



Armenia v. Azerbaijan and alleged captives: notification to the Committee of Ministers of interim measures indicated

On 9 March 2021 the European Court of Human Rights (sitting as a Chamber of seven judges) decided to notify the Committee of Ministers, pursuant to Rule 39 § 2 of the Rules of Court, of the following interim measures indicated under Rule 39 in relation to the recent armed conflict between Armenia and Azerbaijan:

- the decision taken on 29 September 2020, clarified on 4 November 2020, containing an indication of general measures directed at both States; and
- 78 decisions taken by the President of the relevant Section between 13 October 2020 and 5 March 2021 in regard to requests for interim measures relating to 249 Armenians allegedly captured by Azerbaijan. These requests have been brought by the Armenian Government within the framework of the inter-State application *Armenia v. Azerbaijan* (no. 42521/20) and by relatives of alleged captives in 62 individual applications.

The Court informed the Committee of Ministers that 58 of the mentioned Armenians had been repatriated between December 2020 and February 2021 and that seven of them had been found deceased, according to the Armenian Government (however, the individual applicants in six cases claim that they have not received any evidence of the death of their relatives). Of the 249 Armenians, 72 are still in Azerbaijan, their captivity and detention having been acknowledged by the Azerbaijani Government. In regard to the remaining 112 individuals, the Azerbaijani Government claim that they have not been able to identify them among their captives.

Rule 39 has been applied with respect to 229 of the 249 Armenians. As regards the other 20 individuals, the examination under Rule 39 was suspended or no decision was taken because the individuals concerned had been repatriated in the meantime. The Government of Azerbaijan have been invited to provide specific information on the individuals concerned, including the conditions of their detention, any medical examinations they have undergone and details of the measures that have been taken or are planned to be taken to repatriate them.

On 19 February 2020 the President of the Section lifted the interim measures with respect to 41 Armenians, including 40 repatriated individuals as well as one person whose remains had been found during a search. Rule 39 measures thus remain in force with respect to 188 Armenians allegedly captured by Azerbaijan.

The Court decided to notify the Committee of Ministers of the measures taken by it, having regard to the Azerbaijani Government's failure to respect the time-limits set by the Court for the submission of information on the individuals concerned and the rather general and limited information provided by them.

For the sake of completeness, it is to be noted that the Court has also received Rule 39 requests, lodged by the Government of Azerbaijan, relating to 16 Azerbaijanis allegedly captured by Armenia. Twelve individuals out of this group were acknowledged as captives by the Armenian Government and repatriated in December 2020. The other four individuals have not been acknowledged as captives by Armenia. Given the nature of the information received from the Armenian Government, the Court decided not to apply Rule 39 in any of these cases and instead suspended its examination under Rule 39.

The Court retains jurisdiction over future Rule 39 requests. The measures already indicated remain in force until otherwise ordered.

Links to previous press releases

- **Armenia v. Azerbaijan** (no. 42521/20) : press releases of [28.9.2020](#) and [30.9.2020](#)
 - **Azerbaijan v. Armenia** (no. 47319/20) : press release of [27.10.2020](#)
 - Press release of 4.11.2020 : [Statement on requests for interim measures concerning the conflict in and around Nagorno-Karabakh.](#)
 - Press release of 16.12.2020 : [The interim measure indicated in the case of Armenia v. Azerbaijan and Rule 39 proceedings with regard to alleged captives to remain in force.](#)
 - Press release of [04.02.2021.](#)
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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.