

Written Information for the Examination of the Periodic Report of Azerbaijan: 79th Session of the Committee against Torture

University Network for Human Rights

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I. Methodology

Our findings are based on over 150 interviews conducted across multiple factfinding trips - two in Nagorno-Karabakh and five in Armenia - between March 2022 and November 2023. We spoke with forcibly displaced persons, families of missing or forcibly disappeared soldiers, families of victims of extrajudicial killings, returned prisoners of war (POWs), and current residents of Nagorno-Karabakh and border communities in Armenia. The UNHR team also held extensive meetings with the legal team representing over 300 victims of torture, arbitrary detention and extrajudicial killings before the European Court of Human Rights, the Office of the Human Rights Defender (Ombudsman) of Armenia and the Office of the Human Rights Defender (Ombudsman) of Nagorno-Karabakh (Artsakh), the International Committee of the Red Cross, and numerous civil society and media organizations that have collected testimony from hundreds of victims and witnesses corroborating Azerbaijan's widespread and ongoing abuses. In collaboration with partners in our network, we also carried out independent verification of claims presented by Armenian human rights organizations. Finally, we closely monitored the final chapter of the forcible displacement of Nagorno-Karabakh's ethnic Armenians that began on September 19, 2023, through both open source investigation and over 40 firsthand interviews with forcibly displaced ethnic Armenians from Nagorno-Karabakh on the ground in Armenia.¹

II. Introduction

In September 2023, over three decades of self-rule by the *de facto* Nagorno-Karabakh (Artsakh) Republic ended in what experts have called the genocide of the Nagorno-Karabakh Armenians. The mass exodus of over 100,000 ethnic Armenians over a period of days was the result of years of persistent and widespread rights abuses by Azerbaijani state forces. These violations have included the torture and cruel, inhuman, or degrading treatment of Armenians who were captured by Azerbaijani forces during and after the 2020 Nagorno-Karabakh War, as well as in the course of fighting on the Armenia-Azerbaijan border in September 2022.

Forms of torture and mistreatment have included prolonged and repeated beatings with batons, skewers, brooms, and firearms; laceration of wrists with zip-ties; employment of electro-shock and stress positions; sleep deprivation; confiscation of warm clothing during extreme cold; deprivation of food, water, and hygiene products; and infliction of mental suffering and humiliation. Torture sometimes has been

¹ University Network for Human Rights. 2023. "NK Live Monitor."

accompanied by expressions of religious or ethnic discrimination. Azerbaijani state forces have often shared videos of torture on social media and public television, which has served to further humiliate the victims, instill fear among Armenians, and contribute to the forced displacement of the Armenians of Nagorno-Karabakh.

This widespread practice of torture of Armenian captives has featured certain patterns observed by the University Network for Human Rights (UNHR or University Network) in dozens of interviews with survivors, review of corroborating evidence, and collation of other organizations' research over three years of fact-finding.

First, torture and cruel, inhuman, or degrading treatment have taken place throughout the extent of Armenian captives' detention. Differences in conditions and treatment tended to correlate with differences in the location or stage of detention. These stages are as follows: initial capture, transfer, holding cell/military police custody, State Security Service (SSS) custody, and prison. Generally, the worst treatment has occurred in the military police stations, in SSS custody, or during transit between detention sites. Torture and cruel, inhuman, or degrading treatment have been perpetrated by State Security Service (SSS), State Border Service (SBS), and other special forces. Perpetrators of torture have also included guards in prisons and other detention sites. The worst treatment has taken place in the military police stations, in SSS buildings, or during the transfer of captives between detention sites, in the phase characterized as "secret detention."

Second, access and visits by third parties, namely by the International Committee of the Red Cross (ICRC), have helped to protect captives against torture and cruel, inhuman, or degrading treatment. However, the ICRC has had access to captives only in prisons (the final stage of captivity), but not when they are in military police or SSS custody, where the worst violations occur.

Third, some Armenian prisoners of war (POWs) eventually released to Armenia have reported lasting trauma due to experiencing torture during captivity. In some cases after release, Armenian authorities have further mistreated and failed to provide adequate psychological support to returned POWs, including blaming them for their capture. At least one returned POW told the University Network that an Armenian National Security Service official reprimanded him for not killing himself to avoid capture.

III. Ample Documentation of Torture of Armenian POWs

The University Network interviewed numerous victims of torture who related details of dozens of instances of grave abuse committed during and after the 44-Day Nagorno-Karabakh War. Our documentation, detailed in the pages that follow, builds on the reporting of Armenian human rights groups, international watchdog organizations, and other agencies. These groups have documented torture of Armenian prisoners of war (both civilians and soldiers) in Azerbaijani detention from before and since the 2020 ceasefire agreement.

Commenting comprehensively on Azerbaijan's treatment of Armenian captives, the Human Rights Defender of Armenia found that since the onset of the war, "abuse, beatings, torture, harassment, and intimidation" were "the norm,"² and spanned the moment they were captured until their release. Forms of abuse included physical violence, humiliation, insufficient food and water, sleep deprivation, and lack of access to hygiene and medical attention.

