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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by "Association of Women with University Education" Social Organization, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2023]

* Issued as received, in the language of submission only.



Torture and Impunity during and in the Aftermath of the 44-day War in Nagorno-Karabakh

Torture and ill-treatment of POWs was a widespread practice also upon capture, during the transfer as well as in penitentiary institutions and other places of custody. The repatriated POWs testified that they were subject to torture by Azerbaijani servicemen immediately upon capture.

In a number of cases, the acts of torture and ill-treatment are documented by perpetrators themselves, however, the lack of political will to effectively investigate practices of torture and ill-treatment in Azerbaijan remains a serious impediment.

Though Azerbaijan reports on institution of criminal cases into some of the allegations, to date no one has been brought to justice for acts of torture and execution despite the fact that the faces of perpetrators are clearly visible on videos taken by their colleagues. What is more, reportedly one of the charged perpetrators was awarded by President Aliyev in September 2022.

Investigations of acts of torture remain ineffective. They are not independent and impartial, nor prompt or adequate. Even if launched, they take years but bear no results. Moreover, existing mechanisms for monitoring of torture, including the Azerbaijani ombudsperson's office continuously demonstrate biased attitude and cannot be regarded as an effective safeguard in case of detained Armenians.

On 30 August 2022, the UN CERD in its Concluding Observations on Azerbaijan raised its deep concern about the "[...] the lack of detailed information on investigations, prosecutions, convictions and sanctions for such act". CERD also expressed deep concerns with "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 lack of an independent and comprehensive mechanism to investigate such reports of violations and to provide victims with redress and support".

In December 2021, the International Court of Justice (ICJ) passed an order of provisional measures, stating that Azerbaijan must "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." (5)

In February 2021, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions together with the Special Rapporteur on Torture expressed their most serious concerns in the communication to Azerbaijan in relation to intentional extrajudicial killings by Azerbaijani servicemen and cruel, inhuman or degrading treatment and even amounting to torture of other hors de combat Armenian soldiers as well as outrages upon personal dignity and disrespectful treatment of human remains based on the videos depicting execution of Armenian servicemen who were hors de combat, degrading treatment by Azerbaijani soldiers of the remains of soldiers as well as ill-treatment of detained soldiers. (6)

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) in cold blood publicly and more than ten wounded. (7) The majority of them were engaged in agricultural and repair works. Some of those incidents occurred in the presence of the Russian peacekeepers.

As a result of Azerbaijani attacks on the sovereign territory of Armenia in May and November 2021, dozens of Armenian servicemen fell captive. Following their repatriation, they reported being subjected to torture and other forms of ill-treatment. (8)

Azerbaijan's latest bombing of civilian areas in the Gegharkunik, Vayots Dzor, and Syunik regions of Armenia proper in September 2022 showcases that the Azerbaijani military does not shy away from disregarding the core principles of international humanitarian law (IHL). (9)

As a result of military aggression by Azerbaijan against Armenia and penetration and occupation of the Armenian sovereign territory dozens of Armenian citizens fell under the control and were tortured and executed by the Azerbaijani armed forces.

A video was circulated on the Azerbaijani social media showed execution of at least seven unarmed and surrendered Armenian prisoners of war by the Azerbaijani armed forces shooting in close range. (10) The Human Rights Watch verified the video confirming the war crime and that “the killings took place during fighting between Armenian and Azerbaijani forces that broke out in mid-September, when Azerbaijan made incursions into Armenia and along the border”. (11) Bellingcat also verified the execution of Armenians by Azerbaijani armed forces. (12)

Photos and videos filmed by the Azerbaijani servicemen and circulated in Azerbaijani social media showed female servicewomen of the Armenian armed forces being subjected to violent acts of torture and ill-treatment, and sexual assault.

Azerbaijani servicemen stripped the bodies of servicewomen, sexually abused, desecrated, dismembered and mutilated their bodies. The word “YASMA”, the name of Azerbaijani Special Forces, was marked on the body of one of the killed and desecrated servicewomen. (13) In the second video circulated in Azerbaijani social platforms a stripped Armenian servicewoman was filmed in the military position. (14) All these 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.

Another video posted on Azerbaijani social media revealed torture of Armenian prisoners of war by Azerbaijani servicemen. (15) The Human rights Defender of Armenia, Ms. Kristinne Grigoryan confirmed that the Armenian prisoners of war were identified. Their torture and subsequent killing took place during the attack of Azerbaijani armed forces against Armenia. (16)

While Azerbaijan confirmed the detention of 17 prisoners of war within the context of 13-15 September armed attack, the evidence proved that much more POWs were fallen under the Azerbaijani control. On 4 October 2022, 17 prisoners of war were repatriated to Armenia. The Human Rights Defender of Armenia provided information that almost all POWs testified about torture under the Azerbaijani control. (17)

On November, 2022, the 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 sent a communication to the Government of Azerbaijan, raising concerns over the acts of torture and extrajudicial killings of Armenians during the September 2022 attack, demanding, inter alia, detailed additional information with regard to the incidents as well as about the investigation of those cases in Azerbaijan.

It is critical that these events receive proper attention from international organizations, including the UN, and are characterized accordingly. The large-scale attack against the sovereign territory of Armenia was a clear act of aggression in violation of the UN Charter, and Azerbaijan continues to occupy territories in Eastern and Southern Armenia, creating significant livelihood challenges for the local population. And yet, many statements stroke a neutral tone. This is unfortunate since, as already described; this only emboldens the aggressor.

Taking into account the abovementioned, it is crucial:

- that the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

takes appropriate steps to ensure a country visit to Azerbaijan is conducted,

- to ensure that Azerbaijan provides specific information to the Special Rapporteurs on investigations undertaken into the allegations of killings, of torture and other cruel, inhuman or degrading treatment, and of desecration of human remains.

- to ensure that Azerbaijan provides detailed information on what steps are being taken – criminal, disciplinary or educational - to ensure that Azerbaijan armed forces operate strictly within the parameters of international human rights and humanitarian law, to ensure non-repetition, appropriate punishment of those involved, and to end impunity.
 - to ensure that Azerbaijan takes adequate steps to promptly return any remains held by Azerbaijan to the families of the deceased and in that regard, to ensure the respectful treatment of those remains.
 - to ensure that Azerbaijan provides detailed information on remaining POWs of Armenian origin in Azerbaijan, as well as ensures their prompt repatriation.
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