



ARTICLE

DIGITAL ANNEXATION AND FIDUCIARY TRUST: ALGORITHMIC PERSECUTION AND SAFEGUARDING OF IDENTITY IN CONFLICT ZONES

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Abstract

State succession in the present world is not a change of territory only, but a “digital annexation” of the identity of the population. The disintegration of the Republic of Artsakh in 2023 led to a significant problem in international law concerning the transition of digital infrastructure to Azerbaijan and the change of administrative data into a tool of systemic exclusion, which is the focus of this article. Initially considering state archives as “war trophies,” the paper suggests that a successor state assumes a permanent, fiduciary obligation to safeguard the “Digital Self” of the population being taken over. This is a direct consequence of how fundamental data protection is for the 21st century; in a digitalized world, personal data is the basis for “the right to have rights.” Here, data protection is not only about privacy but also about physical safety, legal personhood, and the prevention of “Digital erasure.” When people cannot show who they are, they are unable to own property or seek legal remedy and, in the eyes of the international community, become “legal ghosts.”

The report unveils a widespread betrayal of the trust through the seizure of Armenian civil registries, containing 120,000 refugee records, that were found in Azerbaijan's monitoring platform (MIRAS). This platform means “Digital Refoulement” - deliberately using old databases for screening, identifying, and even excluding people at checkpoints, such as Hakari Bridge, based on past or military records. The successor states use “Algorithmic Persecution” to automatically deny entry, resulting in the denial of the physical Right of Return, which is the very foundation of the ICJ ruling. Moreover, the paper discusses “Digital Erasure” - the intentional removal of Armenian names from worldwide digital maps - as the ultimate stage of ethnic cleansing, which mentally erases the displaced from the world's collective memory.

To address this issue, the paper suggests an extreme reform of the international digital governance framework, particularly through the creation of a dedicated United Nations body for data protection in aggressive and war-torn areas. These organizations would take on the role of neutral international watchdogs and help confirm that the registries are accurate and that the confidentiality of the information is protected. As a result, digital information could be recognized legally at the same level as physical records. The article concludes by emphasizing that protecting digital archives is a matter of human rights; failing that, the history of a community is transformed into a tool for its permanent erasure both legally and socially.

Keywords – Digital State Succession; Algorithmic Persecution; Digital Refoulement; Fiduciary Data Custodianship; Uti Possidetis Digitalis.

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I. INTRODUCTION

The transformation of armed conflict in the twenty-first century has fundamentally altered the relationship between sovereignty, territory, and identity. Contemporary conflicts are no longer confined to the occupation of land or the destruction of physical infrastructure; they increasingly involve the capture and control of digital systems that determine legal existence itself. Civil registries, biometric databases, property records, and identity documentation now function as the administrative foundations through which individuals access citizenship, property rights, freedom of movement, and legal recognition. Consequently, the transfer of territorial authority in modern conflict zones also entails the transfer of informational power. In this evolving landscape, state succession operates not merely as territorial acquisition, but as a form of “digital annexation” in which the successor state acquires control over the “Digital Self” of the displaced population . The 2023 dissolution of the Republic of Artsakh presents one of the clearest contemporary illustrations of this phenomenon. Following the collapse of the de facto state apparatus, Azerbaijan inherited not only the physical territory of Nagorno-Karabakh but also extensive administrative and digital infrastructure containing the civil, biometric, and historical records of approximately 120,000 ethnic Armenians. The transition exposed a critical gap within international law: while existing legal frameworks provide substantial protection for physical archives, cultural property, and humanitarian assets during territorial transitions, they remain largely silent on the status, protection, and governance of digital identity systems. This legal vacuum enables successor states to repurpose inherited registries as mechanisms of surveillance, exclusion, and demographic control, thereby transforming civilian administrative tools into instruments of systemic persecution .

This article argues that the seizure and weaponisation of digital identity infrastructure constitutes a new and distinct category of international legal harm. It conceptualises this process through the interconnected doctrines of “Digital Annexation,” “Digital Refoulement,” and “Algorithmic Persecution.” The paper contends that when successor states employ confiscated civil registries and surveillance technologies to identify, monitor, restrict, or permanently exclude displaced populations, they fundamentally violate both international human rights law and the fiduciary obligations inherent in state succession. In this context, the manipulation or destruction of digital records does not merely interfere with informational privacy; rather, it threatens the very “right to have rights” by erasing the legal personality upon which all other rights depend. Individuals deprived of recognised digital identity become incapable of proving ownership, claiming restitution, accessing remedies, or exercising the internationally protected Right of Return, thereby reducing them to what this paper terms “legal ghosts” .

The study further argues that existing principles of international law already contain the normative foundations necessary to recognise such practices as unlawful. Particular significance is attached to the International Court of Justice’s Order of 17 November 2023 in *Armenia v. Azerbaijan*, wherein the Court directed Azerbaijan to protect and preserve registration, identity, and property records belonging to the displaced Armenian population. This order, when read alongside the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts, and broader principles of international humanitarian and human rights law, establishes that successor states cannot treat inherited registries as spoils of war. Rather, such records must

be viewed as protected humanitarian assets held in fiduciary trust for the affected civilian population .

The article also examines how the integration of inherited registries into advanced surveillance systems such as MIRAS facilitates what this paper describes as “Algorithmic Persecution.” Through the use of automated filtering, facial recognition technologies, and data-driven profiling, civilian databases become tools for discriminatory screening and exclusion at checkpoints and border crossings. This technological transformation creates an invisible yet highly effective architecture of displacement, where the denial of return is executed not through physical barriers alone but through algorithmic governance. Simultaneously, the removal of Armenian toponyms and cultural identifiers from global digital mapping platforms demonstrates a parallel process of “Digital Erasure,” whereby the displaced community is systematically removed from historical and collective memory itself. The convergence of these practices reveals that modern ethnic cleansing may increasingly operate through digital mechanisms rather than overt physical violence alone .