Other submissions to international bodies, resolutions, and reports, nonexhaustively listed here, layout similar findings. In December 2020, Amnesty International analyzed videos depicting mistreatment of prisoners of war and other captives by both Armenian and Azerbaijani military personnel; among them is footage of Azerbaijani soldiers kicking and beating bound and blindfolded Armenian prisoners.³ Human Rights Watch (HRW) further documented several cases in which Azerbaijani forces used violence to detain civilians and subjected them to torture and inhuman and degrading conditions of detention.⁴ In addition, Human Right Watch conducted a number of interviews of repatriated Armenians prisoners of war, documenting instances of torture in Azerbaijani custody, including the use of electrocution and prolonged beatings, which HRW concludes likely amount to war crimes.⁵ Moreover, after analysis of the mistreatment of Armenian prisoners in videos widely disseminated on social media,

² Human Rights Defender of the Republic of Armenia. 2021. "Ad Hoc Public Report Responsibility of Azerbaijan for Torture and Inhuman Treatment of Armenian Captives: Evidence-Based Analysis (the 2020 Nagorno-Karabakh War)." Artsakh Ombudsman. <u>https://www.ombuds.am/images/files/8f33e8ccaac978faac7f4cf10442f835.pdf</u>.

³ Amnesty International. 2020. "Armenia/Azerbaijan: Decapitation and war crimes in gruesome videos must be urgently investigated." Amnesty International. <u>https://www.amnesty.org/en/latest/press-release/2020/12/armenia-azerbaijan-decapitation-and-war-crimes-in-gruesome-videos-must-be-urgently-investigated/</u>.

⁴ Lokshina, Tanya. 2021. "Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes." Human Rights Watch. <u>https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes</u>

⁵ Human Rights Watch. 2021. "Azerbaijan: Armenian POWs Abused in Custody." *Human Rights Watch*. https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody.

HRW cautioned that "Armenian POWs still in Azerbaijani custody are at risk of further abuse."6

A number of other civil society groups completed in-depth fact-finding activities in the aftermath of the 2020 War. A 2022 joint fact finding mission conducted by Open Society Foundations Armenia, the Helsinki Citizens Assembly, the Law Development and Protection Foundation, and Protection of Rights Without Borders documented extensive cases of torture and mistreatment of Armenian prisoners of war in Azerbaijani custody, much of which corroborates testimonies later collected by the University Network.⁷ These organizations traced torture and mistreatment of Armenian prisoners from capture through various stages of detention, highlighting, in addition to physical violence, the denial of medical treatment to wounded Armenians prisoners of war, denial of access to food, and a lack of access to outside communication.⁸

Immediately following the ceasefire, the Center for Truth and Justice collected direct testimony from prisoners of war repatriated by Azerbaijan that described how Azerbaijani forces consistently tortured and humiliated Armenian captives, including with beatings, electrocutions, tooth extractions, burns by lighters, and insults.⁹ At least two detainees died in Azerbaijani captivity; one of them, based on the evidence, was most likely the victim of extrajudicial execution (see this report's Extrajudicial Killings chapter for more information). Country reports by the U.S. Department of State in 2021 and 2022 also recorded credible accounts of torture, cruel, inhuman, or degrading treatment, and life-threatening prison conditions in Azerbaijani custody.¹⁰

The European Court of Human Rights (ECtHR) received numerous credible reports of Armenian servicemen and civilians being captured and mistreated, leading to a 2021 resolution of the Parliamentary Assembly of the Council of Europe calling for a respect for international law and the release of all Armenian prisoners of war held by Azerbaijan.¹¹

content/uploads/2023/03/415610 AZERBAIJAN-2022-HUMAN-RIGHTS-REPORT.pdf.

⁶ Ibid.

⁷ Open Society Foundations Armenia et al., "Human Rights Violations During the 44-Day War in Artsakh: Fact Finding Report" (Yerevan: Helsinki Citizens' Assembly of Vanadzor, the Law Development and Protections Foundation, "Protection of Rights without Borders" Non-governmental Organization, 2022), 103-40. ⁸ Ibid., 111–13.

⁹ Center for Truth and Justice. 2021. "Initiating an Investigation: White Paper on Azerbaijan's Torture and Mistreatment of Armenian Prisoners of War (POWs) During and After the 2020 Nagorno-Karabakh War." cftjustice.org. https://www.cftjustice.org/wp-content/uploads/2022/07/White-Paper-On-Azerbaijani-Torture-of-Armenian.pdf.

¹⁰ U.S. Department of State, Bureau Of Democracy, Human Rights, and Labor. 2021. "2021 Country Reports on Human Rights Practices: Azerbaijan." state.gov. https://www.state.gov/wp-

¹¹ Parliamentary Assembly. 2021. "Res. 2391 - Resolution - Adopted text." Parliamentary Assembly of the Council of Europe. https://pace.coe.int/en/files/29483/html.

