

**UNIVERSAL PERIODIC REVIEW**  
**JOINT SUBMISSION FOR THE FOURTH PERIODIC REVIEW**  
**OF AZERBAIJAN**

Submitted in April 2023

**BY COALITION FOR JUSTICE AND HUMAN RIGHTS**



This joint report is submitted to the UN Human Rights Council by the Coalition for Justice and Human Rights consisting of:

**The main submitting organization:**  
**Protection of Rights without Borders NGO**

**Other submitting organizations:**

**Democracy Development Foundation**  
**Transparency International Anti-Corruption Center**  
**Helsinki Citizens' Assembly -Vanadzor**  
**Women's Resource Center Armenia**  
**Journalists' Club "Asparez"**

All submitting organizations are non-profit organizations which aim to promote democracy, human rights, rule of law, anticorruption and good governance reforms in Armenia. The Organizations also focus on promotion and protection of human rights of the population of Nagorno-Karabakh (Artsakh). Part of the submitting organizations also monitor and document, including through fact-finding missions the violations of human rights and international humanitarian law committed during the 2020 war in Nagorno-Karabakh and its aftermath, as well as anti-Armenian state policy of Azerbaijan.

The Organizations have extensive experience in submitting alternative reports to UN treaty bodies and other human rights mechanisms, including Universal Periodic Review.

None of the Organizations possesses ECOSOC status.

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## **I. Introduction**

The report focuses on the right to life, prohibition of enforced disappearances, prohibition of torture and ill-treatment, including failure to ensure effective investigation, equality and non-discrimination, gender-based violence, right to health, education and food.

## **II. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **2.1 Equality and non-discrimination**

1. During the previous UPR in 2018, Azerbaijan supported some recommendations in the field of non-discrimination (recs 141.21, 140.34).
2. However, Azerbaijani authorities have continued to mainstream a state-sponsored policy of Armenophobia on various levels. The fact that such practice is long-standing and remains unaddressed for many years is confirmed by the reports of Committee on Elimination of Racial Discrimination (CERD),<sup>i</sup> European Commission against Racism and Intolerance<sup>ii</sup> and others.<sup>iii</sup>
3. State-sponsored hate speech and propaganda of intolerance towards Armenians has been part of the official strategy of Azerbaijan at least for two decades. This fact is admitted by the President of Azerbaijan himself.
4. In its 2022 Concluding observations on Azerbaijan, CERD expressed deep concerns about practice of hate-motivated violence, promotion of hate through education and public speech as well as failure to investigate such crimes against Armenians.<sup>iv</sup>
5. The International Court of Justice (ICJ) in its 7 December 2021 Order on application of provisional measures ruled that the Republic of Azerbaijan shall, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin.<sup>v</sup> Monitoring of public statements and media demonstrates that Azerbaijani authorities failed to comply with the Order.
6. Racial discrimination policy against ethnic Armenians is being continuously and consistently fueled by hate speech of public officials. The president of Azerbaijan actively develops Armenophobic statements that are translated into the public consciousness and lead to hate crimes, including violent ones. Members of parliament and other officials replicate the pattern.<sup>vi</sup>
7. On 12 April 2021, president Aliyev gleefully delivered a speech at the opening of a trophy park dedicated to the 44-day war in Baku. The Council of Europe Commissioner of Human Rights found such images “highly disturbing and humiliating” and stated that “this kind of display can only further intensify and strengthen long-lasting hostile sentiments and hate speech and multiply and promote manifestations of intolerance”.<sup>vii</sup>
8. In December 2020, Azerbaijan issued “Azerbaijan 2020” postage stamps, which showed a man in medical uniform disinfecting the Nagorno-Karabakh area on Azerbaijan’s map, comparing Armenians to “virus, and depicting ethnic-cleansing of the territory.”<sup>viii</sup>
9. President Aliyev in his speeches often made references to Armenians as “barbarians”, “vandals”, and “fascists”.<sup>ix</sup> During the 44-day war in 2020, the president of Azerbaijan referred to Armenians as “animals”, including claiming that “We are now driving them out as if we were chasing dogs”,<sup>x</sup> an insult which subsequently gained popularity in Azerbaijan “showing the degree of hostility and hate speech within Azeri society”.<sup>xi</sup>
10. Calls for killing all Armenians are made publicly. The press secretary of the Azerbaijani football club “Qarabag” on 30 October 2020 stated: “We must kill all Armenians: children, women, the elderly, without

repentance or compassion. The most important thing now is to get rid of these cattle, otherwise it will be too late”.<sup>xii</sup>

11. This policy fueled deepest hatred and led to dehumanization of Armenians as well as endorsement of any crime committed against them as a manifestation of patriotism.
12. Absolute impunity for such gross human rights violations leads to more crimes. Lack of convictions for the crimes indicate lack of political will by Azerbaijan to prevent more crimes and refrain from promotion of hate speech and hate crimes against Armenians.

