



**Written Information Submitted by
The Armenian Bar Association**

**For the Examination of the Fifth Periodic Report of the Republic of Azerbaijan
By the U.N. Committee Against Torture at its 79th Session (23-24 April 2024)**

**Under Article 19 of the Convention Against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment**

to

The U.N. Committee against Torture

c/o Centre for Human Rights
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Founded in 1989 and composed of over 4,000 member-lawyers of Armenian ethnicity residing in the United States, the Republic of Armenia, and (until September 2023) Nagorno-Karabakh, the Armenian Bar Association engages in pro bono initiatives designed to address legal concerns of the worldwide ethnic Armenian community. This has included supporting the rule of law and growth of democratic institutions in Armenia and Nagorno-Karabakh, providing a forum for networking and mentorship among lawyers at various stages of their careers, and promoting access to justice for ethnic Armenian immigrants to the United States.

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I. INTRODUCTION

1. Since 2020, Azerbaijani military personnel committed – and documented – numerous acts of atrocities against ethnic Armenians during multiple invasions of both Nagorno-Karabakh (“NK”) and Armenia. For nine months beginning on 12 December 2022, Azerbaijan blockaded the NK territory, depriving its overwhelmingly ethnic Armenian inhabitants of basic necessities.

2. These atrocities and the blockade occurred within the context of a decades-long provocation campaign by Azerbaijan’s ruling family to incite hatred against ethnic Armenians among Azerbaijan’s population. This campaign has been recognized by numerous international bodies including this Committee. Azerbaijan ended the blockade on 24 September 2023 only after another of its devastating military operations in NK, the culmination of which was that the entire NK population was forced to flee to Armenia.

3. The individual acts of atrocities, and the blockade, inflicted severe pain and suffering on ethnic Armenians. These acts were perpetrated precisely because of the victims’ ethnicity, and with the purpose of “intimidating or coercing” the ethnic Armenian population of NK to leave the territory. They therefore constitute torture within the meaning of the Convention.

II. FACTS

A. This Committee, Other Treaty Monitoring Bodies, and International Courts Have Recognized Azerbaijan’s Policy of Discrimination and Hatred against Ethnic Armenians

4. Beginning with this Committee, several international judicial and quasi-judicial bodies have confirmed that Azerbaijan’s government – ruled by the same family since 1993 – has exploited the existence of the NK conflict to perpetuate a campaign of racial hatred and incitement against ethnic Armenians throughout Azerbaijani society.

5. **This Committee:** In *S.M., H.M. and A.M. v. Sweden*, this Committee found that Sweden would violate its non-refoulement obligations under the Convention if it deported ethnic Armenians (originating from NK) to Azerbaijan.¹ The Armenian family-member complainants claimed that in Azerbaijan they had been subjected to ethnically motivated persecution by their Azeri neighbors, including their sister being raped to the point that she committed suicide.² However, Sweden denied their asylum claim and sent them back to Azerbaijan. At the airport, Azerbaijani police discovered documents confirming the complainants’ ethnicity; the police then detained them for four days without any proper food or accommodation, beat them and sexually assaulted them.³ The family managed to escape back to Sweden and re-applied for asylum. This Committee found:

the ***complainants’ allegations of torture are corroborated*** by authoritative medical reports issued by the Crisis and Trauma Centre in Stockholm. In light of the above and taking into account the treatment inflicted on the complainants upon their return to Azerbaijan in August 2004 and general information available to the Committee, ***according to which a hostile***

¹ Communication No. 374/2009, CAT/C/47/D/374/2009 (17 Jan. 2012), <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhshvS0jDX4I2xXPafJCfAuPUQN2dKKpwWrah5sxSBACk6dVlKNMBIg6aFG6KLGocxhu8y8eUQ38I2adIJPY7E917MVyPgSNwNP3GYJoMU3Otqmo%2FcwopWL7%2FsZsVMfN%2BVzg%3D%3D>.

² *Id.* ¶ 2.1.

³ *Id.* ¶ 2.2.

*attitude on the part of the general public towards ethnic Armenians living in Azerbaijan is still widespread, persons of Armenian origin are at risk of discrimination in their daily life, they are harassed or bribes are requested by low-ranking officials when they apply for passports and they often conceal their identity by legally changing the ethnic designation in their passports, the Committee considers that the complainants' return to Azerbaijan would expose them to a foreseeable, real and personal risk of torture within the meaning of article 3 of the Convention.*⁴

6. **Committee on the Elimination of Racial Discrimination:** The CERD Committee recently confirmed that in Azerbaijan there is “Incitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials, and the lack of detailed information on investigations, prosecutions, convictions and sanctions for such acts.”⁵ It also noted “reports that school textbooks promote prejudice and incite racial hatred, particularly against ethnic Armenians.”⁶

7. **European Court of Human Rights:** In 2004, at a NATO-sponsored “Partnership for Peace” conference in Budapest, an Azerbaijani soldier, Ramil Safarov, beheaded an Armenian soldier Gurgen Margaryan with an axe, while the latter was sleeping in his hotel room.⁷ A Hungarian court convicted the Azerbaijani soldier of “exceptionally cruel and premeditated murder,” and concluded that “the crimes were committed with vile motives and *exclusively* because of the Armenian nationality of the victim[.]”⁸

8. In 2012 the convicted murderer was transferred to Azerbaijan on the condition that he continue to serve out the remainder of his sentence. Instead, on the day of his arrival in Azerbaijan he was set free based on a presidential pardon and promoted in military rank in a public ceremony. He was given a flat in the capital city of Baku, together with salary arrears for the eight years he had spent in prison. Several Azerbaijani officials made statements praising the murderer. These statements and other “Letters of Appreciation” were posted on a special page created on the website of the President of Azerbaijan. The state’s Human Rights Ombudsman, for example, stated that, “Ramil Safarov should become an exemplary model of patriotism for the Azerbaijani youth.”⁹

9. The ECtHR found that Azerbaijan violated Article 2 of the European Convention on Human Rights (right to life) by granting impunity for murder.¹⁰ It further found that Azerbaijan violated the

⁴ *Id.* ¶ 9.7 (emphases added).

⁵ CERD Committee, Concluding Observations on the tenth to twelfth periodic reports of Azerbaijan, CERD/C/AZE/CO/10-12 (22 Sept. 2022), ¶ 4(c).

⁶ *Id.* ¶ 34. See also CERD Committee, Concluding observations on Azerbaijan's combined seventh to ninth periodic reports, CERD/C/AZE/CO/7-9 (10 June 2016), ¶¶ 13 (“concerned that the provisions of article 283 of the Criminal Code on incitement to racial hatred have been misused to arrest individuals that have expressed opinions diverging from official positions, including on the Nagorno-Karabakh conflict, or spoken out about the conditions of members of ethnic minorities.”), 27 (“The Committee expresses concern at the repeated and unpunished use of inflammatory language by politicians speaking about the Nagorno-Karabakh conflict and at its adverse impact on the public’s view of ethnic Armenians in the State party.”).