On September 22, 2022, the UN Committee on the Elimination of Racial Discrimination issued a report expressing 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."¹²

By continuing in-field research through July 2023 and reviewing dozens of testimonies from victims of torture and ill-treatment while in prolonged detention, the University Network confirms the above findings and contributes new understandings of this ongoing problem. Below, we analyze relevant legal norms and obligations, as well as existing research and scholarship on torture in this context. We explain our findings in greater detail with examples from firsthand fact-finding and other research.

IV. Key Findings

1. Circuit of Hell: The Stages of Detention

Azerbaijan has tortured Armenians abducted from Nagorno-Karabakh and from the Republic of Armenia. This brutality has extended from wartime captures to those captured several years following the ceasefire agreement, during what should have been a period of relative peace between the two countries according to the terms of the November 9, 2020 trilateral statement.

Detention, and torture and other forms of cruel, inhuman, or degrading treatment during captivity in Azerbaijan, across Armenian interviewees' stories followed a common sequence of transfers to different locations. After the initial capture, Azerbaijani forces would transfer a group of captives to a holding cell and/or directly to a military police detention center, where they would tend to remain for one to five days. Sometimes while in military police custody, other times after this stage, captives would be taken to the State Security Service building (SSS, frequently referred to by interviewees as "KGB"). The final, long-term destination would be a prison. The treatment of captives interviewed by UNHR varied across these different locations or stages of captivity. The worst treatment took place in the military police stations and SSS buildings. Those Armenian

¹² UN Committee on the Elimination of Racial Discrimination, "Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan," para. 4(a), 2022, UN Doc. CERD/C/AZE/CO/10-12, available at: <u>https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FAZE%2FC</u> <u>O%2F10-12&Lang=en</u>

prisoners of war perceived or admitting to have participated in earlier wars with Azerbaijan received the worst treatment, according to numerous testimonies. Captives also described beatings while being transported from one location to the next, in particular, between the military police station and the SSS building. The worst treatment often (but not always) diminished once prisoners were transferred to long-term detention in a prison.

In at least some cases, the military police and SSS stages of detention corresponded to the period during which the status of the prisoners was unknown or classified as "missing" to Armenian authorities, family members, or the ICRC. In other words, numerous captives were forcibly disappeared during the early stages of their captivity. All testimonies collected and reviewed by UNHR indicate that Azerbaijan gave the ICRC access to prisoners only in the final stage of their detention.

This section is structured around each of these stages of the Azerbaijani detention circuit. We review the range of types of torture and ill-treatment inflicted upon Armenian prisoners during each stage, attempt to identify and describe which sectors of the Azerbaijani government were responsible at each stage, and discuss implications for the protection of prisoners who still remain in Azerbaijan as well as for those who are considered missing in action.

Azerbaijani officials have forced Armenian prisoners of war to endure torture during their arbitrary detention in five types of locations. The imprisonment and torture of Armenians tends to progress through the phases described below.

- Initial Capture: This initial phase of detention in which Azerbaijani state forces first capture Armenians has involved deception or coercion to capture Armenian prisoners. More detailed accounts of the initial capture are presented in this report's Arbitrary Detention chapter.
- *Transfer*: This phase refers to Azerbaijani forces' transferring Armenian captives in a military vehicle or by foot from the site of capture to a holding cell, or between any of the other detention sites listed below.
- Holding Cells or Military Police Stations/Facilities/Installations: This phase involves Azerbaijani forces' short-term detention of Armenian prisoners at holding cells or police stations for one to five days. Azerbaijani officials interrogate and torture prisoners at these sites.

- SSS (KGB) Buildings/Facilities/Installations: This phase involves Azerbaijani forces' interrogating and torturing Armenian prisoners in Azerbaijani State Security Service (SSS, previously KGB) facilities. Detention in these facilities has tended to last longer and involve a harsher degree of torture than in other sites.
- *Prison*: The final phase of detention is the site of longer-term detention following the period of detention in SSS or KGB facilities. Some former prisoners have reported that torture in prisons was less severe than in SSS or KGB facilities. At times, the ICRC may access Armenians in these prisons, but that access is not always guaranteed.
 - a. Stage 1: Initial Capture and Transfer

Initial capture by Azerbaijani forces has often entailed beatings, aggressive use of zip ties, threats of death and maiming, humiliation, and filming captives while forcing them to repeat "Karabakh is Azerbaijan," according to numerous former prisoners of war interviewed by UNHR. Most captors have appeared to be Azerbaijani field soldiers ordered by their superiors to take Armenians hostage, though they have also included higher-level Azerbaijani officials wearing specialized uniforms. In many cases, the Azerbaijanis filmed the first moments of the capture and later posted the footage online.