## **2.2 Right to life**

13. Azerbaijan has an obligation to ensure the right to life of all persons on its territory and within its jurisdiction. However, Azerbaijan failed to comply with these obligations in relation to Armenians who fell within its jurisdiction in the period under review.
14. 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.
15. Instances of summary, arbitrary execution of Armenian civilians and prisoners of war (POWs) were documented by our organizations.<sup>xiii</sup>
16. 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. Case descriptions are presented in Annex I.
17. All instances of arbitrary deprivation of life of Armenians by Azerbaijani state agents remain unpunished.
18. 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,<sup>xiv</sup> Azerbaijan stated that on 17 September 2022 in a public statement, the Prosecutor committed to undertake an investigation into these allegations.<sup>xv</sup> 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,<sup>xvi</sup> no effective investigation is ensured into executions committed in September 2022.
19. 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)<sup>xvii</sup> 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.
20. 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.<sup>xviii</sup>
21. Apart from arbitrary executions, during the 2020 hostilities, the Azerbaijani armed forces indiscriminately shelled the civilian population and civilian infrastructure using cluster munitions, as well as directly targeting civilians by the unmanned aerial vehicles (UAVs) in violation of international humanitarian law (IHL), as documented by Amnesty International<sup>xix</sup> and Human Rights Watch.<sup>xx</sup>
22. 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.<sup>xxi</sup>

### 2.2.1 Enforced disappearances

23. Azerbaijan is reluctant to join the International Convention for the Protection of All Persons from Enforced Disappearance and did not support the recommendation in 2018 (see recs 141.4, 141.5). However, in the period under review, our organizations 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.<sup>xxii</sup>
24. In relation to at least 18 of them the UN Working Group on Enforced Disappearances examined the communications and transmitted the cases to Azerbaijan.<sup>xxiii</sup> According to the Working Group, information provided by Azerbaijan was considered insufficient to clarify the cases.<sup>xxiv</sup>
25. 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 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.<sup>xxv</sup>
26. 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.
27. 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.

### 2.3 Prohibition of torture

28. As a result of the 2018 review, Azerbaijan supported the recommendation to ensure that any allegations of torture are investigated effectively, independently and impartially (rec 140.85). However, it failed to implement this recommendation in relation to investigation of torture and ill-treatment of Armenians who found themselves in Azerbaijani custody.
29. 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”.<sup>xxvi</sup>
30. 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”.<sup>xxvii</sup>

31. 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.<sup>xxxviii</sup> Several of the wounded POWs died in Azerbaijani custody.<sup>xxxix</sup>
32. 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,<sup>xxx</sup> contributing to great suffering of the families and subjecting them to inhuman and degrading treatment.
33. 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.<sup>xxxxi</sup>
34. Submitting organizations 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.<sup>xxxii</sup> Details of the cases are presented in Annex I.
35. Torture and ill-treatment of Armenian POWs is well documented by Human Rights Watch as well.<sup>xxxiii</sup>
36. 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<sup>xxxiv</sup> and reply to the communication to a group of UN special mandates.<sup>xxxv</sup> 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.<sup>xxxvi</sup>
37. 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”.<sup>xxxvii</sup> 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.
38. 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.

