



PROTECTION OF RIGHTS WITHOUT BORDERS NON-GOVERNMENTAL ORGANIZATION

STATEMENT ON BEHALF OF PROTECTION OF RIGHTS WITHOUT BORDERS

Azerbaijan continues to resort to arbitrary detention, torture and ill-treatment and even arbitrary deprivation of life to silence its opponents or critics, and more so – towards Armenians that fell into its custody, both prisoners of war and civilians.

Instances of summary, arbitrary execution of Armenian civilians and prisoners of war (POWs) were documented by our organization. Overwhelming majority of deliberately killed and tortured Armenian civilians were elderly, including women and persons with disability. All the killings were racially motivated, most of the victims were executed demonstratively, recording by perpetrators and later posting them on social media aimed to demonstrate the attitude towards the Armenians and terrorize the Armenian population.

All instances of arbitrary deprivation of life of Armenians by Azerbaijani state agents remain unpunished.

In its most recent reply to the communication by a group of UN special procedures concerning alleged unlawful killings of Armenian POWs and civilians, as well as torture and ill-treatment of Armenian POWs by Azerbaijani armed forces and the desecration of bodies of dead Armenian soldiers, including women, Azerbaijan stated that on 17 September 2022 in a public statement, the Prosecutor committed to undertake an investigation into these allegations. In all communications, Azerbaijani authorities refer to formally launched investigations into allegations of torture but fail to demonstrate any results, especially in cases of executions. As in case of perpetrators of such crimes against Armenian captives in 2016 and 2020, who went absolutely unpunished, despite the fact that on some videos the faces of perpetrators are clearly visible and easily identifiable, no effective investigation is ensured into executions committed in September 2022.

Unprovoked violence by the Azerbaijani armed forces has become the norm in the aftermath of the 44-day war. After the signature of the ceasefire statement of 9 November 2020, at least three Armenian civilians were deliberately killed (executed) and more than ten wounded by Azerbaijani state agents. The majority of them were engaged in agricultural and repair works. Some of those incidents occurred in the presence of the Russian peacekeepers.

At least two Armenian elderly civilians who were detained by Azerbaijan in Nagorno Karabakh in 2020 in violation of Geneva Convention IV died in detention as a result of being subjected to violence.

In the period under review, the European Court of Human Rights (ECHR) has delivered a number of judgements against Azerbaijan in relation to killing and torture of Armenians fueled by ethnic hatred.

Our organization revealed serious violations and obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Azerbaijan, with particular reference to the areas that fell under the control of Azerbaijan following the 44-day war launched by Azerbaijan against Nagorno Karabakh on 27 September 2020. In relation to at least 18 of them the UN Working Group on Enforced Disappearances examined the communications and transmitted the cases to Azerbaijan. According to the Working Group, information provided by Azerbaijan was considered insufficient to clarify the cases.

In many cases, the family members learned of captivity of their next-to-kins only from footage taken and disseminated by Azerbaijani servicemen. Azerbaijani Government failed to officially notify or



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acknowledge capture of dozens of Armenians, including in response to the requests for information by the ECHR. The ECHR had 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.

Since the offensive on 27 September 2020 to-date, at least 20 civilian residents of Nagorno Karabakh, ethnic Armenians, men and women, the majority of them elderly, as well as around 200 servicemen went missing after the territory fell under the control of Azerbaijani armed forces. Witnesses saw them alive up until the moment the Azerbaijani armed forces occupied the territory. In case of dozens of the missing persons, especially servicemen, there are videos taken by Azerbaijani servicemen themselves demonstrating that these persons were alive when they fell into the hands of Azerbaijani armed forces. Failure to provide information on their fate and whereabouts makes them victims of enforced disappearances.

Azerbaijan failed to carry out effective investigation into disappearances with a consequential failure to identify and prosecute the perpetrators and to provide meaningful information to the families of the disappeared individuals as to the fate of their relative. Azerbaijan did not pay any compensation to the families of the Armenian victims of enforced disappearance and other gross human rights violations.

On 30 August 2022, CERD in its Concluding Observations on Azerbaijan raised its deep concern about “allegations of severe and grave human rights violations committed during the 2020 hostilities and beyond by Azerbaijani military forces against prisoners of war and other protected persons of Armenian ethnic or national origin – including extrajudicial killings, torture and other ill-treatment and arbitrary detention, as well as the destruction of houses, schools and other civilian facilities”.