Physical Abuse

Armenian troops endured physical abuse upon capture. For example, during the 2020 Nagorno-Karabakh War, Azerbaijani forces abused Areg¹³ and five other Armenian soldiers found unarmed, injured, and surviving on rations of one spoon of food per day in an abandoned house in Hadrut. Blindfolded and hands bound, Areg and the others were beaten with knife and rifle handles. This all occurred before they were transported by vehicle to a military police station.¹⁴ Similarly, Arman¹⁵ was subject to beatings when he was captured while walking towards what had been his military base prior to the ceasefire. Two Azeri or Turkish-speaking armed men dressed in camouflage and driving a Ural apprehended him, tied him up and punched him in the face, nose, eyes and head. "They also took photos and shared it on the internet," Arman declared in a testimony given to the Center for Truth and Justice.¹⁶ The two men continued to beat Arman

¹³ Name has been changed due to privacy and security concerns.

¹⁴ Areg, interview with UNHR, Yerevan, March 2022.

¹⁵ Name has been changed due to privacy and security concerns.

¹⁶ Arman, interview with CFTJ, July 2021.

throughout the 15-minute drive to the base. Once there, someone whom Arman perceived to be an officer in the Azerbaijani armed forces interrogated him during what felt like two to three hours. During breaks in the questioning, five to six young soldiers beat Arman on the face, eyes, nose, and mouth using their hands, legs and a baton.¹⁷

Matevos,¹⁸ part of the Khtsaberd group,¹⁹ described similar treatment during his group's capture and transfer to a detention center in December 2020. His hands were tied upon capture and remained so throughout transport to new locations. He noted that some prisoners' hands were tied too tight, and they asked for them to be loosened but were denied. During transfer, the members of the group were also blindfolded. With their hands tied and vision impaired, they were unable to stabilize themselves when the driver would start and stop the car in jerks. Azerbaijani soldiers brutally beat the captives as they escorted them from one location to another. According to Matevos' observations, elderly Armenian soldiers who admitted to participating in earlier wars were beaten more frequently and intensely. (This observation corroborates Arman's description and perception that he was treated particularly aggressively due to his older age.) When they finally arrived at a prison, they were shoved out of the car and forced to walk down a line of soldiers who hit and kicked them.²⁰

Varujan²¹ and three other soldiers experienced the same physical abuse when they were captured from Kovsakan (Zangilan in Azeri) in October 2021. Azerbaijanis took the four captive then tied their hands behind their backs with metal wire, bound their feet, and took them to the nearby Kovsakan Kindergarten about 20 minutes away. At the school, the soldiers blindfolded them with layers of tape and stripped and beat them. Soldiers then transported the captives in a large vehicle to the disciplinary battalion, the first military police installation where Varujan and his fellow soldiers would be subjected to prolonged torture.

Hagop,²² who was taken in 2021 from Armenia, also described how the physical violence commenced upon capture and intensified as he was driven to the first detention location in Azerbaijan.

¹⁷ Arman, interview.

¹⁸ Name has been changed for security and privacy reasons.

¹⁹ One of the most widely documented cases of Azerbaijan's mass capture of Armenian soldiers took place in the village of Khtsaberd in Nagorno-Karabakh. The capture took place over several days in mid-December 2020, approximately one month after the signing of the ceasefire agreement. Armenians commonly refer to the group of 62 soldiers captured there as the "Khtsaberd group."

²⁰ Matevos, interview with UNHR, Gyumri, March 2022.

²¹ Name has been changed for security and privacy reasons.

²² Name has been changed for security and privacy reasons.

During the entire ride, Azerbaijani soldiers punched and kicked us in the face and stomach, slapped us, beat us with sticks, and forced us repeatedly to say 'Karabakh is Azerbaijan' and other things in their language which I did not understand. I was repeatedly hit on my knees with a hammer and a stick. The pain was so severe that I was sure that my left knee was broken. They also hit me on my head with a hammer and a stick. One of the Azeri soldiers put a knife to my ear, then throat, threatening to cut, at which point I was sure I was going to be murdered.²³

Hagop's eyes were covered and his hands were tied together with a zip tie. He recalled that his and each of his colleagues' hands were tied so tightly that they became blue and scarred. Anytime he asked to have the ties loosened, they were instead tightened or physically ripped off his hands. To this day, there are parts of his hands with no sensation, which he believes is due to damage endured from the zip ties. "It was so tight that I have permanent scars and damage on my wrists. When I could no longer feel my hands, I explained it to them and eventually they took the plastic tie off very roughly, causing my wrist to bleed. Even today I feel numbness in my hands."²⁴

Psychological Torture

Alongside physical violence, Azerbaijani state forces inflicted mental suffering on Armenian captives during initial capture and in subsequent stages of detention, including torment, humiliation, and demoralization in several different forms.

After being captured, Matevos and the others were forced to walk miles without rest to other villages while carrying heavy backpacks. The soldiers threatened the group, claiming that they would kill two of them if the entire group did not follow their commands. In addition, Matevos' group experienced incessant ridicule throughout the journey. Azerbaijani soldiers filmed them marching and forced soldiers to repeat Azerbaijani words and phrases into the camera.²⁵ Hagop, likewise, described how while on the bus en route to the prison, Azerbaijani soldiers threatened the Armenians by placing knives to their throats and ears while claiming that they were going to put one Armenian prisoner in a cell with four Azerbaijanis.