⁷ *Makuchyan and Minasyan v. Azerbaijan and Hungary*, App. No. 17247/13, ECtHR, Judgment (26 May 2020), ¶¶ 8-9.

⁸ *Id.* ¶ 15 (emphasis added).

⁹ *Id.* ¶¶ 18-21, 25, 102, 217.

¹⁰ *Id.* ¶ 172.

non-discrimination obligation in Article 14 of the European Convention.¹¹ The murderer “had been pardoned because *his attack had been of an ethnic nature*.”¹² The court concluded that “the overwhelming body of evidence . . . indicat[ed] that the various measures leading to [the murderer’s] virtual impunity, coupled with the glorification of his extremely cruel hate crime, *had a causal link to the Armenian ethnicity of his victims*.”¹³

10. **European Committee on Racism and Intolerance:** The ECRI recently found that Armenians are targeted by hate speech in Azerbaijan, and “the boundary lines between the Azerbaijani political and other public discourse against Armenian decision-makers and hate speech towards Armenians as an ethnic or national community are blurred and practically impossible to discern. . . The public discourse has been marked by the use of inflammatory rhetoric in public statements by politicians, including at the highest political level, and other public figures, as well as by the wide dissemination of hateful and dehumanising content, in traditional and social media.”¹⁴

11. **International Court of Justice:** Finally, the ICJ has three times indicated provisional measures against Azerbaijan, arising out of Azerbaijan’s (1) treatment of ethnic Armenian detainees; (2) blockade of NK; and (3) expulsion of NK’s entire ethnic Armenian population. The ICJ found that each of these acts “plausibly” constituted racial discrimination within the meaning of the Convention on the Elimination of All Forms of Racial Discrimination.¹⁵

B. Azerbaijani Soldiers Tortured and Executed Ethnic Armenian Captives

12. On 27 September 2020, Azerbaijan by its own admission began a war against NK.¹⁶ In May 2021 and September 2022, Azerbaijan invaded the sovereign territory of the Republic of Armenia.¹⁷ Azerbaijan used military force against NK again in September 2023.¹⁸ During all these hostilities, Azerbaijan’s military forces repeatedly tortured and executed ethnic Armenians. Torture is a familiar tactic in Azerbaijan: Azerbaijan’s top military prosecutor admitted to torturing Azerbaijani citizens suspected of spying for Armenia, resulting in at least one death.¹⁹

13. Many of the instances of torture against ethnic Armenians were recorded on video. As

¹¹ *Id.* ¶ 221.

¹² *Id.* ¶ 218 (emphasis added).

¹³ *Id.* ¶ 220 (emphasis added).

¹⁴ ECRI Report on Azerbaijan (sixth monitoring cycle) (21 June 2023), <https://rm.coe.int/sixth-report-on-azerbaijan/1680ab9e35> ¶¶ 38-40.

¹⁵ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, Order of 7 December 2021, 2021 I.C.J. Rep. 361, ¶¶ 59-61; Order of 22 February 2023, ¶¶ 38-39; Order of 17 November 2023, ¶¶ 39-41.

¹⁶ President Ilham Aliyev was interviewed by CNN Turk TV Channel - FULL TEXT, APA (14 August 2021), <https://apa.az/en/xeber/official-news/president-ilham-aliyev-was-interviewed-by-cnn-turk-tv-channel-full-text-355814> (“My words were materialized, and Azerbaijan started the War of Salvation.”).

¹⁷ *Ilham Aliyev was interviewed by local TV channels*, PRESIDENT.AZ (10 Jan. 2024), <https://president.az/en/articles/view/63017>

(“So, of course, we are not going back anywhere. Neither from the positions of May 2021 nor from the positions of September 2022.”); see also [EU High Commissioner for Foreign Affairs] Josep Borrell answers questions about tensions between Armenia and Azerbaijan, Video of Address before European Parliament, (Oct. 4, 2022), <https://www.youtube.com/watch?v=KnGKCct1jiE> [timestamp 7:45] (“Azerbaijan has bombarded and occupied parts of Armenian territory, areas that are well into Armenia using artillery and drones”).

¹⁸ *Azerbaijan Begins a Military Operation in Nagorno-Karabakh*, N.Y. TIMES (19 Sept. 2023), <https://www.nytimes.com/2023/09/19/world/europe/azerbaijan-military-nagorno-karabakh.html>.

¹⁹ Ulkar Natiqzizi, *Azerbaijan prosecutor admits widespread torture of suspects in treason case*, EURASIANET (Nov. 2, 2021), <https://eurasianet.org/azerbaijan-prosecutor-admits-widespread-torture-of-suspects-in-treason-case>.

reported by Human Rights Watch, “[i]n most of the videos, the captors’ faces are visible, suggesting that they did not fear being held accountable.”²⁰ “Given the large numbers of videos that have emerged, and the fact that soldiers apparently felt comfortable enough to show off the atrocities, some analysts have said that the behavior was at least implicitly condoned by the authorities.”²¹ Like the axe-murderer, Ramil Safarov, the perpetrators of these atrocities have enjoyed impunity.²²

14. Below are descriptions of torture recorded on video, which were reviewed by international NGOs and the human rights ombudsman’s office that worked in NK while the territory was inhabited by ethnic Armenians:

- i. **Genadi Petrosyan** was a pensioner in the NK region of Askeran. He was captured by Azeri soldiers in October 2020. In November, a video was posted showing Petrosyan being beheaded, his body and severed head being placed next to the body of a pig.²³ In the video, an off-camera voice says: “This is how we get revenge – by cutting off heads.”²⁴
- ii. **Arsen Gharakhanyan**, a 46-year-old husband and father of three, was found dead on January 19, 2021, in the NK town of Hadrut during a search operation for human casualties. Gharakhanyan had entered Hadrut to evacuate his elderly father and was captured by the Azerbaijani Armed Forces. On January 1, 2021, and on January 16, 2021, two videos were published to the Azerbaijani social media, featuring Gharakhanyan being forced to say “Karabakh is Azerbaijan” and call a town formerly inhabited by NK Armenians by its Azeri name. According to the forensic examination’s preliminary conclusion, Gharakhanyan died as a result of torture, and the gunshot wounds to his forehead and chin had been inflicted posthumously. Notably, Gharakhanyan was killed just days after the European Court of Human Rights asked Azerbaijan to provide information about his whereabouts.²⁵
- iii. **Yuri Asriyan**, a pensioner born in 1938, was unable to leave his home in the Azokh village of Hadrut region after the Azerbaijani Armed Forces took control in October 2020. Asriyan was single and had health problems which prevented his escape from his home. Asriyan was captured on October 21, 2020, shortly after the invasion, and in December 2020, a video of his beheading was posted to the internet. Asriyan was

²⁰ Azerbaijan: Armenian Prisoners of War Badly Mistreated, Human Rights Watch (2 December 2020), <https://www.hrw.org/news/2020/12/02/azerbaijan-armenian-prisoners-war-badly-mistreated#>.

²¹ Ulkar Natiqqizi & Joshua Kucera, *Evidence of widespread atrocities emerges following Karabakh war*, EURASIANET (Dec. 9 2020), <https://eurasianet.org/evidence-of-widespread-atrocities-emerges-following-karabakh-war>.

