

DECISION No. 31/1993 (AZERBAIJAN)

Communication addressed to the Government of Azerbaijan on 22 February 1993.

Concerning: Vilik Ilitch Oganessov and Artavaz Aramovitch Mirzoyan, on the one hand, and the Republic of Azerbaijan, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as paragraph 3 of Decision No. 43/1992).

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Azerbaijan. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. It was alleged in the communication from the source, a summary of which was transmitted to the Government, that: Vilik Ilitch Oganessov and Artavaz Aramovitch Mirzoyan, ethnic Armenian citizens of the Republic of Georgia, were reportedly arrested on 28 April 1992 at the airport of Baku, Azerbaijan when they arrived there in transit to the Georgian capital of Tbilissi, via Samara and Volgograd in Russia. It was alleged that Mr. Oganessov and Mr. Mirzoyan had not been charged with any criminal offences and that they were being held in conditions which may be described as those of hostages, solely on grounds of their ethnic origin in the hope that they could be exchanged for ethnic Azerbaijanis held by Armenians in the disputed region of Nagorno-Karabakh. It was further reported that the practice of hostage-taking of ethnic Armenians continued in Azerbaijan, often by private individuals seeking an exchange for one of their relatives held by the Armenian authorities in Nagorno-Karabakh.

6. It appears from the facts as described above that Vilik Ilitch Oganessov and Artavaz Aramovitch Mirzoyan were arrested on 28 April 1992 and detained since that date without charge, solely due to their ethnic origin. The Working Group is of the opinion that their detention, on such grounds, manifestly cannot be linked to any legal basis.

7. In the light of the above the Working Group decides:

The detention of Vilik Ilitch Oganessov and Artavaz Aramovitch Mirzoyan is declared to be arbitrary being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 12 of the International Covenant on Civil and Political Rights and falling within category I of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of Vilik Ilitch Oganessov and Artavaz Aramovitch Mirzoyan to be arbitrary, the Working Group requests the Government of Azerbaijan to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 28 September 1993