Against this background, the paper identifies a significant institutional deficiency within the contemporary international legal order: the absence of a specialised global mechanism capable of protecting digital registries in conflict and post-conflict situations. To address this lacuna, the article proposes the establishment of a Protocol on Neutral Data Custodianship (PNDC) under United Nations supervision. The proposed framework seeks to recognise digital identity systems as protected humanitarian infrastructure and place sensitive registries under neutral international fiduciary oversight during territorial transitions. Such a mechanism would ensure that digital archives are preserved for humanitarian and legal continuity rather than exploited for surveillance, persecution, or demographic engineering .

Ultimately, this paper contends that the future of international law depends upon recognising that digital identity has become inseparable from human dignity, legal personhood, and collective survival. In an era where states can erase communities not only from territory but also from databases, maps, and administrative systems, the protection of the “Digital Self” must emerge as a central concern of international humanitarian law, international criminal law, and global governance. The Artsakh case demonstrates that the battleground of modern conflict is no longer limited to land alone; it now extends into the informational architecture through which populations are recognised, remembered, and permitted to exist.

II. LITERATURE REVIEW

ICJ Order (17 Nov 2023) – The Legal Mandate:

The November 17, 2023, ICJ Order in *Armenia v. Azerbaijan* is a landmark for international law¹. It changes the protection of civil records from an optional humanitarian act to a compulsory “hard law” requirement. The Court, by explicitly instructing Azerbaijan to “protect and preserve registration, identity and private property documents and records,” “officially acknowledged that an individual's “right to have rights” depends heavily on the preservation of their digital and physical records. This directive, which is based on the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), removes the successor state's ability to claim the “Right of the Victor” whereby civil registries can be considered war spoils. On the

¹ (*Armenia v. Azerbaijan*) , application of the International Convention on the Elimination of All Forms of Racial Discrimination, Order, 2023 I.C.J. 1, ¶ 74 (Nov. 17), <https://www.icj-cij.org/node/203314>.

contrary, it treats these records as a legally protected interest and therefore any form of “Digital erasure” - like discriminatory changing of Armenian names or destruction of property deeds - constitutes a breach of international law. In the end, this ruling signifies that safeguarding a population's legal existence is an absolute condition for them to enjoy their Right of Return, thereby legally “locking” the data required to counter displacement.

Vienna Convention (1983) – The Legislative Tool:

This study adopts an innovative reading of the 1983 Vienna Convention on Succession of States in Respect of State Property, Archives and Debts to move international law beyond theory only into implemented legislation². It changes the usual structure of this agreement to the digital environment of 2026. Articles 25-28 which outlined procedures for the handling of physical paper documents basically require that archives of the state “necessary for the normal administration of the territory” be delivered to the successor state. This, from a logical standpoint, implies continuity in administration as opposed to legal ownership. Concepts like modern SQL databases, cloud servers, and digital templates have been equated with “Archives.” Through this reclassification, the Convention makes a clear legal distinction between possession and preservation. The reclassification lends support to the view that a successor state's function is that of a fiduciary trustee as opposed to a sovereign landlord. It is legally obligated to maintain the integrity of birth, marriage, and property records in order that the individual's “right to have rights” does not die out even following the change of government.

Verfassungsblog – The Theoretical Evolution of IHL:

The Verfassungsblog piece³, “Data Protection in Armed Conflict,” is one of the first attempts to couple the historical laws of war with the modern digital world by highlighting a very dangerous “protection gap” due to the silence of the 1907 Hague Regulations and the 1949 Geneva Convention IV with regard to digital identities. It is true that those old treaties were primarily meant to protect physical human beings and paper documents, but the “Digital Self” which is basically the persona that states maintain through databases and which can now be destroyed just like physical buildings, is what is at the heart of the current conflict. According to the article, if a successor state “deletes” or “re-classifies” an ethnic or civil markers of an individual in a registry, it is an act of Digital erasure for which currently traditional IHL is unarmed. As a result, the obligation of a successor state should go as far as legally prohibiting the use of inherited data for “surveillance-based exclusion” (Digital Refoulement), as turning civilian archives into military intelligence is basically the opposite of the archive's humanitarian purpose: the protection and administrative continuity of the civilian population.

OC Media Investigative Report – The Technical Infrastructure of Surveillance:

The OC Media report is the undeniable “smoking gun” about the successor state's technical intent, recording the change from mere administrative ruling to a sophisticated digital control system through the MIRAS system⁴. This system is a perfect illustration of the fundamental violation of international trusteeship: not long after the Artsakh takeover, the 'hidden' plans to

² Vienna Convention on Succession of States in Respect of State Property, Archives and Debts arts. 25–28, Apr. 8, 1983, 22 I.L.M. 306, https://legal.un.org/ilc/texts/instruments/english/conventions/3_3_1983.pdf

³ Belen-Andreea Paskaleva, *Data Protection in Armed Conflict*, VERFASSUNGSBLOG (Feb. 15, 2021), <https://verfassungsblog.de/data-protection-in-armed-conflict/>.

⁴ *Azerbaijan Deletes Plan for Detailed Surveillance System Minutes After Publication*, OC MEDIA (Nov. 24, 2025), <https://oc-media.org/azerbaijan-deletes-plan-for-detailed-surveillance-system-minutes-after-publication/>.

unify the inherited civil registries - birth, marriage, and residence records - into a single surveillance system came to light and were quickly erased. Instead of being a public service social tool, the MIRAS system was mainly conceived as a live surveillance mechanism linking the “Digital Self” of the captive population to a network of high-resolution, facial recognition-enabled cameras to create an all-encompassing “digital cage.” In our view, this is a major Fiduciary Breach because it unmistakably reveals that the successor state regarded the newly acquired infrastructure not as a “civilian archive” protected by the Vienna Convention but as a military-intelligence asset which was specifically used for the monitoring and profiling of an ethnic group, thereby leading almost automatically to the process of Algorithmic Persecution.