Edgar,²⁶ who was captured from Armenia in September 2022 (nearly two years after the ceasefire) along with two other Armenian soldiers several kilometers from Jermuk city, described experiencing similar threats: "At the beginning they were threatening us, taking out knives, making motions of cutting ears. I wasn't scared

²³ Hagop, UNHR interview.

²⁴ Hagop, UNHR interview.

²⁵ Matevos, interview.

²⁶ Name has been changed for security and privacy reasons.

because I was sure I would pass out before they cut my ears."²⁷ Like the others, the Azerbaijani soldiers forced Edgar to say "Karabakh is Azerbaijan" and hit him if he did not. The Azerbaijani soldiers filmed these interactions and subsequently disseminated the videos on Telegram channels.²⁸

b. Stage 2: Military Police and State Security Service Custody

The worst treatment has taken place during secret detention, which, based on cases documented and studied by University Network researchers, usually occurred in the middle of the journey through the stages of captivity in Azerbaijan, be it in a holding cell in an unidentified location, at a military police station, or in the custody of the State Security Service (SSS). Former prisoners described to UNHR researchers how Azerbaijani forces subjected them to constant beatings, electric shocks, stress positions and sleep deprivation, withholding of food and water, extreme temperatures, humiliation, and mental suffering.

Extreme Physical Abuse during and outside Interrogations

The worst forms of torture have often occurred during interrogations, which entailed an additional layer of coercion and intimidation. Because many victims were subjected to criminal trials following interrogations, Azerbaijani state agents at these sites seem driven to coerce evidence at least partly for the purpose of prosecution rather than solely or even primarily intelligence-gathering. Mher,²⁹ for example, once in military police custody, was handcuffed to a pipe in a small room. "We remained there for three days. Only at 9 p.m. would they take us to the bathroom. We weren't fed."³⁰ Days into Mher's captivity, the guards brought the prisoners to a room where they held and filmed an interview, during which they were asked if they had been beaten. "Of course I wasn't going to say yes. I said 'no, never,' while I had blue lines under my eyes and my body was dark black [covered in dark bruises]. Special forces were sitting there with their guns."³¹

 ²⁷ Edgar, former POW captured in Jermuk, Armenia in September 2022. Interview with UNHR, Yerevan, March 23, 2023.

²⁸ Edgar, interview.

²⁹ Name has been changed due to security and privacy concerns.

³⁰ Mher, interview with UNHR, Yerevan, March 24, 2023.

³¹ Mher, interview.

Mher went on, "After that interview (there were five of us in the interview) they took us to the KGB³² building, where Azerbaijan also held criminals, though in different rooms." During that time, the prisoners were taken to interrogations every one or two days. "I was wearing an Armenian uniform, so you can imagine on the route to the interview, whoever saw me would throw something at me," Mher remembered.³³

"Before every interrogation they gave a good, *good* beating," Mher told UNHR. Throughout the interrogation, Mher continued, "They would ask a question and then they would hit you. Sometimes there would be four or five interrogators beating one person." During his interrogations, Mher was always alone, and there were always numerous interrogators. Mher remained in SSS custody for three days. He recalled, laughing ironically as he spoke, how the transfer from the SSS building to the prison – where he would remain for the next 33 days – was "the cruelest day. . . . We were handcuffed and blindfolded, it was a small, tight space, and they were beating us with rubber batons. It felt like it would never end."³⁴

Areg, who was held in secret solitary confinement in Baku for nearly two months (beginning nearly two weeks after the ceasefire, on November 22, 2020), described his interrogations as a "good cop, bad cop" routine.³⁵ One of the interviewers would bring tea and let him drink, then the other would come in, toss the tea and threaten to tear out his nails. He also threatened that if he returned to Armenia and said Artsakh is Armenian, agents in Armenia would find and harm him.³⁶

Varujan's³⁷ period of prolonged torture commenced immediately upon arrival at the military police station. "Getting out of the car, they threw us to the ground, hitting us with wire, and when we were already lying down they beat us so much we couldn't move our legs."³⁸ Azerbaijani forces interrogated Varujan, mutilated his ear, and inflicted severe physical violence on him for hours at a time in separate, individual rooms: "During the interrogation, one of the soldiers entered and tried to cut my ear; he slashed part of it, the blood splashes on me. My hands were tied behind me so I tried to put my ear on my shoulder to stop the blood."

 ³² Mher used the term "KGB", the previous name for the State Security Service (SSS) in all former Soviet Republics.
³³ Mher, interview.

³⁴ Mher, interview.

Miner, interview.

³⁵ Areg knew he was in Baku because he could see "the famous glass-window building" (the Heydar Aliyev Center) from the window in his cell.

³⁶ Areg, interview.

³⁷ Name has been changed for security and privacy reasons.

³⁸ Varujan, interview with UNHR, Armenia, July 20, 2023.