²² Ulkar Natiqqizi, *One year after arrests for war crimes, Azerbaijan remains silent*, EURASIANET (Dec 15, 2021), <https://eurasianet.org/one-year-after-arrests-for-war-crimes-azerbaijan-remains-silent>.

²³ NK Human Rights Ombudsman, Interim Report (Sept. 27, 2021), <https://ombuds.am/images/files/8f33e8ccaac978faac7f4cf10442f835.pdf> at 17.

²⁴ Andrew Roth, *Two men beheaded in videos from Nagorno-Karabakh war identified*, THE GUARDIAN (Dec. 15, 2020), <https://www.theguardian.com/world/2020/dec/15/two-men-beheaded-in-videos-from-nagorno-karabakh-war-identified>.

²⁵ NK Human Rights Ombudsman, Interim Report (Sept. 27, 2021), <https://ombuds.am/images/files/8f33e8ccaac978faac7f4cf10442f835.pdf> at 19; see also Tanya Lokshina, *Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes: New evidence of torture and inhumane treatment of civilians by Azerbaijani forces emerges*, HUMAN RIGHTS WATCH (Mar. 12, 2021), <https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes>.

pinned down by members of the Azerbaijani Armed Forces. Asriyan repeatedly asked not to be beheaded in the name of “Allah,” but despite his pleas, an Azerbaijani Armed Forces member proceeded to behead Asriyan. Asriyan’s body was later found on January 21, 2021.²⁶

- iv. **Areg Sargsyan**, 19, was not in contact with his family after October 2, 2020. On October 8, 2020, a relative alerted the family to two videos that show Sargsyan lying on top of an Azerbaijani tank, and on this captors’ orders, shouting “Azerbaijan” and calling Republic of Armenia Prime Minister Pashinyan names. In mid-October, three more videos with Sargsyan appeared on social media—one shows Sargsyan, in the backseat of a vehicle and wearing a thick blindfold, repeating on his captor’s orders, “long live President Aliyev,” and “Karabakh is Azerbaijan,” and cursing Pashinyan. Sargsyan’s family said that on October 17, Azerbaijani authorities facilitated an ICRC visit with him.²⁷
- v. **Eric Khachaturyan**, 18, was not in contact with his family after October 12, 2020. On November 22, 2020, a neighbor showed Khachaturyan’s father a video in which he recognized Khachaturyan. Later, the family saw him in another four videos. The videos show Eric’s captors holding him by the neck and slapping his head as they attempt to force him to say “Karabakh is Azerbaijan,” and to kiss the Azerbaijani flag.
- vi. **Tigran**, 20, was among eight Armenian servicemen beaten by Azerbaijani forces in a widely circulated video. The Armenian servicemen were kicked, dragged, poked with a metal rod. Tigran stated in an interview: “They gave a spade to one of ours and told him to go dig his grave. He was so frightened he started digging.” Tigran was then taken to a detention center in Baku where he was tortured with electric shocks.²⁸
- vii. An Armenian servicewoman, whose identity has not been revealed to protect her family and preserve her memory for her minor children, was captured in September 2022 by Azerbaijani soldiers in the Republic of Armenia. In a widely disseminated video, she appears partially decapitated, legs cut off, at least one finger was cut off and placed in her mouth, and one eye removed and replaced with a stone. An Azerbaijani soldier is heard in the video saying, “Look at that, you did well, she has nice breasts, eh?”²⁹

²⁶ NK Human Rights Ombudsman, Interim Report (Sept. 27, 2021), <https://ombuds.am/images/files/8f33e8ccaac978faac7f4cf10442f835.pdf> at 15; see also Grigor Atanesian & Benjamin Strick, Nagorno-Karabakh conflict: ‘Execution’ video prompts war crime probe, BBC (Oct. 23, 2020), <https://www.bbc.com/news/world-europe-54645254>.

²⁷ *Azerbaijan: Armenian Prisoners of War Badly Mistreated*, HUMAN RIGHTS WATCH (Dec. 2, 2020), <https://www.hrw.org/news/2020/12/02/azerbaijan-armenian-prisoners-war-badly-mistreated>.

²⁸ *Azerbaijan: Armenian POWs Abused in Custody*, HUMAN RIGHTS WATCH (Mar. 19, 2021), <https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>.

²⁹ Footage appears to show desecration of female Armenian soldier, OC MEDIA (Sept. 16, 2022), <https://oc-media.org/footage-appears-to-show-desecration-of-female-armenian-soldier/>; see also Faustine Vincent, *Azerbaijani soldiers accused of war crime against Armenians*, LE MONDE (Oct. 18, 2022), https://www.lemonde.fr/en/international/article/2022/10/18/azerbaijani-soldiers-accused-of-war-crime-against-armenians_6000807_4.html#; Lemkin Institute: *Azerbaijan is committing slow genocide against Armenians with Turkish support* (Sept. 21, 2022), <https://www.lemkininstitute.com/single-post/lemkin-institute-azerbaijan-is-committing-slow-genocide-against-armenians-with-turkish-support>. The video itself appears to have been removed from the web.

15. In other cases, ethnic Armenians discussed first-hand the torture they experienced at the hands of the Azerbaijani military:

- i. **Hagop**, who was forcibly extracted from Armenia in 2021, recounted that during the drive to a detention location in Azerbaijan, he and other soldiers were kicked, beaten, and forced to say “Karabakh is Azerbaijan,” and other things in Azeri which he did not understand. His knees and head were hit with a hammer and stick resulting in severe pain. One Azerbaijani soldier put a knife to his ear, then throat, threatening to cut him, leading Hagop to believe he would be murdered.³⁰
- ii. **Davit**, 19, recounted that during the drive to Baku in 2020, he was tied and handcuffed, and an Azerbaijani serviceman punched him, burned his hands with a lighter, and heated a metal rod and poked Davit in the back; Davit fainted from the pain. While in custody of the Azerbaijani military police, he was beaten severely, and on one occasion: “they beat me so badly that they actually broke two ribs.” He was forced to record a video in which he stated that NK is part of Azerbaijan and was threatened with electric shock if he did not get it right.³¹
- iii. **Armen**, 20, after surrendering in 2020 was beaten by Azerbaijani soldiers and poked with a metal cooking skewer. Once he reached a military police station in Baku, he was kicked and punched in the head. He stated: “they chained my hands to the heating system, and I remained in that position, seated on the floor, throughout the whole night. I was not able to sleep because of the pain. My face, my eye, and my knee ached. They had hit my knee a lot, and it was swollen.”³²
- iv. **Vazgen**, 25, was taken captive by foreign mercenaries fighting for Azerbaijan near Hadrut in 2020. He stated: “The Azerbaijani soldiers inserted their hands into the wound in my stomach. They blew chili pepper into my eyes, and they burnt my hands. They beat me with batons. Every time I was passed onto a new group of soldiers, I was beaten and tortured.” He was forced to record a video in which an Azerbaijani soldier hit him until Vazgen called Armenia’s Prime Minister a bitch.³³
- v. **Mavrik Pashayan**, 45, who is disabled, was at his home during Azerbaijan’s September 2023 attack on NK. He was captured by Azerbaijani servicemen, one of whom shot at a bag he was holding but the bullet hit Pashayan’s hand. He was taken to Shushi, where he was beaten and forced to do push-ups with his injured arms. When he stated he could not, he was kicked in the chest and mocked.³⁴
- vi. **Gayane Gabrielyan** was captured by Azerbaijanis in Aghdam on September 19, 2023, with other civilians including two young boys, one with a mental disability and the other with a physical disability. Despite begging the Azerbaijanis to spare them,

³⁰ Human Rights Network, *We are No One: How Three Years of Atrocities Led to the Ethnic Cleansing of Nagorno-Karabakh’s Armenians*, Chapter 2: Torture (2023), <https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-2-torture/index.html>.