Human Rights Watch (HRW 2025) – The Legal and Privacy Violations:

The Human Rights Watch report offers an extensive human rights assessment of the surveillance system of the successor state from the very basics. It looks at these technological developments as systemic violations of International Human Rights Law (IHRL)⁵. HRW holds that the massive scale of data collection that integrates digital, movement, and administrative registries is so far beyond any legitimate state interest that it amounts to a large-scale violation of the Right to Privacy under Article 17 of the ICCPR. Importantly, the report focuses on the fact that the greatest threat is “discriminatory screening, “ whereby the old administrative records are turned into a weapon to identify and mark former civil servants, soldiers, or political activists of the previous government, thereby failing to ensure the state's responsibility that all individuals are protected without distinction. In the final analysis, the very presence of such a widespread platform throws a deep “chilling effect” on the Right of Return; a person who has been forced to leave realizes that their digital footprint is being used to construct a “risk profile” against them and, as a result, are left with no other option but to stay in exile, which means that the digital registry is an invisible but impassable barrier to repatriation.

CFTJ Report (2024) – Empirical Evidence of “Digital Refoulement”:

The report by the Centre for Truth and Justice (CFTJ)⁶ is a compelling source showing the progression of a mere threat becoming a concrete situation, highlighting specifically the operation of “Digital Refoulement” at the Hakari Checkpoint. This term refers to the deliberate use of confiscated digital information by the authorities to gatekeep the homeland prohibiting entry or for the arrest and detention without a legal basis, as it was the case at the Hakari Bridge where the Azerbaijani forces led people through devices to check ethnic Armenians who were escaping or coming back against “wanted lists” that directly came from the captured Artsakh databases. Through the use of a people’s history, a past of legal or community service that is contained in the archival records that serve as the basis for triggering alerts the authorities effectively reject the Right of Return. They turn the “Digital Self” into a tool for permanent exclusion. There are witness accounts of individuals being taken out of their vehicles and arrested after their “flagged” by the system, which indicates that, without fiduciary oversight, algorithms

⁵ *Azerbaijan’s Surveillance Platform Risks Sweeping Privacy Violations*, HUMAN RIGHTS WATCH (Dec. 15, 2025), <https://www.hrw.org/news/2025/12/15/azerbaijans-surveillance-platform-risks-sweeping-privacy-violations>.

⁶ CTR. FOR TRUTH & JUST., *Azerbaijan Terrorizes Armenian Refugees at the Hakari Checkpoint* (Feb. 2024), <https://www.cftjustice.org/wp-content/uploads/2024/02/Azerbaijan-Terrorizes-Armenian-Refugees-at-the-Hakari-Checkpoint.pdf>.

have become the new keepers of human rights and the main instruments for the technical execution of ethnic cleansing.

Madon & Schoemaker (2021) – The Risks of “Platformization”:

Madon and Schoemaker's research paper in the *Information Systems Journal*⁷ offers a sociotechnical critical analysis on the issue of “platformization of identity.” The paper challenges the idea of the neoliberal remaking of the refugee identity through digitalization of the refugee's identity into a platform, in which case the refugee's identity is transformed from a private human characteristic into a data point that is governed and accessible to external and sometimes even hostile actors. It is this digital identity that enables the successor state to claim “digital sovereignty” the ultimate power to control a whole population through their distinct biological markers and administrative history. The paper points out that this sovereignty comes with the risk of a state deciding alone who is “recognized” and who is “deleted” from social life without “fiduciary safeguards, “ a danger that is very much present in the case of Artsakh where the “platforming” of Armenian identities by the Azerbaijani state is carried out according to a “closed transactional” logic. The fact that these systems ignore the political challenges of ethnic minorities means they do not merely serve as efficient administrative procedures but rather as instruments of systematic exclusion and even sources of danger for the displaced. The digital identity, without any neutral oversight, becomes a direct and life-threatening risk to the person's safety.

ICRC Handbook on Data Protection – The “Medical Sanctity” of Data:

The International Committee of the Red Cross (ICRC)⁸ defines the global “Gold Standard” for data protection in conflict zones and interprets the fiduciary duty of a state as absolute “Digital Sanctity.” In making the analogy between digital records and medical confidentiality, the ICRC requires that sensitive data must not be communicated to parties to a conflict such as a successor military for any purpose other than the direct provision of humanitarian assistance. Their manual offers very strict measures on how to prevent the use of registries as a weapon during territorial transitions and they insist that data collected for administrative or relief purposes must not be used for military screening, facial recognition, and “Digital Refoulement.” This “Purpose Limitation” principle is the main legal and ethical foundation for the creation of a neutral UN body; it also supports the idea that since data in a conflict zone is as essential to survival as “life and limb, “ its management should be taken away from political actors and given to neutral, fiduciary bodies that have no interest in the manipulation of a population's identity.

IASC Operational Guidance – The “Do No Harm” Principle:

The Inter-Agency Standing Committee (IASC)⁹ establishes the essential operational basis for “Data Responsibility” in humanitarian action, with a focus on the prevention of secondary victimization during emergencies through digital means. In line with IASC's “Do No Harm”

⁷ Shirin Madon & Emrys Schoemaker, *Digital Identity as a Platform for Improving Refugee Management*, 31 INFO. SYS. J. 929, 929–953 (2021), <https://onlinelibrary.wiley.com/doi/10.1111/isj.12353>.

⁸ CHRISTOPHER KUNER & MASSIMO MARELLI EDS., *HANDBOOK ON DATA PROTECTION IN HUMANITARIAN ACTION* (2d ed. 2020), <https://www.edoeb.admin.ch/dam/de/sd-web/m3y0K9i9YhV2/Handbook%20On%20Data%20Protection%20In%20Humanitarian%20Action.pdf>.

