



AZERBAIJAN

Center for Truth and Justice
Submission to the United Nations Universal Periodic Review 4th Cycle
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The Center for Truth and Justice (“CFTJ”) is a US-based nonprofit and nongovernmental organization working to uncover the truth in conflict zones and enhance accountability through in-depth recorded interviews with survivors of human rights abuses, conducted by legal practitioners. The mission of CFTJ is to be a living memorial to crimes against humanity. By being a permanent home for testimonials, CFTJ serves to make eyewitness accounts available for study, education and legal action in order to foster education, empathy, justice and change.

We run two law clinics, one in Armenia and one in Nagorno-Karabakh, which are the first of their kind. Through our clinics, we train Armenian law students and young lawyers to interview survivors of the 2020 armed conflict in the Republic of Nagorno-Karabakh and record their testimonies. To date, we have conducted hundreds of interviews and trained nearly 100 current or future lawyers. By being a permanent home for the testimonials, CFTJ serves as a resource to academic and legal practitioners who seek to use the evidence for purposes of education and/or legal action.

While safeguarding the confidentiality of our witnesses, we synthesize their testimony in public reports, which serve as a resource to legal and academic practitioners. Meanwhile, the evidence is available to all those who aim to pursue justice through legal action and education.

I. BACKGROUND AND FRAMEWORK

A. The Nagorno-Karabakh Armed Conflict

1. The conflict between Armenia and Azerbaijan over the Nagorno-Karabakh Republic (NKR), an independent, autonomous republic populated mostly by ethnic Armenians and claimed by Azerbaijan, reignited in late September 2020. The fighting lasted for 44 days, with a ceasefire being declared on November 10, 2020. In the conduct of hostilities, Azerbaijan engaged in grave violations of international human rights and humanitarian law, including torture and other ill treatment of prisoners of war (POWs), summary executions of both POWs and civilians, targeting of civilians, specifically accused of using cluster bombs, which are prohibited under international law, and targeting civilian areas, including the city of Stepanakert, the capital of Nagorno-Karabakh. There were also reports of extrajudicial killings and mistreatment of prisoners of war by Azerbaijani forces.

B. Blockade of the Lachin Corridor

2. Azerbaijan continues to violate international law by orchestrating a blockade of the sole route that connects NKR to Armenia, the Lachin corridor. In the context of the Nagorno-Karabakh conflict, the Lachin corridor became a key area of contention between Armenia and Azerbaijan.
3. Following the 2020 war in Nagorno-Karabakh, Azerbaijan gained control of the Lachin corridor as part of a ceasefire agreement. In May 2021, Azerbaijan imposed a blockade on the corridor, effectively cutting off the region from Armenia.
4. The blockade has had a significant impact on the people of Nagorno-Karabakh, who rely on the Lachin corridor for access to essential supplies, including food and medicine. The blockade has also affected the movement of people, including the displacement of Armenians who were forced to flee their homes during the conflict. The United Nations has called for the blockade to be lifted to ensure the protection and well-being of the civilian population in NKR in multiple fora.
5. Crucially, two international tribunals have issued interim measures which have

ordered the end of the blockade.¹ Despite this, Azerbaijan continues to imposed the blockade and the issue remains a humanitarian crisis.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

a. Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

6. During the armed conflict, over 200 soldiers from both the Republic of Armenia and NKR were detained in Azerbaijan. Although many have been returned to Armenia, the number of those still being held in detention is or summarily executed is unknown to the fact that Azerbaijan has still not confirmed the full list of names of POWS in their custody, despite interim orders from the European Court of Human Rights ordering them to do so. CFTJ has recorded over 30 testimonies from repatriated POWs.
7. The testimony establishes a pattern of abuse, ill treatment, degradation, and torture, including constant beatings using batons, including to the face and head, as well as punching and kicking. Electrocutation and stress positions were also employed in many cases. Due to the highly sensitive nature of their accounts, CFTJ does not publish the names of witnesses, but rather identifies witnesses by a special number to protect their privacy and keep their information confidential.
8. The following is a representative sample of the eye-witness testimonies collected by CFTJ from repatriated POWS:

¹ The European Court of Human Rights, Armenia v. Azerbaijan (no. 4) (application no. 15389/22), [file:///Users/talin/Downloads/Interim%20measures%20in%20the%20case%20Armenia%20v.%20Azerbaijan%20\(no.%204\).pdf](file:///Users/talin/Downloads/Interim%20measures%20in%20the%20case%20Armenia%20v.%20Azerbaijan%20(no.%204).pdf)