³¹ Azerbaijan: Armenian POWs Abused in Custody, HUMAN RIGHTS WATCH (Mar. 19, 2021), <https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>.

³² Cristina Maza, ‘They Chained Me to a Radiator and Beat Me’: Armenian POWs Speak Out, VICE (Apr. 26, 2021), <https://www.vice.com/en/article/akgdgk/armenia-azerbaijan-prisoners-of-war-nagorno-karabakh>.

³³ *Id.*

³⁴ Ruzanna Stepanyan, “They were beaten, forced to push with injured hands, stand on one leg”: The torments of Azerbaijani captivity of an Artsakh citizen, AZATUTYUN (Oct. 20, 2023), <https://www.azatutyun.am/a/32647080.html>.

Gabrielyan and the other civilians were tied by their hands and dragged about five to six kilometers to the Azerbaijani base where they were all separated and placed into individual cells. Gabrielyan was beaten and also witnessed another captured civilian, Lernik, and the young physically disabled boy be beaten continuously throughout her 5 days of captivity.³⁵

- vii. **Liparit Mardanyan**, a 37-year-old civilian with serious health problems, his mother **Gemma**, 72, and two other women were captured in Sarnaghbyurt on September 20, 2023, and taken to the local Azerbaijani base. They were later moved to Aghdam and placed into cabins which were meant to be used for medical services, but instead were used as prison cells. Mardanyan and Gemma were beaten mercilessly despite already being injured and unable to walk. The Azerbaijani doctors who attended to the pair while in custody dealt them with heavy blows. After five days of custody, Mardanyan and Gemma were released into Shushi.³⁶

16. In other cases, the bodies of the victims provided evidence of torture:

- i. **Arega Shahkeldyan**, 76, a resident of Aventuraots in Askeran district of NK, was detained by Azerbaijani forces in her home along with her husband Eduard in late October 2020. Eduard was beaten by Azerbaijani soldiers in front of Shahkeldyan. They were separated and held captive. Eduard died in prison. Shahkeldyan was eventually released after six weeks on December 9, 2020. After receiving Eduard's body in Yerevan on December 28, 2020, Armenian authorities performed an autopsy and listed blunt brain injury and brain swelling as the cause of death.³⁷
- ii. **Vladimir Parsiyants**, a pensioner born in 1946, was killed on November 18, 2020, in Shushi by Azerbaijani Armed Forces. Parsiyants's body, returned to the Armenian side on May 12, 2020, had suffered a gunshot wound to the thigh and a cut abdomen with the use of a cutting-piercing tool.³⁸
- iii. **Nina Davtyan**, a woman born in 1938, was found dead on December 19, 2020, during a search for corpses in the Vardashat community of Hadrut. Davtyan's head was ripped from her body and her hands were broken.³⁹
- iv. **Alvard Tovmasyan**, a woman born in 1963, who suffered from a mental illness, was found dead on January 13, 2021, during a search of the village of Karin Tak in the Shushi region. A forensic examination of Tovmasyan revealed signs of torture, with

³⁵ Hunan Tadevosyan, "They tied our hands and dragged us to their stronghold": The nightmarish 5 days of Azerbaijani captivity, ARTSAKHPRESS (Feb. 5, 2024), <https://artsakhpres.am/arm/news/192066/kapel-en-mer-dzerqern-u-qarsh-talov-tarel-irenc-henaket%E2%80%A4-adrbejanakan-gerutyan-mxdzavanjayin-5-orery.html?fbclid=IwAR1TGrTRH3GR6wriu85JfTq0UqHBmij352IH5bgzvyWsIRn-OsyNzPhjfNY>.

³⁶ Hunan Tadevosyan, "They were beating, mercilessly beating": Azerbaijanis beat a disabled mother and wounded son, ARTSAKHPRESS (Feb. 6, 2024), <https://artsakhpres.am/arm/news/192103/tsetsum-ein-ankhna-tsetsum-adrbejancinery-tsetsel-en-hashmandam-morn-u-viravor-ordun.html>.

³⁷ Tanya Lokshina, *Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes*, HUMAN RIGHTS WATCH (Mar. 12, 2021), <https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes#>.

³⁸ NK Human Rights Ombudsman, Interim Report (Sept. 27, 2021), <https://ombuds.am/images/files/8f33e8ccaac978faac7f4cf10442f835.pdf> at 16.

³⁹*Id.*

her left ear and tongue cut out. Tovmaysan was identified by relatives and comparative examinations of DNA samples.⁴⁰

- v. **Radik Stepanyan**, a disabled man born in 1937, was found dead in Hadrut on December 19, 2020, with his head missing and legs broken. Stepanyan had stayed in the village of Togh in Hadrut after the takeover of the region by Azerbaijani Armed Forces on October 10, 2020.⁴¹
- vi. **Elena Hakobyan**, a woman born in 1953, was found dead January 4, 2021, during a search operation for corpses in the Hadrut region. Hakobyan was found with her legs tied together with rope and her head separated from her body. Hakobyan's neighbor identified her.⁴²

C. Azerbaijan Imposed a Crippling Blockade on the Ethnic Armenians of Nagorno-Karabakh

17. In parallel with military operations, Azerbaijan also laid siege to NK.

18. Before 2020, the ethnic Armenian NK authorities controlled the territory that connected NK to the Republic of Armenia.⁴³ According to a census conducted by NK authorities, the population of NK was at least 150,932.⁴⁴

19. As noted above, on 27 September 2020, Azerbaijan began military operations against NK. The war concluded with a ceasefire declaration on 9 November 2020 signed by the President of Azerbaijan I.H. Aliyev, the Prime Minister of Armenia N.V. Pashinyan, and the President of the Russian Federation V.V. Putin (the "Trilateral Statement"). This Statement provided that Azerbaijan would control territory between NK and Armenia, except that the "[p]eacekeeping contingent of the Russian Federation shall be deployed along the contact line in Nagorno Karabakh and along the Lachin corridor . . . The Lachin corridor (5 km wide) which will ensure the communication between Nagorno Karabakh and the Armenia . . . shall remain under the control of the peacekeeping contingent of the Russian Federation . . . The Republic of Azerbaijan shall guarantee safe movement of citizens, vehicles and cargo in both directions along the Lachin corridor."⁴⁵ Thus, under the Trilateral Statement, the only land route connecting NK and the Republic of Armenia was the Lachin corridor.