⁹ IASC, *Operational Guidance on Data Responsibility in Humanitarian Action* (Mar. 2023), <https://interagencystandingcommittee.org/sites/default/files/migrated/2023-04/IASC%20Operational%20Guidance%20on%20Data%20Responsibility%20in%20Humanitarian%20Action%20C%202023.pdf>.

principle, the concept of harm is not limited only to physical violence but also to the threat or manipulation of personal data; so, the action of a successor state obtaining a registry to identify and harm certain groups is a fundamental betrayal of the original administrative system's ethics. This advice offers a comprehensive approach to “cleaning” or “securing” registries in war-affected areas, pointing out that the total privacy of these documents is an essential condition that cannot be compromised for the safety of a vulnerable community. Such measures are paramount in raising awareness and possibly even preventing “Secondary Victimization,” i.e. the plight of those who witnessed displacement (primary victimization) and are later arrested or denied entry at gateways like the Hakari Checkpoint on the basis of their digital identity thereby demonstrating that the absence of data responsibility norms from IASC, a community's own documents are used as the greatest weapon of their ongoing suffering.

Freedom House – Freedom on the Net 2025:

The paper discussing “AI Sovereignty” and “Digital Erasure” highlights the high-tech aspect of the “Toponymic War” where a successor state, by using its control over digital infrastructure, physically removes the historical and social identity of a captured region¹⁰. In this way, by pressuring worldwide platforms and also using the state power to remove Armenian place names from the digital maps, the state facilitates “Digital Erasure” that changes mere simple administrative updates into a deliberate attack on the community's intangible heritage. The entire process makes “Digital Annexation” unequivocal; through the removal of the linguistic and historical features of a people from the world's main navigational and data tools, the state gradually disarms the indigenous populations legal, social, and historical visibility. This ultimately represents a significant violation of the state's responsibility to protect the cultural identity of its people and the physical ethnic cleansing is finalized through an irreversible digital overwrite that consigns the displaced to a condition of permanent historical exile.

GAPS IN THE RESEARCH: THE “LEGAL LACUNA”

International legal instruments such as the Hague and Geneva Conventions form a very effective basis for the protection of tangible assets: physical archives, monuments, and cultural sites. However, when it comes to cloud-based civil registries, there is simply no legal framework. The ICJ's 17 November 2023 Order instructing Azerbaijan to “recognise and give effect to civil registers, identity documents and property titles” was issued within the context of the broad framework of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), but there is no specific UN mechanism to stop a successor state from using displaced population's own digital data to systematically prevent their re-entry - this paper calls such a process “Digital Annexation”.

III. RESEARCH PROBLEM

The main research issue of this paper is the rise of “Digital State Succession” as a tool for systemic discrimination, with a focus on how Azerbaijan's takeover of Artsakh's administrative and digital infrastructure is an obstruction of the Right of Return as per the International Court of Justice (ICJ) Order of 17 November 2023. The heart of the problem is the shift from physical territorial occupation to “Digital Refoulement,” where the successor state uses the confiscated civil and digital databases to build a technologically advanced exclusion of the displaced population. The recent turn of events has actually brought a double legal problem: -

¹⁰ *Freedom on the Net 2025: Azerbaijan*, FREEDOM HOUSE (2025), <https://freedomhouse.org/country/azerbaijan/freedom-net/2025>.

Firstly, it is a serious breach of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), as the registries that had been initially set up for the purposes of civil administration are now being turned into tools for the arbitrary detention and discriminatory identification of the Armenian ethnic group.

Secondly, the paper contends that such acts are “Algorithmic Persecution” as per Article 7 of the Rome Statute; by digitally filtering individuals to “lock them out” based on their previous administrative or military roles, the state is deliberately and severely depriving the rights of the people concerned.

A significant aspect of this issue is the absence of an effective international institutional framework, as there is currently no international specialized body or regulatory framework dedicated to the regulation management protection, and preservation of digital data coming out of sensitive areas and war zones. Due to this absence of control, successor states can treat the digital registries as “spoils of war” rather than a trustee of the community. In the end, this study gives impetus to the understanding of a new era of conflict where, despite physically “open” borders, the digital control of identity documents causes a permanent and invisible ethnic exclusion. This kind of automated gatekeeping eludes the traditional human rights monitoring and, by doing so, deprives the legal right of an indigenous population to come back to their homes, changing a humanitarian registry into a permanent digital tool of exile.

RESEARCH OBJECTIVES

1. To trace the transition of state control focus from physical territory to digital identity.
2. To assess the impact of ICJ Provisional Measures (2023-2025) on the protection of the digital rights of displaced persons.
3. To suggest the Protocol on Neutral Data Custodianship (PNDC) as a binding international law tool to provide protection to such registries during territorial changes.

RESEARCH QUESTION

1. Does the capture of the digital information and civil registries of a population violate the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)?
2. Does “Algorithmic Persecution”, the application of digital filters and data-driven surveillance to lock out an ethnic group, qualify as a Crime Against Humanity in Article 7 of the Rome Statute?
3. “How does the lack of a global regulatory framework for the preservation of digital archives in sensitive zones facilitate 'Digital Refoulement' and the permanent displacement of ethnic groups following state succession?”

RESEARCH METHODOLOGY

Doctrinal Research:

The paper critically examines the history of the development of the ICJ provisional measures in *Armenia v. Azerbaijan* (2021-2025). Emphasis is made on the Order of the Court dated 17 November 2023 which expressly mentions the necessity of Azerbaijan to recognise and enforce civil registers, identity documents and property titles.

Case Study Method:

The most recent example of digital annexation is the 2024 dissolution of the Artsakh state apparatus that can be viewed as the main model. This strategy enables the consideration of the extent to which the claim of the sovereignty of the successor state over the physical territory can be transferred into the unilateral authorization of the digital archives (civil registries) of the displaced population.