#### 2.4 Arbitrary detention and failure to uphold the right to a fair trial

39. Azerbaijan supported the recommendation to ensure the independence, impartiality and transparency of the judicial system, and improve access to justice (rec 140.73). However, the victims of gross human rights violations, including execution, torture and arbitrary detention do not have access to effective remedy in Azerbaijan. Azerbaijan uses justice system as a tool to silence its opponents.
40. Lack of effective remedy coupled with absolute impunity for war crimes and other violations of human rights, especially in the context of armed conflict leads to more crimes. Courts are used as a tool to punish Armenian POWs.<sup>xxxviii</sup>
41. Since its review in 2018, Azerbaijan has continued its practice of arbitrary detention on bogus charges of government critics and other opponents. Now, Azerbaijan added Armenian POWs to the list.
42. Azerbaijan acknowledges continuous detention of 33 Armenians. All of them are detained in the context of armed conflict, however, instead of being released, they were convicted in Azerbaijan in sham trials. All of them are used as a bargaining chip by Azerbaijan to extort concessions from Armenia. Some of POWs were repatriated in exchange for maps of mine fields or information from the Armenian authorities.<sup>xxxix</sup>
43. All 33 captives fell into Azerbaijani custody in the context of armed conflict. Both under IHL and human rights law, their detention is arbitrary.<sup>xl</sup> In flagrant disregard of international law, Azerbaijan denies 30 detained servicemen a POW status and refuses to repatriate them after cessation of active hostilities as envisaged by Geneva Convention III. The overwhelming majority of these 33 detainees were captured by Azerbaijan after the Trilateral Statement of 9 November 2020 on cessation of hostilities<sup>xli</sup> was signed. Azerbaijan refers to this fact as an excuse not to repatriate detained Armenians in violation of IHL.
44. IHL applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a general conclusion of peace is reached <...>. Until that moment, IHL continues to apply in the whole territory of the warring States <...>, whether or not actual combat takes place there.<sup>xlii</sup> IHL is applicable to Armenian POWs regardless of the fact when they fell into Azerbaijani custody before the 9 November 2020 statement was signed or after, until a peace treaty is signed.
45. Detained servicemen were in an Armenian uniform, clearly distinguished themselves from civilian population, carried out arms openly and were part of the armed forces of a party to armed conflict. They were captured as a result of an engagement with Azerbaijani forces when the latter attacked Armenian positions in violation of the cease-fire. They fully correspond to the requirements envisaged by Geneva Convention III and other applicable norms for the eligibility for a POW status. Only the failure to distinguish oneself from the civilian population or being caught as a spy or a mercenary warrant forfeiture of prisoner-of-war status.<sup>xliii</sup> None of these is applicable to the Armenian detainees.
46. The authority to prosecute POWs for acts committed prior to capture is also circumscribed by the so-called 'combatant's immunity' or 'combatant's privilege'. POWs who are combatants may not be prosecuted for lawful acts of war committed in the course of an armed conflict, even if their acts constitute a criminal offence under the domestic laws of the Detaining Power.<sup>xliv</sup> POWs cannot be prosecuted for taking a direct part in hostilities.<sup>xlv</sup> Their detention is not a form of punishment, but only aims to prevent further participation in the conflict. They must be released and repatriated without delay after the cessation of active hostilities.
47. All 33 are convicted to prolonged terms of imprisonment on charges that are regular combatant privilege and cannot be punished for.<sup>xlvi</sup> Moreover, some of the members of the same group detained together and charged for the same acts were repatriated either before the trial or during or after the conviction as part of the deal in exchange for maps for mine fields.<sup>xlvii</sup>
48. In the context of armed conflict civilians can be detained only for the imperative reasons of security.<sup>xlviii</sup> In case of all three civilians detained to-date in Azerbaijan, Azerbaijan failed to demonstrate these reasons.

49. Instead, Azerbaijan organized sham trials against both civilians and Armenian servicemen. Their rights under the right to a fair trial have not been ensured.