20. Azerbaijan's war permanently displaced 37,940 persons from NK,⁴⁶ meaning that the post-war population of NK was around 113,000. This remaining population depended on the Lachin corridor to avoid being cut-off from the outside world.

⁴⁰ *Id.* at 19.

⁴¹ *Id.* at 18.

⁴² *Id.* at 19.

⁴³ *Sargsyan v. Azerbaijan*, App. No. 40167/06, ECtHR, Judgment (16 June 2015), ¶¶ 14-21.

⁴⁴ Preliminary number of Artsakh 2015 Population Census is 150 932 people, PANORAMA (1 Apr. 2016), <https://www.panorama.am/en/news/2016/04/01/Preliminary-number-of-Artsakh-2015-Population/1554062>.

⁴⁵ Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation, The Prime Minister of the Rep. of Armenia (10 Nov. 2020), <https://www.primeminister.am/en/press-release/item/2020/11/10/Announcement/>.

⁴⁶ 90,640 persons fled NK to the Republic of Armenia during the war. *Migration Service of Armenia Registered Arrivals of Displaced Population | Armenia - Round 3*, INTERNATIONAL ORGANIZATION FOR MIGRATION (11 December 2020)

21. On 12 December 2022, Azerbaijani protestors claiming to be “eco-activists” blocked civilian traffic between Armenia and NK on the Lachin corridor.⁴⁷ Many of the “eco-activists” filmed themselves singing the songs and making the hand gestures of the Grey Wolves, a pan-Turkic ultranationalist group that has been banned in Europe for anti-Armenian hate speech; one of the activists wore – and posted on social media – a patch depicting Enver Pasha, a leader of the Ottoman Empire who helped organize and implement the Armenian Genocide of 1915, and the patch contained the inscription, “Armenian, don’t run! You’ll die anyway, just exhausted.”⁴⁸ Azerbaijan acknowledged that this blockade was occurring,⁴⁹ and did not take any action to remove the alleged eco-protestors.

22. On 10 January 2023, the President of Azerbaijan, Ilham Aliyev, rationalized that the Lachin corridor was in fact open – for those ethnic Armenians who wanted to leave NK:

Therefore, whoever does not want to become our citizen, the road is not closed; it is open. They can leave whenever they want; no one would stop them. They can travel in the back of peacekeepers’ trucks or take a bus. The road is open.⁵⁰

23. The blockade of the Lachin corridor by the Azerbaijani “protestors” caused a number of humanitarian consequences. As observed by the International Court of Justice on 22 February 2023, “the disruption on the Lachin Corridor has impeded the transfer of persons of Armenian national or ethnic origin hospitalized in Nagorno-Karabakh to medical facilities in Armenia for urgent medical care. The evidence also indicates that there have been hindrances to the importation into Nagorno-Karabakh of essential goods, causing shortages of food, medicine and other life-saving medical supplies.”⁵¹

24. On 23 April 2023, Azerbaijan established a checkpoint on the Lachin corridor.⁵² On 28 April 2023, the alleged eco-activists stated that as a result they would temporarily suspend their protest.⁵³

https://displacement.iom.int/system/tdf/reports/ARMENIA%20DTM%20Round%203%20Narrative_v4.pdf?file=1&type=node&id=10330. Meanwhile, according to the Russian Federation peacekeeping operation, 52,700 returned to Nagorno-Karabakh since the ceasefire. See *Situation in the zone of peacekeeping operations (as of 24 February 2021)*, MINISTRY OF DEFENSE OF THE RUSSIAN FEDERATION, <https://mil.ru/files/morf/2800vgvghvghvghvgh.jpg>.

⁴⁷ Azerbaijan: Blockade of Lachin corridor putting thousands of lives in peril must be immediately lifted, Amnesty Int’l (9 Feb. 2023), <https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/>.

⁴⁸ See *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Armenia’s Request for Provisional Measures (27 Dec. 2022), pp. 9-11, <https://icj-cij.org/sites/default/files/case-related/180/180-20221227-WRI-01-00-EN.pdf> (compiling the screenshots).

⁴⁹ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, Order of Order of 22 February 2023, ¶ 33, <https://icj-cij.org/sites/default/files/case-related/180/180-20230222-ORD-01-00-EN.pdf>.

⁵⁰ Ilham Aliyev was interviewed by local TV channels, PRESIDENT.AZ (10 Jan. 2023), <https://president.az/en/articles/view/58555>.

⁵¹ *Id.* at ¶ 54.

⁵² Elisabeth Rosenstock-Siller, *Checkpoint on the Lachin Corridor*, U.S. Mission to the OSCE (27 Apr. 2023), <https://osce.usmission.gov/checkpoint-on-the-lachin-corridor-trashed-2/>; see also No. 220/23, Statement on establishment of the border checkpoint by the Republic of Azerbaijan at the starting point of the Lachin-Khankandi road (EN/RU), Rep. of Azerbaijan Min. of Foreign Affairs (last visited 10 Mar. 2024), <https://www.mfa.gov.az/en/news/no22023>.

⁵³ *Azeri protestors say they’ll end blockage of key road* (28 Apr. 2023), THE ASSOCIATED PRESS, <https://apnews.com/article/armenia-azerbaijan-lachin-corridor-nagorno-karabakh-649b7bfc785d9aa13f870c7eea985ad>.

25. Azerbaijan also blocked electricity and natural gas supplies to NK's population and prevented deliveries of petrol.⁵⁴

26. On 11 May 2023, the NK human rights ombudsman published a report about the effects of the blockade, which had been ongoing for five months.⁵⁵ The report highlighted several personal examples, including:

- i. An 8-year-old boy with gluten intolerance could not obtain suitable food or vitamins, and as a result suffered from malnutrition, lost 5 kg and had to subsist on dietary supplements. "The child is currently on the edge of severe depletion and exhaustion."⁵⁶
- ii. A 75-year-old woman with diabetes could not obtain insulin shots. She said, "I feel like I am slowly fading away. I can't stand on my feet for a long time, and I want to sleep all the time. Sometimes I think I may die alone in my apartment, and nobody will notice."⁵⁷
- iii. An electrician reported, "As in many households hot water depends on gas and electricity, people have to boil water to bathe during outages and accidents, or have to wash their clothes by hands, often with cold water – just like in old times. In the winter season, this was the most real torture."⁵⁸
- iv. A 42-year-old man who lost his job from a grocery store (because it lacked products to sell) stated, "My wife is pregnant with our 6th child, but her pregnancy is under high risk, as she is constantly stressed in the conditions of the blockade and uncertainty over our future. She needs to regularly undergo medical examinations, get good nutrition and take pills, but we can't afford it all now."⁵⁹
- v. A widow who lost her job at a mining company (which could not import supplies) stated that she could "no longer afford the necessary medication for her mother and has to substitute it with alternative medicines, which negatively affects the health state of her mother."⁶⁰
- vi. A 23-year-old new mother of a 4-month-old stated, "As I am under constant stress and malnutrition, I don't produce enough of milk to feed my son properly, and there is no infant formula suitable for him at the pharmacies either."⁶¹

⁵⁴ Lilit Shahverdyan, *Six months into blockade, Nagorno-Karabakh faces energy crisis as key reservoir dries up*, EURASIANET (26 May 2023), <https://eurasianet.org/six-months-into-blockade-nagorno-karabakh-faces-energy-crisis-as-key-reservoir-dries-up>; Felix Light, *Nagorno-Karabakh residents say 'disastrous' blockade choking supplies*, REUTERS (16 Aug. 2023), <https://www.reuters.com/world/asia-pacific/nagorno-karabakh-residents-say-disastrous-blockade-choking-supplies-2023-08-16/>.