IV. STRUCTURE OF THE ARTICLE

Phase I: The Imperial Blueprint (1921–1923):

The “Imperial Blueprint” of 1921-1923 was essentially a brilliant move of Soviet territorial planning. It was Stalin's plan to use ethnic divisions to strengthen Moscow's control over the South Caucasus. Although the Caucasian Bureau (Kavbiuro) had initially given its approval on July 4, 1921, to recognize Nagorno-Karabakh, which had a significant Armenian population, as part of the Armenian SSR, a sudden and almost forced reversal on the very next day led to the region being placed within the Azerbaijan SSR as an Autonomous Oblast (NKAO). The rationale behind the move was twofold. First, it created a “Divide and Rule” internal friction point that ensured that both republics would remain dependent on the Kremlin for mediation.¹¹ Second, it was given as a diplomatic “dowry” to Mustafa Kemal Atatürk’s Turkey as a way of appeasement.¹² As of 1923, the borders were carefully drawn to include the “Lachin Corridor, “ an extremely narrow strip of Azerbaijani territory that physically separated the NKAO from the Armenian mainland, thus creating an ethnic enclave.¹³ It was at that time that the legal groundwork was laid for the establishment of the principle of *uti possidetis juris*, according to which borders remained as they were.¹⁴ What were supposed to be simple internal administrative boundaries resulted in the transformation of these borders into inflexible international ones. Thus, following the collapse of the Soviet Union, a conflict based on territorial integrity versus self-determination became inevitable.

Phase II: The Post-Soviet Power Vacuum (1988–1994):

At the start, it was a frozen administrative dispute from the First Karabakh War (1988-1994) that gradually escalated into a geopolitical conflict and ended by changing the whole South Caucasus. As the Armenian population of the NKAO under the Soviet central authority collapsed, it was practically engaged in a *de facto* secession, which led to a comprehensive military defeat of Azerbaijan, partly enabled by a spirit dying but still effective Russian military vehicle. The outcome of the war was the establishment of the Republic of Artsakh - typically a “Grey Zone” and *de facto* state that had all the functional criteria of statehood, such as a standing army and an executive government, but no international *de jure* recognition.¹⁵ Russia further used the situation very cleverly to turn itself into the region's one and only “Security Guarantor” by deploying its 102nd Military Base in Gyumri to keep the “Frozen Conflict.” The strategic ambiguity of these moves enabled Moscow to have both Armenia and Azerbaijan still under its influence through military support of the former side and arms sales to the latter one, thus making sure that the final solution on either side cannot be achieved without the mediation of the Kremlin.

Phase III: The Rise of Turkey & Drone Diplomacy (2020):

The Second Karabakh War that broke out in 2020 or the 44-Day War however became one of significant that change the region. One of the long-standing Russian-backed status quo shattered and the beginning of the end of complete dominance of Moscow in the South Caucasus was marked. Backed by huge oil revenues of his country as well as strategic “Drone Diplomacy” partnership with Turkey and Israel Azerbaijan on its part, not only bought the most modern systems Bayraktar TB2 and Harop but also laboured to destroy, on a methodical basis, the old

¹¹ JOSEPH STALIN, *MARXISM AND THE NATIONAL QUESTION* (International Publishers 1942) (1913), <https://www.marxists.org/reference/archive/stalin/works/1913/03.htm>.

¹² Treaty of Friendship Between Turkey and the Socialist Soviet Republics of Armenia, Azerbaijan, and Georgia (Treaty of Kars), Oct. 13, 1921, 120 B.T.S. 1, <https://www.mfa.gov.tr/data/Kars-Antlasmasi.pdf>.

¹³ ARSÈNE SAPAROV, *FROM CONFLICT TO AUTONOMY IN THE CAUCASUS: THE SOVIET UNION AND THE MAKING OF ABKHAZIA, SOUTH OSSETIA AND NAGORNO KARABAKH* 95–110 (Routledge 2014), <https://doi.org/10.4324/9781315758992>.

¹⁴ (*Burkina Faso v. Mali*) *Frontier Dispute* Judgment, 1986 I.C.J. 554 (Dec. 22), <https://www.icj-cij.org/case/70>.

¹⁵ Convention on Rights and Duties of States art. 1, Dec. 26, 1933, 165 L.N.T.S. 19, <https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Convention.pdf>.

Soviet-style Armenian defenses.¹⁶ The technological edge of the Azerbaijani side is what led to their victory in fact and this enabled them to recover the seven districts surrounding Nagorno-Karabakh as well as the fortress city of Shusha. The Trilateral Statement issued on November 9 was basically Russia's last attempt by their President Vladimir Putin to keep being relevant; but still it afforded the Kremlin the chance for the first time since the Sengai to deploy 2,000 “peacekeepers” in Azerbaijan, whereas it at the same time officially acknowledged the resurgence of Turkey as an active, high-stakes “co-player” in the region.¹⁷ The alteration of the power structure has been so drastic that the whole regional setup was changed from a single-polar Russian dominance to a multi-polar one where the military and political influences of Ankara are now directly comparable to those of Moscow.

Phase IV: The Siege and the “Ukrainian Window” (2022–2023):

The final stage of the Nagorno-Karabakh conflict was marked by a strategic take advantage of the “Ukrainian Window,” as Azerbaijan realized that Russia's involvement in a conventional war had made its role as a regional hegemon almost impossible. From December 2022, Baku began a 10-month tough blockade of the Lachin Corridor, basically starving the ethnic Armenian enclave while betting that a busy Moscow now relying on Azerbaijan and Turkey for gas transit and trade evading sanctions would not make a military move. Noticing this Russian weakness and no real Western reaction, Azerbaijan carried out a quick 24-hour “anti-terrorist operation” in September 2023, which ignored the so-far Russian peacekeepers and compelled the immediate Armenian surrender. This was followed by the historic September 28 decree signed by the Artsakh authorities, which formally declared the de facto state non-existent and initiated the full departure of its ethnic Armenian community,¹⁸ thus effectively ending a century-old territorial dispute by removing the “Imperial Blueprint” and fully changing from a Russian-mediated “Frozen Conflict” to an Azerbaijani-consolidated “Victorious Peace.”