After mutilating Varujan's ear, Azerbaijani soldiers beat him with chairs and told him they did not care if he died. "They ask you a question – and if they think you are not telling the truth they will hit you and ask you the question again ... [They would beat you] with their hands, with their legs, with their arms, with their knives ... They would put [the knife] to your throat and threaten to film and show it on Facebook." After two days at the disciplinary battalion, Azerbaijani forces transported Varujan and a group of other captives to the Baku SSS site. There, unidentified Azerbaijani officials accompanied by interpreters interrogated him three times a day. "They would ask everything from my Facebook password to what kinds of weapons we have; how many people had fled, and who was giving orders." Varujan explained that because he did not give them his Facebook password, he was "beaten every night and day in this KGB building."³⁹

Arman, who was transferred to multiple secret detention sites during this period of his captivity, remembered that in a place he identified as military police facilities, he was taken to "a special room for questioning." The room had five beds, but the Azerbaijani forces made him sit on the floor, and tied his hands to a radiator. "I remember my hand got burnt, it was painful. It was also very tight, so I told them to weaken it, but they didn't care. My hand got infected. I have scars now. They only removed the handcuffs from that radiator when they took me to the bathroom and to the interrogation."⁴⁰

After seven days of confinement at the military police station, guards tied Varujan's hands behind his back, put him in a vehicle, and beat him and other captives. "They were hitting us so, so hard that it was impossible even to hear the names of the other people." Guards transported this group of prisoners to the SSS detention site, where Varujan felt the treatment was "probably slightly worse – more savage, more brutal." At the SSS site, Varujan explained that different guards would beat him whenever they interacted with him, including during interrogations. One woman interrogator would step out of the room so men could beat him between phases of her interrogation. "Every time they came into the room, I thought they would kill me now. They were beating us so raw it felt like they could beat us to death," Varujan described while holding his arms and trembling. "At one point, I was beaten so hard I must have been knocked out for two days – someone even came in and gave me an X-ray." Varujan described experiencing so much pain that he was not conscious enough to remember what other medical treatment he received, if any.⁴¹

³⁹ Varujan, interview.

⁴⁰ Arman, interview.

⁴¹ Varujan, interview.

Arman also described receiving constant beatings and interrogation throughout the night that he was kept in a holding cell: "They were only asking if I was Armenian, then they were questioning me, asking why I came: the same thing – questioning and beating." Arman added that because of his age and white hair, he was subjected to particularly brutal treatment: "They used to beat me, mainly young soldiers, to avenge their ancestors – their fathers lost once, gave territories, and had a shameful defeat. So they had grown up and wanted revenge." Azerbaijanis beat him with a broom so badly they caused his head to bleed.⁴²

Hagop described to UNHR how Azerbaijani guards beat him frequently and severely while he was in secret detention, even outside of interrogations. His injured knee was a favorite target during beatings.

Soon after being put into the cell, seven Azerbaijani soldiers took me and [names another soldier] out of the cell to a parade ground and started beating us. Soon, over ten Azerbaijani soldiers armed with assault rifles and bayonets approached the two of us and started beating us while screaming insults. They once again made us repeat "Karabakh is Azerbaijan." At some point, one of the Azerbaijani soldiers beating me and Armen pointed his gun at my head and threatened to kill me. He was shouting in Russian, "Didn't you feel sorry for our guys, their families." I told the soldier to go ahead and shoot me, at which point I was beaten even more severely. The beating lasted for over an hour. Such beatings were frequent in this prison. I was beaten more frequently than the others due to my act of defiance.⁴³

For Matevos, beatings in captivity also occurred on a regular basis, day and night. Various prison guards and soldiers would enter their cells to beat them with bats, keys, chains, and other weapons. Often, Azerbaijani guards removed the Armenian captives from their cells and beat them so vigorously that they were unable to move and would have to be dragged back. Matevos also was subjected to electric shocks throughout interrogation, regardless of how he answered the questions.⁴⁴

Deprivation of Food, Water, Sleep, and Medical Attention

Other forms of torture during secret detention have included extreme deprivation of food, water, and sleep and imposition of prolonged stress positions. For example, Varujan, while he was held in solitary confinement in Baku, did not receive food or water for days at a time during the seven to eight days of confinement. Further, Azerbaijani

⁴² Arman, interview.

⁴³ Hagop, UNHR interview.

⁴⁴ Matevos, interview.

officials prevented Varujan from sleeping or even lying down by cuffing his hands to a water heater while he sat upright. "It was those black kinds of handcuffs where if you tried to move, it would hurt a lot. We were constantly sitting down and it was impossible to sleep," Varujan remembered. "They could come and go, entering the room every 20 minutes. If you wanted to sleep, if you felt like you were dozing off, the next thing you know there is someone kicking you in the face." Varujan noted that this treatment lasted the whole week.⁴⁵ Arman's experience in one holding cell was similar: it was "a room with an iron bed, iron stool and a door." When UNHR researchers asked if he could sit on the stool, he responded "they didn't allow me to. They told me to sit on the bare ground. They just tried to cause harm."⁴⁶

Edgar was held in military police custody for one day, the duration of which he spent in a stress position.