⁵⁵ *Report on the violations of the individual and collective human rights as a result of Azerbaijan's blockade of Artsakh (Nagorno-Karabakh)*, NK Human Rights Ombudsman (11 May 2023), <https://web.archive.org/web/20230513180351/https://artsakhombuds.am/en/document/1022>

⁵⁶ *Id.* at 14.

⁵⁷ *Id.* at 15.

⁵⁸ *Id.* p. 18; *see also* pp. 15-16 ("Regular and emergency blackouts lead to deprivations for the entire population, including with regard to heating, hot water, cooking, cleaning, communications" and noting that gas-heated schools did not operate fully for four weeks during winter).

⁵⁹ *Id.* p. 20.

⁶⁰ *Id.*

⁶¹ *Id.* p. 22.

27. On 22 June 2023, purportedly as a result of an incident that occurred between the military personnel of Armenia and Azerbaijan near the newly-established checkpoint, Azerbaijani military personnel installed a concrete barrier at the Lachin corridor, physically blocking all traffic along the corridor.⁶² All traffic through the Lachin corridor was prevented until about 25 June 2023, when Azerbaijan permitted vehicles of the International Committee of the Red Cross (the “ICRC”) to access NK.⁶³

28. On 11 July 2023, the ICRC was again prevented from accessing NK, and all traffic was suspended according to Azerbaijan’s State Border Service (“SBS”) pending investigation after “various types of contraband” had been discovered in ICRC vehicles coming from Armenia.⁶⁴ The ICRC responded the same day, acknowledging that “four hired drivers tried to transport some commercial goods in their own vehicles which were temporarily displaying the ICRC emblem. These individuals were not ICRC staff members and their service contracts were immediately terminated by the ICRC.”⁶⁵ The ICRC further added that its “work along the Lachin corridor is always strictly humanitarian,” stating that “[t]his essential work, which has allowed more than 600 patients to be evacuated for medical care and for medical supplies, food, baby formula and other essentials to reach health care facilities and families, must be allowed to continue.”⁶⁶ According to the SBS, the alleged “contraband” included mobile phones, packs of cigarettes, and gasoline.⁶⁷ The SBS stated that it was initiating a criminal case and “[u]ntil necessary investigative measures are[] carried out, the crossing through the Lachin border checkpoint at the state border remains suspended.”⁶⁸

29. Thus, as of 11 July 2023, the blockade of NK was complete, with no civilian or commercial traffic, bound for NK’s capital, going in and out of the Lachin corridor, and ICRC evacuations also prevented. Through August 2023, Azerbaijan prevented the ICRC from bringing humanitarian assistance to the civilian population through Lachin.⁶⁹

30. On 7 August 2023, a group of UN experts stated that “[t]he blockade of the Lachin Corridor is a humanitarian emergency that has created severe shortages of essential food staples including sunflower oil, fish, chicken, dairy products, cereal, sugar and baby formula.”⁷⁰ On 15 August 2023, the NK Human

⁶² Edmon Marukyan, X (23 June 2023), <https://twitter.com/edmarukyan/status/1672249775943557121>.

⁶³ Ani Avetisyan, *Azerbaijan restores Red Cross access to Nagorno-Karabakh*, OC MEDIA (26 June 2023), <https://oc-media.org/azerbaijan-restores-red-cross-access-to-nagorno-karabakh/>.

⁶⁴ *Azerbaijani President Meets Top EU Official Ahead Of Broader Talks On Peace Settlement*, RADIOFREEEUROPE RADIOLIBERTY (15 July 2023), Azerbaijani <https://www.rferl.org/a/armenia-protest-karabakh-lachin-blockade/32503282.html>.

⁶⁵ ICRC statement on transport of unauthorised goods across the Lachin corridor, ICRC (11 Jul 2023), <https://www.icrc.org/en/document/icrc-statement-transport-unauthorised-goods-across-lachin-corridor>.

⁶⁶ *Id.*

⁶⁷ Farid Zohrabov, *Azerbaijan prevents smuggling from Armenia through Lachin checkpoint*, TREND NEWS AGENCY (11 July 2023), <https://en.trend.az/azerbaijan/politics/3771450.html>.

⁶⁸ *Id.*

⁶⁹ Lachin Corridor Must Be Reopened for Humanitarian Aid, Security Council Hears, as Speakers Urge Armenia, Azerbaijan to Normalize Relations, 9397th Meeting (PM) (16 Aug. 2023), <https://press.un.org/en/2023/sc15384.doc.htm>; Azerbaijan/Armenia: Sides must reach ‘humanitarian consensus’ to ease suffering, ICRC (25 July 2023), https://www.icrc.org/en/document/azerbaijan-armenia-sides-must-reach-humanitarian-consensus-to-ease-suffering?utm_source=twitter&utm_medium=social&linkId=100000210849059; Abby Sewell, Armenians face genocide in Azerbaijan, former International Criminal Court prosecutor warns, AP News (9 Aug. 2023), <https://apnews.com/article/armenia-azerbaijan-nagorno-karabakh-blockade-2a9fb9852534ab38656a99b435f0ba86>.

⁷⁰ *Id.* UN experts urge Azerbaijan to lift Lachin corridor blockade and end humanitarian crisis in Nagorno-Karabakh, U.N. Human Rights Office of the High Comm’r (7 Aug. 2023), <https://www.ohchr.org/en/press-releases/2023/08/un-experts-urge-azerbaijan-lift-lachin-corridor-blockade-and-end>.

Rights Ombudsman reported that a 40-year-old man died as a result of chronic malnutrition, protein and energy deficiency.⁷¹

D. Azerbaijan Used Military Force to Ethnically Cleanse the Remaining Ethnic Armenians from Nagorno-Karabakh

31. After having starved the remaining population of NK for nine months – those who were not displaced from NK in 2020 – Azerbaijan launched a second war against NK that displaced them as well.