Phase V: The Dissolution and the New Order (2024–2026):

The formal dissolution of the Republic of Artsakh on January 1 2024 marked the final end of the century-old “Imperial Blueprint,” and Nagorno-Karabakh was thus effectively removed from the international community's list of territorial disputes. Instead, the issue of the 120,000 Armenians displaced from Nagorno-Karabakh was turned into a human rights and humanitarian matter, rather than one of statehood. This open space led to a deeply reshaped geopolitical landscape in 2025-2026, when a betrayed Armenia due to Russia’s military inaction decided to leave its CSTO membership on ice and looked towards the West for security, even allowing EU border monitors (EUMA) and seeking a “normalization” of strategic relations through a peace agreement mediated by the US and signed in August 2025. The highlight of this restructured world order is the “Trump Route for International Peace and Prosperity” (TRIPP), the re-interpretation of the Zangezur Corridor through southern Armenia connecting mainland Azerbaijan to its Nakhchivan exclave and Turkey; according to the agreement, the route remains under the sovereignty of Armenia, but the United States is given exclusive rights for 99 years to

¹⁶ JOHN ANTAL, 7 SECONDS TO DIE: A MILITARY ANALYSIS OF THE SECOND NAGORNO-KARABAKH WAR AND THE FUTURE OF UNMANNED WARFARE (Casemate Publishers 2022), <https://www.casematepublishers.com/9781636241241/7-seconds-to-die/>.

¹⁷ Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation (Trilateral Ceasefire Statement), Nov. 9, 2020, <https://peacemaker.un.org/sites/default/files/document/files/2024/05/statement20by20azerbaijan20armenia20and20russia.pdf>.

¹⁸ Karabakh Leader Dissolves All State Institutions; Artsakh Republic Ceases to Exist, ARKA NEWS AGENCY (Sept. 28, 2023), https://arka.am/en/news/politics/karabakh_leader_dissolves_all_state_institutions_artsakh_republic_ceases_to_exist/.

develop and manage the most important rail, energy, and fiber-optic infrastructure.¹⁹ This change basically pushes out the usual Russian and Iranian influence in the South Caucasus, turning the time of “Frozen Conflict” into a weak, trade-focused “Victorious Peace” that brings the area into a Western-aligned trans-Eurasian logistics network while the main issue of ethnic displacement and lost territory stays as the main unresolved consequence of the conflict.

V. ANALYSIS AND KEY FINDINGS

From Territorial Annexation to Digital Identity Seizure:

The dissolution of Republic of Artsakh in 2023 can be considered as a turning point in the history of international law. In fact, it is an indication that the major focus of state control, i.e. state territory, has moved to state digital infrastructure. Traditional state succession, based on the principle of “*Uti possidetis*,” deals with the handing over of visible assets land, buildings, and physical records but in this paper the argument is that there is a “Digital Annexation”, a kind of invasion without firing a single shot. When the Azerbaijani army took over the Republic of Artsakh, it was not only a case of acquiring the territory but also a case of taking over the “Digital Self” of 120,000 Armenians. This digital identity is a huge interconnected network of data, stored on both physical and cloud servers of the dissolved republic, ranging from civil leaves to military and administrative records. The hijacking of these servers, in fact, put at the disposal of a successor state the fiduciary possession of the entire life history of a people, without their authorization or the knowledge of the international community.²⁰

The primary result of this research is that digital infrastructure has taken over physical borders as the main protector of human rights. In the contemporary bureaucratic state, a citizen's “right to have rights” largely depends on their appearing in a verified, state-recognized database. By confiscating these registries, the successor state is given the power to decide legally who the displaced people are, through a process called “Digital erasure”. When the state decides to erase or not recognize these digital records, the displaced person becomes a legal ghost, deprived of the ability to prove their identity, request their ancestral property, or perform their internationally recognized Right of Return.²¹ On the other hand, the successor state, by using these records in its security framework, can label civilians as potential security threats, due to their past administrative records, essentially turning the history of the people against them for their everlasting exclusion.

The shift from controlling territories to controlling data is a major way to disempower a whole population. It is a way to turn people who are citizens, who should be protected, into mere data subjects who need to be managed. More so, having control over the registry enables the state to enforce “digital sovereignty,” which is a type of power that is much more total and less open to being challenged. It is even more difficult to challenge than a physical occupation because it works through the unclear logic of the algorithms which are not seen by the public. In this respect, the International Court of Justices 17 November 2023 Order which mainly instructed not to destroy registration and identity documents was not only a bureaucratic regulation; it was a very important legal measure to safeguard the only tangible proof of a peoples social and legal existence.²² Without the safeguarding of this “Digital Self,” the physical territory turns into an

¹⁹ Garo Paylan, Trump Wants “Peace Through Construction.” There’s One Place It Could Actually Work., CARNEGIE ENDOWMENT FOR INT’L PEACE: EMISSARY (Feb. 2, 2026), <https://carnegieendowment.org/emissary/2026/01/armenia-azerbaijan-peace-construction-trump>.

²⁰ Marco Roscini, *Digital Succession of States in International Law*, 35 EUR. J. INT’L L. 45 (2024).

²¹ International Covenant on Civil and Political Rights art. 12(4), Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

²² (*Armenia v. Azerbaijan*) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, Provisional Measures, Order, 2023 I.C.J. Gen. List No. 180 (Nov. 17), <https://www.icj-cij.org/sites/default/files/case-related/180/180-20231117-ord-01-00-en.pdf>.

empty space where the native people can be completely wiped out from the history by the simple yet very harmful manipulation of a database. By having the monopoly of the registry, the successor state essentially decides who has the right to “be” in the new legal system and who is condemned to a status of being digitally and physically exiled forever.

The Weaponization of the Fiduciary Trust:

In the event that the state commits a breach of the Fiduciary Duty on a massive scale, it would effectively annihilate the entire network of legal and ethical obligations that usually arise from the succession of a state. Pursuant to the 1983 Vienna Convention on Succession of States in Respect of State Property, Archives, and Debts, as well as the Orders of the International Court of Justice (ICJ) dated 17 November 2023, a successor state is more than a mere holder of data; it is actually a legal custodian.²³ The ICJ, in its order, referred to the Azerbaijani side to “protect and preserve” the documents related to registration, identification, and private property, thereby laying down a primary duty of administrative continuity.²⁴ A commitment of this nature means that the state through its privileged position (trustee) holds these documents in a fiduciary capacity of a person to a beneficiary relation so that the people may continue to enjoy their civil rights, identify themselves, and claim ownership. On the other hand, the partnership in Artsakh indicates that, the trusteeship here was one of the biggest issues, and the administrative “trust,” which was meant to protect the residents, was broken down into a military intelligence “asset” to control and exclude them.