### **2.5 Gender-based violence**

50. As a result of its 2018 review, among other recommendations, Azerbaijan supported the recommendation to strengthen measures to combat domestic violence and violence against women, including through the implementation of legislation to ensure justice for victims (140.121) as well as to continue taking measures to combat violence against women, including by conducting awareness-raising campaigns on the negative impact of gender-based stereotypes with a view to eliminating them (140.117). However, monitoring demonstrates that gender-based violence culture prevalent in the country also affected the conduct of Azerbaijani military in the period under review.
51. Armenian women who fell into Azerbaijani custody were abused, tortured, executed and desecrated.
52. On 15 September 2022, photos and videos filmed by the Azerbaijani servicemen and circulated in Azerbaijani social media showed that also female service members of the Armenian armed forces were subjected to torture and ill-treatment. Azerbaijani servicemen stripped the bodies of servicewomen, sexually abused, desecrated, dismembered and mutilated their bodies. Azerbaijani armed forces wrote “YASMA”, the name of Azerbaijani Special Forces, on the body of one of the killed and desecrated servicewomen, while her hands have been placed above her head and a cut finger inserted into her mouth. Another woman body was seen in the video. The Azeri soldier pushed her body by boot with the aim to show the naked breast. The footage looks like that her throat had been cut earlier.<sup>xlix</sup> In the second video circulated in Azerbaijani social platforms a stripped Armenian servicewoman was filmed in the military position.<sup>l</sup> The fact that all three servicewomen were deliberately stripped naked and filmed zoomed in to show their female body parts and voices heard in the background verbally assaulting them as women demonstrates the aim of desecration and gender-based violence against them.
53. N.D., a woman aged 83, was found in the village of Vardashat, in the Hadrut region: her head was cut off from her body and her hand was broken. A.T., a 52-year-old woman from Karin Tak village, was found dead on 13 January 2021, during the search operations in the same village after the village was taken over by Azerbaijani forces. Examination of the body revealed obvious signs of torture; the left ear was cut off and the tongue was cut out. Forensic examination of A.T.’s body established that her death was caused by fractures to the skull, hematomas under her neck, fracture to the left hemisphere of the brain, and blunt force injury of the brain.<sup>li</sup>
54. In 2016, Azerbaijani servicemen deliberately killed two elderly Armenian women in their house in Talish village. They also mutilated their bodies. One of the women was 92 years old.<sup>lii</sup>
55. Treatment of Armenian women who fell into Azerbaijani custody, mostly elderly and with disability, demonstrate strong gender-based violence patterns reinforced by ethnic hatred.
56. Enhanced human rights education for the military personnel, effective investigation, bringing perpetrators to justice are key elements to tackle the problem. Moreover, ratification of the Rome Statute of the International Criminal Court (ICC) will serve as additional safeguard to combat impunity for war crimes and crimes against humanity.

### **2.6 Right to health and adequate food**

57. Azerbaijan supported the recommendation to continue measures to improve the equitable enjoyment of socioeconomic rights by vulnerable and marginalized communities as well as its efforts to further improve access to, and the quality of, health-care services (140.90). Moreover, it committed to continue and intensify its efforts on behalf of children and women generally, to ensure their safety in the domestic environment and to remove any obstacles to their education, development and access to equal opportunities and take the necessary measures to ensure the access of all children, in particular internally displaced children, to the

education system (140.65). However, since the review in 2018, Azerbaijan has violated the right to health and education and more so to ensure safety of women and children, including displaced ones, in Nagorno Karabakh and Armenia.