32. On 19 September 2023, the NK Defense Army released a statement stating that “at around 1 p.m., the Azerbaijani armed forces violated the ceasefire along the entire Line of Contract by launching rocket artillery attacks.”⁷² The same day, Azerbaijan announced it was launching “anti-terrorist measures of a local nature” in Nagorno-Karabakh.⁷³ According to the Azerbaijani Defense Ministry, it had informed the Russian peacekeeping contingent about its operations along with the Russian-Turkish cease-fire monitoring center.⁷⁴ The Russian Federation stated, however, that it was informed about the operations only minutes before Azerbaijan launched its operation.⁷⁵ As a result of Azerbaijan’s military offensive, an estimated 25 civilians were killed, as well as nearly 200 ethnic Armenian defenders.⁷⁶

33. On 20 September 2023, Azerbaijan’s President Ilham Aliyev said Baku had restored its sovereignty “with an iron fist.”⁷⁷ On 24 September 2023, after its “anti-terrorism” operation, Azerbaijan opened the Lachin corridor for civilian traffic in only one direction – *out* of NK.⁷⁸ As of 30 September 2023, nearly the entire remaining population of NK had fled to the Republic of Armenia.⁷⁹

E. Azerbaijan’s President Recently Admitted to Indoctrinating Azerbaijani Youth and Never Intending to Accept a Peaceful Compromise in the Nagorno-Karabakh Conflict that would have allowed Ethnic Armenians to Remain in NK

34. Azerbaijan’s President Ilham Aliyev recently admitted that during his decades-long tenure, he has rejected international initiatives to nurture normal attitudes towards ethnic Armenians within Azerbaijani society, and that he has instead used his iron-clad control over society to ensure that a generation

⁷¹ Artsakh/Nagorno-Karabakh Human Rights Ombudsman, X (15 Aug. 2023), https://twitter.com/Gegham_Artsakh/status/1691472763716780032.

⁷² Ruzanna Stepanian, et al., *Heavy Fighting Reported In Karabakh*, AZATUTYUN (19 Sept. 2023), <https://www.azatutyun.am/a/32599298.html>.

⁷³ Felix Light, *Azerbaijan launches ‘anti-terrorist operation’ in Karabakh*, REUTERS (19 Sept. 2023), <https://www.reuters.com/world/asia-pacific/azerbaijan-launches-anti-terrorist-operation-karabakh-2023-09-19/>.

⁷⁴ *Azerbaijan Begins a Military Operation in Nagorno-Karabakh*, N.Y. TIMES (19 Sept. 2023), <https://www.nytimes.com/2023/09/19/world/europe/azerbaijan-military-nagorno-karabakh.html>.

⁷⁵ *Id.*

⁷⁶ *At Least 223 Karabakh Armenians Killed During Azeri Offensive*, AZATUTYUN (5 Jan. 2024), <https://www.azatutyun.am/a/32762731.html>.

⁷⁷ Felix Light, *Azerbaijan halts Karabakh offensive after ceasefire deal with Armenian separatists*, REUTERS (20 Sept. 2023), <https://www.reuters.com/world/us-calls-azerbaijan-halt-karabakh-attack-russia-urges-return-ceasefire-2023-09-20/>.

⁷⁸ Gabriel Gavin, *Nagorno-Karabakh exodus grows as Armenia warns of ‘ethnic cleansing’*, POLITICO (24 Sept. 2023), <https://www.politico.eu/article/ethnic-cleansing-nagorno-karabakh-armenia-azerbaijan-nikol-pashinyan/>.

⁷⁹ *Almost all ethnic Armenians flee Nagorno-Karabakh*, FRANCE 24 (30 Sept. 2023), <https://www.france24.com/en/live-news/20230930-nagorno-karabakh-empties-as-armenia-says-100-000-have-fled>; *U.N. team completes Mission to Karabakh*, U.N. AZERBAIJAN (2 Oct. 2023), [link](#) (“the mission then drove down the Lachin road to the border crossing, a journey taken by more than 100,000 ethnic Armenians in recent days The team heard from interlocutors that between 50 and 1,000 ethnic Armenians remain in the Karabakh region.”).

of Azerbaijanis grows up to be “patriotic” – which, in practice, has manifested itself as prejudice towards ethnic Armenians:

Despite the efforts of many of our international partners, this topic was not forgotten for 30 years. They wanted to make us forget this. Under various pretexts – cooperation with Armenia, creation of contacts through various NGOs to prepare people and societies for peace – the aim was that the young generation growing up in Azerbaijan should grow up in a different spirit. But our goal was that the growing generation should be patriotic.⁸⁰

35. He also explained his refusal to accept many diplomatic proposals that would have resolved the NK conflict in a peaceful way and allowed the ethnic Armenians to remain in their homes:

During this time, many proposals were made during the negotiations. Some might wonder why Azerbaijan did not accept them. After all, based on these proposals, several districts would have been returned to Azerbaijan without war, displaced persons would have returned to their homes, and the situation would have normalized. Why didn't Azerbaijan agree to these proposals? Of course, the negotiations had their strategy and tactics. We conducted the negotiations in a manner that minimized external pressure while achieving our goals. But the main thing for me was that this is a historical issue, a national issue, and it would be wrong to seek some seemingly favorable gains. We must solve the issue in a fundamental way, we must solve it once and for all, we must fully restore our territorial integrity and sovereignty.⁸¹

III. AZERBAIJAN HAS COMMITTED TORTURE IN VIOLATION OF THE CONVENTION

36. Article 1(1) of the Convention defines “torture” as “any act by which *severe pain or suffering, whether physical or mental, is intentionally inflicted* on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or *intimidating or coercing him or a third person, or for any reason based on discrimination of any kind*, when such pain or suffering is inflicted *by* or at the instigation of or with the consent or *acquiescence of a public official* or other person acting in an official capacity.” Article 16 likewise prohibits “acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture.”

37. Therefore, there are three requirements for an act to constitute torture. First, it must be committed by or with the acquiescence of a public official. Second, it must intentionally inflict severe physical or mental pain or suffering. Third, it must be done for the purpose of “intimidating or coercing” the victim or a third person, or “for any reason based on discrimination of any kind.”

38. All three requirements are met in respect of the individual atrocities and the comprehensive blockade. First, it is undisputed that these acts were committed by Azerbaijan's soldiers or private parties acting with the acquiescence of the State. Indeed, in Azerbaijan's tightly controlled dictatorship, it is unfathomable that any person could take action concerning NK without approval from the regime. Second, the acts inflicted severe pain and suffering on the ethnic Armenians of NK (Part A, below). Third, they were

⁸⁰ Ilham Aliyev was interviewed by local TV channels, PRESIDENT.AZ (10 Jan. 2024), <https://president.az/en/articles/view/63017>.

⁸¹ *Id.*

committed by reason of the victims' Armenian ethnicity, and/or with the purpose to coerce or intimidate NK's ethnic Armenian population to leave (Part B, below). Therefore, by committing atrocities against and blockading the ethnic Armenians of NK, Azerbaijan committed torture.