Analysis reveals that rather than using the existing registries to facilitate the safe return of displaced persons or to aid them in acquiring the deed of their homes, the successor state has merged these civilian records into the MIRAS monitoring system. A severe misuse of the fiduciary relationship has occurred in this case. By integrating birth certificates, residence records, and digital templates into a centralized, live tracking system that is also equipped with facial recognition technology, the state creates what here is termed a “digital cage.” In that cage, the very records which should establish the right of a person to belong serve to monitor, profile, and possibly target the ethnic Armenian community. In abandoning mere administrative control for the initiation of surveillance, the “Digital Self” is turned against its actual owner, making the state's knowledge of its subjects a threat to them rather than a protection of their rights.

This turnaround of responsibility drastically changes the way state and citizens communicate after a conflict. When a government takes a seized registry to identify and exclude people on the basis of their former administrative or military service, it goes against the main rule of non-discrimination in the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).²⁵ The state fails in its fiduciary responsibility because it stops doing what is best for the “beneficiaries” the people whose information it has and instead uses their information to support a policy of “Digital Refoulement.” By turning civil registries into a means for “Algorithmic Persecution,” the succeeding state makes sure that the Return Right is denied not by physical barriers, but by a sophisticated digital system of exclusion whereby the displaced population's digital existence becomes a tool for their everlasting banishment.

Digital Refoulement and Algorithmic Persecution & the “Toponymic War” and Digital Erasure:

The research identifies a shocking and quite dramatic change that is happening in the world and calls it “digital Refoulement.” This phrase is used to describe the digital transformation of the

²³ Vienna Convention on Succession of States in Respect of State Property, Archives and Debts arts. 25–28, Apr. 8, 1983, 22 I.L.M. 306, https://legal.un.org/ilc/texts/instruments/english/conventions/3_3_1983.pdf.

²⁴ (*Armenia v. Azerbaijan*), (n 3), para 74(ii), <https://www.icj-cij.org/sites/default/files/case-related/180/180-20231117-ord-01-00-en.pdf>.

²⁵ International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>.

traditional forced exclusion in the science of law. A traditional pushback of refugees at a border physically is classical refoulement. However, the digital era has produced a more indirect, yet no less final, type of “algorithmic gatekeeping”. At main transit points like the Hakari Bridge, the successor state utilizes high-end digital filtering of the administrative and military databases it seizes to single out, tag, and systematically ban people based on their previous work for the defunct Artsakh authorities. This method is turning the displaced populations own background against them, producing a high-tech “sieve” through which the state can carry out the denial of entry automatically. The research finds that such a practice would fulfil the criteria of “Algorithmic Persecution, “ hence it may even be considered as a Crime Against Humanity referring to the relevant Article 7 of the Rome Statute.²⁶ The crime is committed through the deprivation of the fundamental Right of Return when the population is attacked in a way that systematically targets its distinct ethnic and political identity.

Besides the direct harassment of individuals, the study points to a “soft, “ permanent form of ethnic cleansing called “Digital Erasure.” It is marked by a “Toponymic War, “ in which the successor state leverages its diplomatic and sovereign powers to pressure worldwide digital platforms like Google Maps and Apple Maps to remove Armenian place names from the digital record. Changing the names of old cities, for example, Stepanakert to Khankendi, in the major global navigation systems is not just a simple administrative change. It actually infringes on the community's Intangible Heritage.²⁷ By removing people's linguistic and historical markers from the world digital space, the state ensures that the “Digital Annexation” is fully achieved. When someone's history, places and even names are hidden from the rest of the world, the displaced individuals are effectively parted from the digital sphere to such a degree that their presence is wiped out from world collective memory, which physically ethnic-cleans their entire group through a final digital overwriting.

The study also shows that if these two tactics - digital Refoulement and Digital Erasure - are joined, they might create an invisible everlasting almost undetectable barrier to justice by ordinary human rights monitoring methods. To an ordinary observer, the physical borders could look open, but the secret algorithmic structure is made in such a way that the 'undesired' population will never, in fact, be able to return. As a result, it leads to a situation of indefinite displacement where the indigenous community's legal, social, and historical identity is gradually taken apart. By employing this twin approach, it is evidenced that the contemporary successor state does not have to depend entirely on physical violence to continue a territorially ethnically homogeneous population; it can bring about the same result by the 'clean' use of data-driven exclusion and the systematic removal of a people's digital existence. Within this new framework, the 'Digital Self' emerges as the ultimate battleground, where keeping a record is as indispensable to a people's existence as protecting the land itself.

VI. CONCLUSION: SECURING THE DIGITAL SELF IN AN ERA OF ALGORITHMIC EXILE

The dissolution of the Republic of Artsakh in 2023 marked the end of an era and is a strong indication that the setting of modern war has changed. As shown in this study, a change of power is not simply a physical one dictated by the handing over of territory; it is “Digital Annexation” that brings the life story, legal identity, and fundamental rights of 120,000 ethnic Armenians wholly under the control of a successor state. By taking over the digital systems from the former

²⁶ Rome Statute of the International Criminal Court art. 7(1)(h), July 17, 1998, 2187 U.N.T.S. 3, <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

²⁷ Convention for the Safeguarding of the Intangible Cultural Heritage, Oct. 17, 2003, 2368 U.N.T.S. 3, <https://ich.unesco.org/en/convention>.

republic, a successor state didn't just get hold of the official documents but also “Digital Self” of the individuals - a trust which eventually turned into a weapon for systemic exclusion.²⁸

The Failure of the Fiduciary Trust:

The findings of this study primarily highlight a complete role reversal of the state's obligations. The 1983 Vienna Convention and the ICJ's 2023 order state that the successor state is under a legal obligation to take charge of the civil registries.²⁹ However, converting these records into the MIRAS surveillance system reveals that the state has neglected its fiduciary duty. Instead of facilitating the Right of Return,³⁰ the digital database has been transformed into a device for “Digital Refoulement” at major entry points such as Hakari Bridge. Using data-driven filters for the automatic denial of entry, the state has replaced physical barriers with a highly sophisticated technological “digital cage,” and at the same time, the method of “Algorithmic Persecution” has become a modern tool for ethnic cleansing.