A month after the review and recommendations made, on 13-14 September 2022, Azerbaijan launched a military attack on the Armenian territory. As a result, it confirmed the detention of 17 Armenian POWs. On 4 October 2022, 17 POWs were repatriated to Armenia. The Human Rights Defender of Armenia provided information that almost all POWs told about being subjected to torture while under the Azerbaijani control. “The POWs were even mistreated by Azeri medics”.

On some of the videos taken by Azerbaijani servicemen it is clearly seen that wounded POWs are not treated. On the contrary, Armenian servicemen with bleeding wounds have their hands tied behind their backs laying on the ground and breathing with difficulty, at gun point and forced to repeat on camera greetings in Azerbaijani and repeat other words aimed at their humiliation. Several of the wounded POWs died in Azerbaijani custody.

Since 15 September 2022, when the cease-fire was agreed, Azerbaijani armed forces have obstructed search and body retrieval operations by the Armenian authorities to collect the bodies of the fallen servicepersons and possibly civilians, contributing to great suffering of the families and subjecting them to inhuman and degrading treatment.

Days after the aggressive attack by Azerbaijan on the sovereign territory of the Republic of Armenia in September 2022, Azerbaijan started another psychological warfare by creating telegram stickers of war crimes, of tortured bodies of Armenian servicemen and civilians. Although Telegram has blocked the stickers, they had more than 20.000 downloads in five days.



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Our organization documented dozens of instances of subjecting of Armenian POWs and detained civilians to torture and ill-treatment in the context of hostilities launched by Azerbaijan against Nagorno Karabakh in 2020 as admitted by Azerbaijani president. Torture and ill-treatment of Armenian POWs is well documented by Human Rights Watch as well.

Despite its obligations, no effective investigation into allegations of torture is conducted. Every time when on international fora Azerbaijan reports on any progress in ensuring effective investigation into credible allegations of ill-treatment of Armenians in its custody, Azerbaijani authorities present the same data that demonstrates lack of will to punish perpetrators of most serious human rights violations, for example statement at the CERD review in August 2022 and reply to the communication to a group of UN special mandates. Azerbaijani authorities report about “11 criminal investigations into members of the Azerbaijani military for gross violations of international human rights law and international humanitarian law, inter alia, the torture and ill-treatment of prisoners of war. As a result, four Azerbaijani servicemen had been charged with desecrating the tombs or corpses of Armenian soldiers and had been referred to the courts”. No results in investigation into torture, arbitrary executions despite the fact that the faces of perpetrators are clearly visible on videos taken by their colleagues are reported to-date. Reportedly, one of the charged perpetrators for desecration of bodies was awarded by President Aliyev in September 2022. Absolute impunity for decades that started from glorification of Ramil Safarov, Azerbaijani military officer who axed to death Armenian serviceman Gurgen Margaryan during NATO training. The suit was followed in 2016, when Azerbaijani military tortured and beheaded Armenian POWs, posed proudly with severed heads. Instead of being convicted for a war crime, they were decorated with state medals by the President of Azerbaijan. So, other military personnel got encouraged and committed even more war crimes toward protected persons in 2020, 2021 and 2022.

Torture and ill-treatment of POWs was a widespread practice during the armed conflict in 2020 and in its aftermath, including upon capture, during the transfer as well as in premises of the Azerbaijani Military Police, Ministry of National Security and other locations in Azerbaijan. The repatriated POWs interviewed by some of the submitting organizations stated that they were severely beaten just for “being Armenian”. They were subject to abuse by Azerbaijani servicemen immediately upon capture. Beatings and abuse took place mostly when they were transferred from the place of capture to temporary command points set up by Azerbaijani military. Azerbaijani servicemen in groups abused Armenian POWs, hit them on various parts of the body, including right on the wounds. Some of the Armenian servicemen reported that their skin was burned by cigarettes; some were subjected to electric shock during transfers. They also reported that they were subject to beatings particularly at the premises of the military police.

Videos showing subjecting Armenian POWs and civilians to torture and ill-treatment by Azerbaijani servicemen were posted and widely circulated in social media by Azerbaijani users themselves. Given that the access to the internet was restricted in Azerbaijan during the active phase of hostilities, the fact that Azerbaijani servicemen at the frontline not only recorded the execution and torture of Armenians who fell into their custody but also were able to transmit and/or post it online *en mass*, suggests that there was an approval of such practice by high-rank Azerbaijani officials. This practice also aims to create fear among the remaining Armenian population of Nagorno-Karabakh as to their fate if they fall into the hands of Azerbaijani, pushing them to leave with no possibility of return to their homes.