Committee, established under the ICCPR, has more than once expressed the view that the abduction of a person from one state to another, by agents of that other state, constitutes arbitrary arrest and detention, in

contravention of Article 9 of the ICCPR which states "No one should be subjected to arbitrary arrest or detention".

Three other Azerbaijani prisoners of war held as suspects in this case - *Faig Gabil oghly Guliev*, *Rustam Ramazan oghly Agaev* and *Bakhrat Akif oghly Giasov* - were said by the Armenian authorities to have been among a group of eight Azerbaijani prisoners who committed suicide on 29 January this year after failing to escape from the custody of the Armenian Ministry of Defence in Yerevan. However, conflicting reports surround their deaths. According to autopsies performed in Azerbaijan by local medical authorities there and by Professor Derrick Pounder of Dundee University, Scotland, one of the eight men died of gunshot wounds to the chest, one of incised wounds to the throat and six of gunshot wounds to the head (including three cases in which the muzzle of the gun was in contact with the head at the time the shot was fired).

Professor Pounder dismissed an early claim by the Armenians that the six with head wounds were shot while trying to escape, saying that the pattern of their injuries instead suggested "execution-type shootings". However, he did not absolutely exclude the possibility of mass suicide, a later explanation given by the Armenian Military Procurator who said seven of the men shot themselves with one pistol in several minutes after their escape bid failed. In the case of the eighth man, Professor Pounder found the pattern of throat wounds typical of suicide.

Death sentence in the self-proclaimed Nagorno-Karabakh Republic

Amnesty International does not know which criminal code is in effect in the NKR. To the organization's knowledge neither Azerbaijan nor Armenia have passed completely new or substantially revised codes to replace their Soviet era ones, which were all based on a similar model, so a version close to these may be in use. The first judicial death sentence in the NKR to come to Amnesty International's attention was that passed in May 1994 on a Ukrainian citizen.

Captain Yury Viktorovich Belichenko (whose surname has also appeared as Bilichenko), a pilot, was sentenced to death without right of appeal by a NKR military tribunal in Khankendi (Stepanakert) on 23 May. Yury Belichenko had been captured when the plane he was flying for the Azerbaijani airforce was brought down in the Karabakh region. At his trial, which was said to have lasted six months, he was accused of being a mercenary for Azerbaijan and of carrying out a number of bombing raids which resulted in loss of life and material damage. He was convicted of "premeditated, aggravated murder" and "infliction of material losses on an especially large scale". The sentence cannot be appealed, and the only resort against execution is a petition for clemency to the NKR parliament. Lack of the right to appeal denies one of the fundamental internationally recognized guarantees in such standards as the UN Economic and Social Council Safeguards guaranteeing protection of the rights of those facing the death penalty.

Yury Belichenko was born in 1966, and comes from the village of Kratovshina in the Poltava region of Ukraine. His wife and children now live in the Krasnodar territory of Russia.

At least one other man, a Russian citizen named Anatoly Chistyakov, is awaiting trial in the NKR in connection with alleged mercenary activities on behalf of Azerbaijan.

Conclusion

Amnesty International takes no position on the legitimacy of territorial claims, or the political objectives of the parties in the conflict over Karabakh. The organization is concerned solely to oppose human rights violations falling within its mandate, and is continuing to call on all parties to the conflict to:

- ◆ unconditionally release all persons held as hostages, with adequate protection for their safety following their release;
- ◆ condemn unequivocally the practice of hostage-taking by private individuals, take all necessary measures without delay to identify any people so held and ensure their immediate, safe release, and bring to account those responsible;
- ◆ conduct a thorough, prompt and impartial investigation into all allegations of ill-treatment in detention, including unnatural deaths in custody, to make the findings public, bring those found responsible to justice, and provide adequate compensation to victims;
- ◆ commute all pending death sentences, and, pending abolition of the death penalty, ensure that all those facing this punishment receive trials affording all the internationally recognized standards for fair trial, including the right to appeal to a court of higher jurisdiction.