58. On 12 December 2022, a group of self-proclaimed environmentalists from Azerbaijan backed by the Azerbaijani government blocked the only humanitarian corridor (also known as the Lachin Corridor) that connects Nagorno-Karabakh to the outside world. The only road remains closed for around four months despite a binding order granted by the ICJ on 22 February 2023 requesting Azerbaijan, pending the final decision in the case and in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, to take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions.<sup>liii</sup>
59. Blockade of the only road coupled with the air blockade by Azerbaijan constitutes a full blockade. Nagorno-Karabakh is effectively under siege – a method prohibited to be used against the civilian population. No international organizations except for the ICRC are allowed to enter the territory and monitor the situation. As of now, the calls for and attempts at reopening the road have not been successful, depriving Armenians of their freedom of movement and cutting their access to food, supplies, and medicine. Only vehicles of the ICRC and Russian peacekeepers deployed in Nagorno-Karabakh are allowed to pass.
60. A group of UN mandate holders expressed serious concern over the consequences of the blockade on the enjoyment of human rights, some of which are non-derogable. Moreover, they reminded Azerbaijan of the need to comply with its human rights and IHL obligations and ensure open access, free movement and access to goods and services, regardless of who blocked the road.<sup>liv</sup>
61. The situation negatively affects operation of medical facilities. All preplanned medical interventions have been suspended for months. Patients requiring serious treatment and medication that is no longer available are evacuated by the ICRC to Armenia, however, the transfer is not unhindered, but with prior authorizations – in violation of the regime applicable
62. Shortage of food and medicine, regular gas cut offs by Azerbaijan in winter conditions coupled with prolonged rolling blackouts due to damaged power lines and Azerbaijan not allowing to repair them, closure of schools and businesses lead to long-lasting systemic consequences for the local Armenian population.
63. Children are most affected by the blockade, especially those with health issues and in need of treatment and special diet. A number of their fundamental rights are violated, including the right to adequate food, access to medicine and the highest attainable standard of healthcare, right to education and, importantly, the right to family as dozens of children remain separated from their parents. Some of them remained stranded in Armenia for months not being able to return home. This negatively affects both physical and mental health.”<sup>lv</sup>
64. Effectively, food is used as an instrument of political and economic pressure. Azerbaijani authorities are clear about their aim to ethnically cleanse the territory by these methods. The president of Azerbaijan and other public officials publicly stated that the road is open “one-way” for local Armenians to vacate Nagorno Karabakh on their own, or on vehicles of peacekeepers or by bus.<sup>lvi</sup>
65. Statements of other Azerbaijani public officials demonstrate that the blockade of the only road is deliberate action endorsed by the authorities.<sup>lvii</sup> Such statements of Azerbaijani officials demonstrate that the protesters are backed by the government and the blockage of the only road aims to create conditions unbearable for the civilian population and to deliberately use starvation as a method of warfare against the civilian population explicitly prohibited under IHL.
66. A number of governments, including the members of the UN Security Councils, repeatedly called upon Azerbaijan to immediately unblock the road for the free movement of people and restore commercial traffic on the Lachin corridor.<sup>lviii</sup>
67. Due to the blockade and manmade shortage of food, Nagorno Karabakh authorities had to introduce food rationing and vouchers for the essential food. This means that the local population were not able to have

regular, permanent and unrestricted access—either directly or by means of financial purchases— to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear. They do not have physical and economic access at all times to adequate food or means for its procurement.<sup>lix</sup>

68. Even with food rationing, there is acute shortage of most of the dairy products, eggs, children formula; food for people with specific dietary needs, including children with diabetes and epilepsy is not available.<sup>lx</sup> As a result of blockade, shortage of essential food and medicine was reported both by local authorities and local residents interviewed by our organizations. This leads to malnutrition and under-nutrition of children, especially in light of winter conditions and avitaminoses. As a result, local doctors report increases in the number of children with health problems.
69. This intentional blockade is a direct violation by Azerbaijan of its commitments under the Convention on the rights of the child, including ensuring the right to life and to the maximum extent possible the survival and development of the child (Art.6). States have a core obligation to take the necessary action to mitigate and alleviate hunger.

## **2.7 Right to education**

70. As a state party to the International Covenant on Economic, Social and Cultural Rights, Azerbaijan committed to ensure that education is directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms and enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
71. However, as part of its state-sponsored policy of Armenophobia, Azerbaijan fails to comply with its international obligations. Since early stages of education process, Azerbaijani authorities systematically promote hatred towards Armenians both through text-books and revisionism, as well as extracurricular activities.
72. Formation of image of any Armenian as the enemy starts at the level of kindergartens<sup>lxi</sup> and is streamlined through the education cycle and beyond. As reported by BBC in November 2022, there are a lot of videos on social media, shot in schools and kindergartens in Azerbaijan, promoting and instilling hatred, revenge, and death towards “the enemy” - Armenians. As stated by school staff, “Armenians are our enemies, children should know that.” Pedagogical psychologists who work with children say that instilling hatred in children is “very risky, someone who grows up being indoctrinated with hate speech becomes a warrior and can kill people.” One of the interviewed Azerbaijani teachers reports that the Education departments give a task of instilling patriotism in children starting from the age of two years old.<sup>lxii</sup>
73. In its 2022 Concluding observations on Azerbaijan, CERD expressed deep concerns about reports that school textbooks promote prejudice and incite racial hatred, particularly against ethnic Armenians.<sup>lxiii</sup>
74. In addition to promotion of hatred towards Armenians, Azerbaijan violated the right to education of children of Nagorno Karabakh by imposing a blockade since 12 December 2022, cutting off gas supply and creating conditions when children cannot attend school.
75. Due to the lack of food and heating caused by the blockade and deliberate cut of the gas supply and power cables from Armenia by Azerbaijan, schools have been repeatedly forced to shut down in 2022<sup>lxiv</sup> and in 2023 for prolonged periods. As a result, around 20,000 children are deprived of the opportunity to receive an education.<sup>lxv</sup> School classes were restarted in the beginning of February, however Azerbaijan continued to frequently cut off gas supply making supply and heating opportunities unpredictable.
76. Electricity blackouts and inconsistent internet connectivity impacted teacher’s abilities to prepare lesson plans and students’ ability to keep up with their studies.