I stayed there for only one day, but it was the longest day of my life. . . . They keep you in a small room, there is a small hole in the door where they can watch you, and you are supposed to stay still like this [sits upright and stiffens his body] all the time, whether it is day or night or if you want to go to the toilet, it doesn't matter. They forced us to stand.⁴⁷

In military police and SSS custody, sleep deprivation, stress positions, and beatings were often accompanied by hunger.

Matevos spent three days in a holding cell and was provided food only once. The food was placed in front of him and his cellmates and they were told they only had 20 seconds to eat as much as they could.⁴⁸ Arman described similar food deprivation: "The first two days they didn't give me anything to eat, on the third day I was given a piece of bread, but honestly, I didn't even want to eat. I was hungry and thirsty for two to three days."⁴⁹ After five days of interrogation, Arman was taken to what appeared to be a prison. Likewise, Hagop was deprived of food while in secret detention, while also being forced to remain in standing position for a full day and night, and not allowed to sit at all for two consecutive days.⁵⁰

⁴⁵ Varujan, interview.

⁴⁶ Arman, interview.

⁴⁷ Edgar, interview.

⁴⁸ Matevos, interview.

⁴⁹ Arman, interview.

⁵⁰ Hagop, UNHR interview.

In addition to the serious health impacts of deprivation of food, water and sleep, Armenians in Azerbaijani custody reported being denied much needed medical attention. For example, Areg's leg had been severely wounded during the fighting, and the wound continued to deteriorate while he was in hiding. When he was initially captured, the Azerbaijanis bandaged the wound. After this, they did not change the bandage for twenty days. Only when they could not bear the smell any longer, did they remove the bandage, revealing a severely infected wound. They did not rebandage his leg during the remainder of his time in captivity.⁵¹ Denial of or harsh treatment during medical care is described further in the subsection on treatment of Armenian captives in the final stage of detention, prison.

c. Stage 3: Prison

Continued Beatings

For most of the prisoners interviewed, the primary change they described once they arrived at the prison was the reduction in beatings. Some reported that the beatings stopped altogether once they were transferred to the prison. This was not always the case, as others continued to receive regular beatings. Hagop, for example, explained, "Every time when the cell's door opened, we had to stand up and loudly say 'Karabakh is Azerbaijan.' We also had to do this whenever they kicked or knocked on the cell door. If we did not meet these requirements, we were beaten severely."⁵² Hagop also continued to be interrogated in the prison, and his interrogators threatened him with death and disappearance. "[Name of the interrogator] told me that I was considered MIA. He told me that they could do whatever they wanted to those of us considered MIA – that they could kill and bury me and no one would ever know anything." Hagop was interrogated three times before the ICRC showed up, after which conditions for him began to improve.⁵³

Varujan described witnessing Azerbaijani officials nearly beat a fellow prisoner to death on that prisoner's birthday. He said, "They told ... [the unnamed prisoner] ... that they would beat him so hard he would remember this birthday of his" after taunting him, saying they would come back to "celebrate his special day in 20 minutes." Varujan described how that prisoner was often treated worse than the others. For example, "They

⁵¹ Unlike the other POWs we interviewed, Areg was never transferred to a prison. Unlike those who were eventually transferred to a long-term prison, Areg did not see the ICRC at all during his captivity.

⁵² Hagop, CFTJ Interview in Gyumri, February 27, 2022.

⁵³ Hagop, CFTJ interview.

would beat and stab his head with barbeque skewers."⁵⁴ Echoing observations from other testimonies collected by UNHR, this worse treatment was likely related to his older age and the fact that the Azerbaijani guards accused him of having tortured Azerbaijani prisoners during the First Nagorno-Karabakh War.⁵⁵ Varujan described how while he and the other prisoners generally were not beaten in the prison, guards would beat them while they were in transit returning from the court to the prison, "if we said something we shouldn't have said."⁵⁶

Even for those who saw a reduction in the quantity/severity of beatings, other forms of ill treatment continued and new forms emerged, including lack of hygiene, extreme temperatures and lack of clothing, inadequate medical care, and insufficient food and water.

Lack of Hygiene

Several former prisoners told UNHR that they were forced to remain in filthy conditions while held in prison. Hagop and his cellmates lacked basic hygiene products, including soap, and were ridiculed by the guards when they requested them. The guards responded to their requests by saying, "Have some self-respect, you are in the territory of an enemy and you're asking for things?"⁵⁷

Matevos recalled moldy walls and the constant presence of mice. He received water to bathe with only twice a week. On these days, all five prisoners in his cell were expected to bathe in forty minutes among them. Yet, it often took that long for the water to warm, forcing the prisoners to remain dirty or bathe using cold water.⁵⁸

Extreme Temperatures and Lack of Clothing

Prisoners were also subject to temperatures at both extremes. The cells were either too cold, as Hagop reported, or intensely hot, as Matevos remembered, and a solution to these extreme temperatures was not provided in either scenario. Some cellmates received fans during the summer, but only after the ICRC visited and eventually required that the guards provide them.⁵⁹

⁵⁴ Varujan, interview.

⁵⁵ Varujan, interview.

⁵⁶ Varujan, interview.

⁵⁷ Hagop, CFTJ interview.