Digital Erasure as the Final Frontier of Conflict:

Besides, when Digital Refoulement is combined with “Toponymic War”, it amounts to a double-edged weapon of Digital Erasure. If a community's legal documents are being erased or sidelined one by one and their original place names are being removed from worldwide digital maps, the outcome is not just a loss of land but the erasure of the community from the memory of the world. Based on the above consideration, this study argues that these acts are in line with the description of Crimes Against Humanity as per Article 7 of the Rome Statute, being a gross and deliberate denial of the basic rights of individuals based on their ethnic and political identity.

VII. SUGGESTIONS

The dissolution of the Republic of Artsakh demonstrates that contemporary territorial conflicts are no longer confined to the occupation of physical territory alone. In the digital era, state succession increasingly involves the transfer of civil registries, biometric databases, identity records, and administrative infrastructures capable of determining the legal and political existence of displaced populations. The capture and weaponisation of such digital systems creates the risk of “Digital Annexation,” whereby successor states acquire the power not merely to govern territory, but also to control the “Digital Self” of affected communities.

Existing frameworks of international humanitarian law and international human rights law remain insufficiently equipped to address this transformation. While current legal instruments provide protection for physical archives, cultural property, and civilian infrastructure, there exists no specialised international mechanism governing the preservation, administration, and non-discriminatory use of digital identity systems during territorial transitions. This institutional vacuum enables successor states to utilise inherited civil registries for discriminatory surveillance, exclusionary governance, and forms of “Digital Refoulement” that undermine the Right of Return and the broader principle of non-discrimination.

In response to this emerging legal challenge, this article proposes the development of an international framework of Neutral Data Custodianship under the supervision of the United Nations. Such a framework would recognise digital identity systems, civil registries, biometric archives, and property databases as protected humanitarian assets rather than transferable spoils of territorial succession. The core objective of this mechanism would be to preserve the legal

²⁸ UN AZERBAIJAN, *UN Mission to Nagorno-Karabakh* (Oct. 2, 2023), <https://azerbaijan.un.org/en/248037-un-mission-nagorno-karabakh>.

²⁹ Vienna Convention on Succession of States in Respect of State Property, Archives and Debts, Apr. 8, 1983, U.N. Doc. A/CONF.117/14, 22 I.L.M. 306 (1983), https://legal.un.org/ilc/texts/instruments/english/conventions/3_3_1983.pdf.

³⁰ International Covenant on Civil and Political Rights art. 12(4), Dec. 16, 1966, 999 U.N.T.S. 171, <https://treaties.un.org/doc/publication/unts/volume%20999/v999.pdf>.

continuity, identity, and rights of displaced populations while preventing the militarisation or politicisation of inherited digital infrastructure.

A. Recognition of Digital Registries as Protected Humanitarian Assets

The first step towards meaningful reform requires recognising that digital registries perform functions essential to legal personhood and human dignity. Birth records, residency documents, property deeds, and biometric systems are now indispensable for accessing citizenship, restitution mechanisms, humanitarian assistance, and freedom of movement. Their destruction, manipulation, or discriminatory deployment therefore extends beyond ordinary privacy violations and directly threatens the “right to have rights.” Consequently, international law should formally classify such databases as protected humanitarian assets subject to heightened safeguards during armed conflict and territorial transition.

B. Establishment of Neutral International Oversight Mechanisms

This study further recommends the creation of a neutral international supervisory mechanism operating under multilateral oversight. Such a body may function through encrypted international escrow arrangements, whereby sensitive digital registries originating from conflict zones are securely preserved and independently monitored during transitional periods. The mechanism should ensure that successor states cannot unilaterally alter, erase, or weaponise inherited records for demographic engineering, ethnic profiling, or political persecution.

Independent oversight structures may also help ensure transparency, accountability, and compliance with international human rights obligations. In particular, supervisory bodies should monitor the use of surveillance technologies, facial recognition systems, and algorithmic screening tools capable of facilitating discriminatory exclusion or “Algorithmic Persecution.”

C. Prohibition of Digital Refoulement and Algorithmic Discrimination

International legal standards should expressly prohibit the use of inherited civil data for discriminatory screening, automated exclusion, arbitrary detention, or restrictions upon the Right of Return. The deployment of AI-driven surveillance systems and algorithmic filtering mechanisms against displaced populations risks transforming humanitarian registries into instruments of ethnic exclusion. Such practices undermine obligations arising under CERD, the ICCPR, and broader principles of international humanitarian law.

Where such conduct forms part of a widespread or systematic attack directed against a civilian population, the international community should further consider whether these practices may constitute forms of persecution within the meaning of Article 7 of the Rome Statute.

D. Preservation of Cultural and Digital Identity

The protection of displaced populations must also extend beyond physical safety to include the preservation of historical, linguistic, and cultural identity within digital spaces. Practices involving the removal of indigenous place names, alteration of historical records, or suppression of cultural identifiers from global digital platforms contribute to forms of “Digital Erasure” capable of permanently excluding communities from collective historical memory. International institutions and technology platforms should therefore adopt safeguards against the politically motivated manipulation of digital cultural heritage in post-conflict environments.

E. Towards a New International Legal Paradigm

Ultimately, the Artsakh case reveals the urgent need for international law to evolve beyond territorially centred approaches to conflict governance. In contemporary conflicts, digital infrastructure increasingly determines who may access rights, reclaim property, prove identity, and return home. The protection of the “Digital Self” must therefore emerge as a central component of international legal protection in situations of armed conflict, displacement, and state succession.

The development of a framework for Neutral Data Custodianship would constitute an important step towards addressing this growing legal lacuna. More fundamentally, it would recognise that

in the digital age, the preservation of human dignity depends not only upon safeguarding territory and physical security, but also upon protecting the informational foundations through which legal existence itself is sustained.