77. Disruptions of the educational process in 2022 and 2023 exacerbate the situation of children displaced as a result of hostilities launched by Azerbaijan against Nagorno-Karabakh on 27 September 2020. Up-to-date, regular military attacks and disruption of gas and electricity supplies by Azerbaijan, as well as shooting at villages obstructs normal education process. This will also have a long-term serious impact on the future of the children.
78. In Nagorno-Karabakh, even the most basic requisite of having education available is not met. The educational institutions are not functioning properly or at all because: (1) the institutions cannot protect the children in freezing temperatures without gas; (2) children cannot focus when they are starving without food; and, (3) the children cannot benefit from resources provided by electricity and internet access. This is a direct and unequivocal result of Azerbaijan's blockade which has created an unprecedented humanitarian crisis and numerous human rights abuses.

## RECOMMENDATIONS

1. Repatriate all the Armenian detainees and POWs kept in Azerbaijan without delay in line with IHL and human rights law.
2. Conduct an independent, speedy and effective investigation into all allegations of arbitrary execution, torture and ill-treatment of the Armenian POWs and detainees, including in the context of the 2020 hostilities, bring those responsible to justice and report about the results of investigation to UN Special Procedures.
3. Unblock the Lachin corridor to ensure safe and free passage for persons and all types of vehicles in line with ICJ's legally binding Preliminary Order of 22 February 2023.
4. Ensure full respect to the right to health, food, education, rights of persons with disabilities of the population of Nagorno Karabakh in line with its international obligations, including by unblocking the Lachin corridor without delay.
5. Take measures to eradicate torture, ill-treatment and arbitrary arrests in line with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
6. Ensure unhindered access to all places of deprivation of liberty for international human rights mechanisms, including SPT, CPT and UN mandate holders.
7. Strengthen training for its military forces on gender-based violence, prohibition of torture and arbitrary deprivation of life of protected persons.
8. Take effective measures to prevent war crimes by the armed forces of Azerbaijan, and ensure effective investigation into the committed war crimes.
9. Ratify the Rome Statute of the ICC and align its national legislation.
10. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
11. Take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin in line with ICJ's legally binding Preliminary Order of 7 December 2021.
12. Adopt measures to strengthen the school textbooks review process in order to integrate the concepts of ethnic and cultural diversity and the fight against racial hatred and discrimination at all levels of education.
13. Implement wholly and effectively the Concluding Observations presented by UN CERD to the Republic of Azerbaijan (2022).