- a. 21LC-0082. Witness 21LC-0082 was captured on December 13, 2020 and subjected to severe systematic physical and mental torture during his arrest as well as the 10-month detention in the Azerbaijan state prison. Witness 21LC-0082 was handcuffed and made to walk for 6-7 hours to the town of Hadrut. Azeri soldiers beat him and his platoon mates, including punching them in the head, face and kicking various body part. One of Azeri soldiers was recording the torture with his phone. At the detention center he was sent to in Baku, witness 21LC-0082 and his platoon mates were all squeezed into very small cells without beds to sleep on. There was a sink and a toilet in the cell, but they were not allowed to use them.
- b. On December 13, 2020, an Armenian soldier, Witness 21LC-0082, and his platoon mates walked into an Azerbaijani military camp, after which they were arrested and taken into custody by the Azerbaijani Special Forces. They were transported to a detention center in Baku, where they were systematically physically and mentally abused. After spending three days in the first detention facility, Witness 21LC-0082 and his platoon were moved to another prison where he was tortured for ten months, from December 17-18, 2020 until October 19, 2021. During this time, he was blindfolded and handcuffed, and punched in the head while in a car, inflicting heavy blows, causing him to lose consciousness. After signing various documents under duress during 4 interrogations, witness 21LC-0082 was tried in court for committing acts of terror, intimidating the civilian population of Azerbaijan, carrying explosives, and cutting down forests. He pled not guilty to these charges. He was sentenced to six years in prison, along with twelve other Armenian POWs. On October 19, 2021, he was released into Armenian custody.

- c. A member of the Armenian Armed Forces, witness 21LC-0082, who was captured during the construction of a road near the town of Sisian in the Armenian province of Syunik, and held in an Azerbaijani state prison, has described the systematic torture he endured. He was beaten, slapped, and hit with a hammer, a stick, and a knife, with a threat to his life, while his hands were tied with a shoelace and zip-ties. He recalls that the pain was so severe that he thought that his knee might be broken. He was interrogated, had to sign documents under duress, along with other Armenian POWs. He was finally released on 29 December 2021, following intervention from the Azeri Human Rights Defender.
- d. A former Armenian soldier has accused Azerbaijan of torturing Armenian prisoners of war (POWs) in a report published by Human Rights Watch. The report details how one former soldier, witness 21LC-0043, was captured in Nagorno-Karabakh and tortured while in detention. The soldiers who detained him reportedly presented themselves as members of the Yashma brigade of the Azerbaijani Special Forces. Employees of Azeri state prisons, judges, prosecutors, attorneys, and court employees of the Azerbaijani judiciary were also allegedly involved in the torture. Azerbaijan has denied allegations of mistreatment, stating that it adheres to international law on the treatment of prisoners of war.

b. Blockade of the Lachin Corridor

- 9. Since December 12, 2022, the Lachin Corridor, a narrow road connecting NKR to Armenia. The blockade is affecting the 120,000 Armenians living in Nagorno-Karabakh as they are facing freezing temperatures without heat or hot water. This has created a grave humanitarian crisis. There is no adequate food supply, medicines and medical care until the corridor is open. The blockade has resulted in 30,000 kindergarten to 12th-grade students being deprived of education and

closure of all schools. Since the blockade, medicine deliveries to Nagorno-Karabakh have stopped, surgeries in hospitals have been halted, and food shortages are beginning to be felt throughout Nagorno-Karabakh. Azerbaijan has denied its involvement in the blockade, but this false narrative is not supported by the facts. The international community including the U.S., UK, France, and others have condemned the blockade and called for Azerbaijan to immediately open the Lachin Corridor to end the humanitarian crisis.

III. RECOMMENDATIONS

The following are recommendations based on the human rights concerns described in this submission.

Recommendation 1: Country visit as part of ongoing monitoring of implementation

10. CFTJ takes note of the statements made by Azerbaijan during the presentation of the state under review of the 3rd Cycle: "Azerbaijan has sent a standing invitation to all special procedure mandate holders, recognizing their important role in facilitating cooperation and dialogue with Member States"
11. This open invitation was reiterated in the country reply to the UPR Working Group Report 3rd Cycle: "9. Azerbaijan has granted a standing invitation to all Special Procedure Mandate Holders of the Human Rights Council of the United Nations."
12. No such country visit has taken place by any body of the OHCHR since Azerbaijan expressed this commitment in September 2018. Further, as aforementioned, the 2020 armed conflict and resultant changing hands of control of the Nagorno

Karabakh to Azerbaijan gave rise to a disturbing pattern of gross human rights violations and violations of international humanitarian law.

13. It is therefore recommended that the HRC discuss, organize, fund, and bring about a country visit of human rights and humanitarian law experts to Nagorno Karabakh and Azerbaijan.

Recommendation 2. Accountability for Human Rights Violations: Failures to Initiate Independent Investigations

14. As the Committee as repeatedly noted, effective, independent, impartial and thorough investigations into serious allegations of human rights violations are essential components of human rights protection. CFTJ is concerned at the persistent lack of accountability for grave violations of human rights and humanitarian law committed by Azerbaijani soldiers during the armed conflict. It is therefore recommended that Azerbaijan take measures to seek accountability to all persons within the State, regardless of rank, for these violations of human rights law.

Recommendation 3. Ratification of the Rome Statute of the International Criminal Court

15. We recommend that Azerbaijan take all necessary steps to ensure that any allegations of the serious violations highlighted in this report – for which there is incontrovertible, primary source evidence – are investigated effectively, independently and impartially and that the perpetrators are brought to justice in national, regional and international tribunals.

16. To this end, we recommend that Azerbaijan ratify the Rome Statute of the International Criminal Court and, in the meantime, accept the jurisdiction of the court on an ad hoc basis.