A. Azerbaijan's Blockade and Individual Atrocities Inflicted Severe Pain and Suffering on Ethnic Armenians of Nagorno-Karabakh

39. The individual atrocities identified in this report—which represent only a fraction of all the instances of such acts—constitute torture in violation of the Convention. All of the atrocities resulted in severe pain, physical and often mental harm. Nineteen-year-old Davit, for example, fainted from the severe pain inflicted by his Azerbaijani captors (*see supra* ¶ 15.ii). Twenty-year-old Armen could not sleep due to severe pain after being beaten by Azerbaijani servicemen and being chained to the heating system (*supra* ¶ 15.iii). Many also experience severe mental suffering: Hagop, for example, believed he would be murdered when an Azerbaijani soldier put a knife to his throat and threatened to cut (¶ 15.i). Further, the severe mental suffering resulting from the recording and circulation of these acts must itself be considered torture: the heinous acts of mutilation committed against the Armenian Servicewoman—the insertion of her cut finger into her mouth, the removal of an eye and the placement of a stone in the socket (*supra* ¶ 14.vii)—could only have been recorded to inflict psychological terror on other ethnic Armenians.

40. Azerbaijan's blockade of NK – depriving the territory's population of food, medicine, heating, and free movement – also inflicted severe pain and suffering on the population within the meaning of Article 1. This Committee has found that the starvation of an individual can be a means of torture.⁸² U.S. courts exercising universal jurisdiction under the Convention have found that the “infliction of starvation, unsanitary conditions,” “inadequate food and medical care,” and “squalid living conditions” met the threshold for the infliction of severe pain and suffering.⁸³

41. The Committee has also recognized that conditions or policies applied with respect to large groups of people can constitute torture. In *L.V. et al. v. France*, this Committee found that France violated the Convention by not taking steps to repatriate the complainants (who were French nationals) from refugee camps in Syria. Persons in the camps were suffering from “malnutrition,” and several had died from cold or tuberculosis.⁸⁴ In finding a violation, the Committee noted that the complainants “are barely surviving in the prison camps where they are being held . . . and that they are living in inhuman and degrading sanitary conditions.”⁸⁵ Similarly, with respect to the Israeli blockade of the Gaza Strip and comprehensive restrictions on movement in the West Bank, the Committee noted that “Israel's policies on closure may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment (article 16 of the Convention),”⁸⁶ and that under no circumstances should the blockade prevent the entry of humanitarian aid into the territory.⁸⁷

42. Here, Azerbaijan's nine-month blockade amounts to torture, or an act of cruel, inhuman or degrading treatment against the population of NK. As confirmed by the ICJ and U.N. experts, the blockade imposed psychological terror on the entire population of NK and deprived them of the basic necessities of life, which had a particularly acute impact on already vulnerable persons (*see supra* ¶¶ 23, 26-26.vi, 30).

⁸² A.M.D. et al. v. Denmark, Communication No. 653, 2015, CAT/C/60/D/653/2015 (22 June 2017), ¶¶ 9.5-9.6 (crediting the allegations that the complaining was “starved” in finding that he was tortured).

⁸³ *Sotloff v. Syrian Arab Republic*, 525 F. Supp. 3d 121, 137 (D.D.C. 2021); *Kilburn v. Islamic Republic of Iran*, 699 F. Supp. 2d 136, 152 (D.D.C. 2010); *Kar v. Islamic Republic of Iran*, No. CV 19-2070 (JDB), 2022 WL 4598671, at *10 (D.D.C. Sept. 30, 2022).

⁸⁴ Communication No. 922/2019, CAT/C/75/D/922/201 (2 March 2023), ¶ 2.2, 2.9.

⁸⁵ *Id.*, ¶ 8.4.

⁸⁶ Committee Against Torture, Conclusions on Third Periodic Report of Israel (29 April-17 May 2002), ¶ 52(i).

⁸⁷ Concluding observations on Fourth Periodic Report of Israel, CAT/C/ISR/CO/4 (23 June 2009), ¶ 30.

Indeed, Luis Moreno Ocampo, former Prosecutor of the International Criminal Court, found that, by the blockade, Azerbaijan was “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction” within the meaning of Article II(c) of the Genocide Convention.⁸⁸

B. Azerbaijan’s Conduct Was Based on the Victims’ Armenian Ethnicity and Sought to Intimidate Them to Leave Nagorno-Karabakh

43. The above acts were done for the purpose of “intimidating or coercing” the ethnic Armenians of NK to leave the territory, and “based on discrimination” against their ethnic identity. The acts themselves, their result, and the broader context, all support this inference.

44. **The acts themselves.** While committing the above atrocities, Azerbaijan explicitly forced its captors to say things concerning the NK conflict that they perceived would be humiliating for ethnic Armenians (*see supra* ¶¶ 14.ii, 14.iv, 14.v, 15.i, 15.ii, 15.iv). Furthermore, the fact that the atrocities were **filmed and disseminated** suggests that the Azeris intended to have an impact on the ethnic Armenians of NK beyond the individual victims at issue (*see supra* ¶¶ 13-14). The blockade, likewise, was explicitly directed to make life in NK unbearable for ethnic Armenians and force them to leave – the blockaders taunted the captive population with symbols and slogans that were known to be traumatic to ethnic Armenians (*see supra* ¶ 21), and President Aliyev publicly promised to lift the blockade only for those who wanted to leave NK (*see supra* ¶ 22).

45. **Result of the acts.** The undisputed result of Azerbaijan’s acts was that, after its military operation on 19-20 September 2023, when it finally opened the Lachin corridor, the entire ethnic Armenian population left NK (*see supra* ¶ 33). They did not want to risk being the victims of further atrocities, as had befallen others who had stayed behind in areas over which the Azerbaijani army established effective control. Nor did they want to risk continuing to be at the mercy of Azerbaijan for basic necessities, since Azerbaijan had deprived them of those necessities for the previous nine months.

46. **Context.** Finally, these acts occurred in the context of a decades-long propaganda campaign by Azerbaijan’s ruling family, which incited hatred against ethnic Armenians throughout society – as has been acknowledged by this Committee and other international bodies (*see supra* ¶¶ 4-11). President Aliyev recently admitted that during his 20-year-long reign, he deliberately rejected efforts to prepare a generation for peace, but rather instilled in that generation a “patriotic” spirit (*supra* ¶ 34). This is a euphemism for the hatred campaign discussed above, and the “patriotism” manifested itself in the above atrocities. Most importantly, President Aliyev admitted that he deliberately rejected diplomatic compromises to the NK conflict because these would not have resulted in his preferred outcome – Azerbaijan’s military takeover and ethnic cleansing of the territory (*supra* ¶ 35).

47. Thus, not only did the individual atrocities and the blockade described above inflict severe pain and suffering, but they did so to coerce ethnic Armenians to leave NK and were done based on the ethnicity of the victims. This is corroborated by the ICJ’s finding that Azerbaijan’s treatment of ethnic Armenian detainees, its blockade of NK, and its military operation against NK resulting in the flight of its ethnic Armenian population, “plausibly” constituted racial discrimination as a matter of international law (*see supra* n.15).

48. Based on the totality of the evidence adduced above, Azerbaijan has committed torture within the meaning of the Convention.

⁸⁸ Luis Moreno Ocampo, Expert Opinion: Genocide against Armenians in 2023 (Aug. 7, 2023), p. 1, <https://luismorenoocampo.com/wp-content/uploads/2023/08/Armenia-Report-Expert-Opinion.pdf>.