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- <sup>i</sup> UN CERD, Concluding observations on the combined seventh to ninth periodic reports on Azerbaijan, CERD/C/AZE/CO/7-9, Adopted by the CERD at its eighty-ninth session (25 April-13 May 2016) available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FAZE%2FCO%2F7-9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FAZE%2FCO%2F7-9&Lang=en)
- <sup>ii</sup> ECRI, Report on Azerbaijan, adopted on 28 June 2002, available at <https://rm.coe.int/first-report-on-azerbaijan/16808b5579>; ECRI, Report on Azerbaijan, adopted on 15 December 2006, available in <https://rm.coe.int/ecri-second-report-on-azerbaijanadopted-on-15-december-2006-published/16808b78b4>; ECRI, Report on Azerbaijan (fifth monitoring cycle) Adopted on 17 March 2016, available at <https://rm.coe.int/fourth-report-on-azerbaijan/16808b5581>
- <sup>iii</sup> Advisory committee on the framework Convention for the protection of National Minorities, Fourth Opinion on Azerbaijan, 8 November 2017, available at: <https://rm.coe.int/4th-acfc-opinion-on-azerbaijan-english-language-version/1680923201>
- <sup>iv</sup> CERD, Concluding Observations on the combined tenth and twelfth periodic reports on Azerbaijan, CERD/C/AZE/CO/10-12, 30 August 2022, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fAZE%2fCO%2f10-12&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fAZE%2fCO%2f10-12&Lang=en)
- <sup>v</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Request for the indication of provisional measures order of 7 December 2021, <https://www.icj-cij.org/sites/default/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>
- <sup>vi</sup> See the tweet of the member of Parliament of Azerbaijan, Tural Ganjali, 30 October 2022, available at: [https://twitter.com/TGanjaliyev/status/1586762824008728576?s=20&utm\\_source=twitter&utm\\_medium=tweet&utm\\_campaign=IwAR2eFKt mkK3ls-ZPkNwq\\_yxd\\_38KCrIt2YRvVduuhJAutrKZLSPXT-IXs88](https://twitter.com/TGanjaliyev/status/1586762824008728576?s=20&utm_source=twitter&utm_medium=tweet&utm_campaign=IwAR2eFKt mkK3ls-ZPkNwq_yxd_38KCrIt2YRvVduuhJAutrKZLSPXT-IXs88)
- <sup>vii</sup> Council of Europe, Commissioner for Human Rights, Azerbaijan: efforts to deal with the past should become the priority to ensure reconciliation and lasting peace (27 April 2021), available at: <https://www.coe.int/en/web/commissioner/-/azerbaijan-efforts-to-deal-with-the-past-should-become-the-priority-to-ensure-reconciliation-andlasting-peace>
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- <sup>xii</sup> News.am, Azerbaijan football club representative: We must kill all Armenians, 31 October 2020, available at: <https://sport.news.am/eng/news/116193/azerbaijan-football-club-representative-we-must-kill-all-armenians.html>
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- <sup>xiv</sup> Communication by Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls, Ref.: AL AZE 1/2022, 28 November 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27659>
- <sup>xv</sup> Reply submitted by the Permanent mission of the Azerbaijani Republic to the United Nations Office and Other International Organizations in Geneva, cited in Footnote 30.
- <sup>xvi</sup> See OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, fact-finding report,

<sup>xvii</sup> The 55-year-old man, Aram Tepnants, an ethnic Armenian farmer in Nagorno-Karabakh was shot dead by Azerbaijani forces while working in his pomegranate grove on 11 October 2021. Azatutyun.am, Karabakh civilian killed in truce violation, <https://www.azatutyun.am/a/31503243.html> . On 08 November 2021, Azerbaijani servicemen opened fire on the employees of the Water and Sewerage CJSC while repairing waters pipes at the crossroad near Shushi, killing one person and injuring three, see Armenpress.am <https://armenpress.am/eng/news/1067635/> ; On 3 December 2021, 65-year-old Seyran Sargsyan, a resident of Tchartar town of the Martuni region, while grazing his cattle, got lost and was captured and killed near Tchartar; <https://hetq.am/en/article/138566>

<sup>xviii</sup> See Tanya Lokshina, “Survivors of Unlawful Detention in Nagorno-Karabakh Speak out about War Crimes,” Human Rights Watch, March 12, 2021, <https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes>; See details in the OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, fact-finding report, 2022, cited in Footnote 12, pp.130-131; <https://www.azatutyun.am/a/30933613.html>

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<sup>xx</sup> Human Rights Watch, Azerbaijan: Cluster Munitions used in Nagorno-Karabakh, 23 October 2020, <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagornokarabakh?fbclid=IwAR1izxbCrYsT8JyVNH3Nsfqv8M1idsFg01qAu8OnXWfi9g3uVTLKdyxgnI>

<sup>xxi</sup> ECHR, Makuchyan and Minasyan v. Azerbaijan, app. no. 17247/13, judgment of 26 May 2020, paras. 212, 216-218, available at <https://hudoc.echr.coe.int/eng?i=001-202524>; ECHR, Saribekyan and Balyan v. Azerbaijan, App. No. 35746/11, judgment 30.01.2020, <https://hudoc.echr.coe.int/eng?i=001-200439>, ECHR, Khojoyan and Vardazaryan v. Azerbaijan, App. no. 62161/14, judgment 04.11.2021, <https://hudoc.echr.coe.int/eng?i=001-212964>

<sup>xxii</sup> See OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, fact-finding report, 2022, cited in Footnote 35.

<sup>xxiii</sup> Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, 126th session (7–11 February 2022), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/325/96/PDF/G2232596.pdf?OpenElement>,

<sup>xxiv</sup> Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, 128th session, 19–28 September 2022, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/598/35/PDF/G2259835.pdf?OpenElement>

<sup>xxv</sup> Press release issued by the Registrar of the Court, ECtHR, ECHR 086 (2021), 16.03.2021, Armenia v. Azerbaijan and alleged captives: notification to the Committee of Ministers of interim measures indicated, available at <https://hudoc.echr.coe.int/engpress?i=003-6965126-9374600> [last accessed: 09.09.2022]

<sup>xxvi</sup> UN CERD, Concluding observations on the combined seventh to ninth periodic reports on Azerbaijan , cited in Footnote 1, paras. 4-5.

<sup>xxvii</sup> Armenpress.am, Virtually every former Armenian POW testifies on torture and humiliation in Azeri custody, even by medics, 07 October 2022, available at: <https://armenpress.am/eng/news/1094356/>

<sup>xxviii</sup> Video on Telegram channel Khacherubka\_Gorbagor, 13 September 2022, [https://t.me/GORBAGOR\\_TV/738](https://t.me/GORBAGOR_TV/738)

<sup>xxix</sup> Human Rights Defender of Armenia, Statement of the Defender on the new video of the execution of Armenian PoWs by the Azerbaijani armed forces, 12 October 2022, available at: <https://www.facebook.com/photo/?fbid=429270456058559&set=a.195303052788635>

<sup>xxx</sup> Armenpress.am, Azerbaijan creates obstacles for search operations of dead bodies of Armenian soldiers- PM, 25 October 2022, available at: <https://armenpress.am/eng/news/1095630.html>

<sup>xxxi</sup> Stickers with tortured bodies of Armenian servicemen and civilians created in the Azerbaijani domain of Telegram: Arman Tatoyan gives details, <https://infocom.am/en/article/88836>

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<sup>xxxiii</sup> Human Rights Watch, “Azerbaijan: Armenian Prisoners of War Badly Mistreated.”, 2 December 2020, <https://www.hrw.org/news/2020/12/02/azerbaijan-armenian-prisoners-war-badly-mistreated>; Azerbaijan: Armenian POWs Abused in Custody, 19 March 2021, [https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody#:~:text=\(Berlin\)%20%E2%80%93%20Azerbaijani%20forces%20abused,Human%20Rights%20Watch%20said%20today](https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody#:~:text=(Berlin)%20%E2%80%93%20Azerbaijani%20forces%20abused,Human%20Rights%20Watch%20said%20today)

<sup>xxxiv</sup> Summary record of the 2904th meeting, 16 August 2022, CERD/C/SR.2904, pp. 6-7, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2556&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2556&Lang=en)

<sup>xxxv</sup> Reply submitted by the Permanent mission of the Azerbaijani Republic to the United Nations Office and Other International Organizations in Geneva, 21 February 2023,

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<sup>xxxvi</sup> Azeri Times, Four Azerbaijani servicemen arrested, 14 December 2020, available at:

<https://azeritimes.com/2020/12/14/four-azerbaijani-servicemen-arrested/>, Fact Investigation Platform, Aliyev awarded the mutilator of the killed Armenian Soldier's Body in August, 19 September 2022, available at:

<https://fip.am/en/20460>

<sup>xxxvii</sup> OSF, HCAV, LDPF and PRWB, Human rights violations during the 44-day war in Artsakh, fact-finding report, Ibid., p.108

<sup>xxxviii</sup> See Reply submitted by the Permanent mission of the Azerbaijani Republic to the United Nations Office and Other International Organizations in Geneva, 21 February 2023,

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<sup>xxxix</sup> “Azerbaijan swaps 15 Armenian PoWs for map of landmines”,

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<sup>xliii</sup> Rule 4, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter1\\_rule4](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule4)

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<sup>xlvi</sup> ‘New convictions as trials of Armenian captives continues in Azerbaijan’, <https://oc-media.org/new-convictions-as-trials-of-armenian-captives-continues-in-azerbaijan/>

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<sup>liii</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia V. Azerbaijan), Order, 22 February 2023, <https://www.icj-cij.org/sites/default/files/case-related/180/180-20230222-ORD-01-00-EN.pdf>

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