⁵⁸ Matevos, interview.

⁵⁹ Matevos, interview.

Matevos and the other POWs were stripped of their clothes when they arrived at the prison, making the extreme temperatures especially difficult to endure. Matevos reported that many detainees wore only their underwear for months because that was all they had under their military uniforms.⁶⁰ Additional layers were not provided until the ICRC brought clothing. Arman remained in the civilian clothing he was wearing at the time of his capture until the ICRC brought him fresh clothing.⁶¹

Harmful or Inadequate Medical Care

A number of prisoners also explained that their injuries, often a result of beatings, were not properly attended to while in prison. Edgar described how some of the other prisoners who were seriously injured were taken to surgery. Those who received surgery told Edgar they were not given any anesthesia while undergoing surgery. Hagop recalled his only interaction with a doctor: "A doctor came to our cell and I showed him my injured knee. I asked the doctor if it was broken as I was in a lot of pain. The doctor said 'it will pass,' and provided no medical treatment or examination."⁶²

Varujan interacted with medical care providers after he was beaten so hard he was knocked out for two days. One worker gave him an X-ray and, beyond that, he does not recall being given other medical treatment. On a separate occasion, Varujan noted that medical workers approached him to change his bandages for other wounds. However, he told the workers he preferred not to be treated because he experienced significant discomfort and pain every time they inserted tweezers into his open wounds.⁶³

Insufficient Food and Water

Many prisoners similarly explained how food was spoiled, denied, or otherwise insufficient during their time in prison. Matevos recalled the low quality of the food, provided on dirty plates and in very small quantities – "just enough to survive" – causing him to lose 13 kilograms (almost 29 pounds) throughout his detention.⁶⁴ Hagop explained that while food was provided more regularly at the prison, "The food was pig

⁶⁰ Matevos, interview.

⁶¹ Arman, interview.

⁶² Edgar, interview.

⁶³ Varujan, interview.

⁶⁴ Matevos, interview.

feed. For example, the potatoes were covered in mud, but the starvation left me no choice but to eat whatever was provided." 65

The ICRC weighed the captives at every visit. Matevos weighed 67 kilograms (more than 147 pounds) at the ICRC's third visit and only 54 kilograms (just under 119 pounds) at his final weigh-in. Azerbaijani officials constantly denied Varujan food. The guards simultaneously subjected him to starvation and psychological torture by showing him their food and eating it, but providing him none. Varujan motioned toward the fresh watermelon on the table during his interview with UNHR and said, "We have food here, but the guys over there don't have anything – all day, every day, they are in my thoughts."⁶⁶

Throughout Varujan's multiple phases of detention, Azerbaijani guards also denied him water to the point that he felt compelled to drink his own blood to survive: "They gave us no water, but they would beat me so much that the blood would go to my throat and I was happy to have the chance to drink it."⁶⁷

2. Impact of Third-Party Visits

ICRC visits have notably improved conditions for many prisoners and were often the only connection between them and the outside world over the duration of their captivity. However, these visits have not guaranteed long term protection against mistreatment. Moreover, at least some of the individuals who have at some point been considered missing are or were forcibly disappeared – held in secret detention in military police or SSS custody – and were or continue to be subjected to the most extreme forms of torture without the ICRC being able to access them.

Several individual experiences documented by UNHR demonstrate the positive impacts of ICRC visits. In prison, Mher received a visit from the then head of the Russian operation Rustam Muradov, as well as from the ICRC. When asked if these visits made a difference in the conditions, he remembered that five days after Muradov's visit, the prisoners were given extra blankets. He recalled that the visitors from the ICRC offered assurance that they would visit regularly and that his life would not be in danger, though they could not speak to whether or not he would be sent home.⁶⁸

⁶⁵ Hagop, UNHR interview.

⁶⁶ Varujan, interview.

⁶⁷ Varujan, interview.

⁶⁸ Mher, interview.

Edgar was in the prison for approximately one week before the ICRC's first visit. Up until then, they had nothing except for the mattresses that they slept on, and bland meals three times a day. The day before the Red Cross came "we were brought a variety of items – soap, shampoo, clothes, a pillow (before that we had no pillow), a blanket (until then we didn't have a blanket, it was cold), and they even set up a television set." The ICRC also brought books. "Before they had brought books that were basically Azerbaijani propaganda about how awful Armenians are...When the Red Cross came they brought books translated into Armenian- Jack London, Agatha Christie...When we saw the ICRC come we could finally breathe because that meant that the world knew about us. Until then we thought we would be in Baku for months or years and that we would be considered disappeared."⁶⁹

Hagop began to receive three meals a day after the ICRC visit, including porridge and egg, soup with noodles, soup with corn. Hagop described "the quantity was often too small, but every once in a while it would be too big." Before the ICRC visited, Hagop did not know his and his fellow detainees' status and worried they would be considered terrorists "like the boys from a year ago" (referring to Matevos' group that was captured in Khtsaberd), but the ICRC reassured them they were POWs.⁷⁰

Matevos told UNHR that inhuman treatment continued until the ICRC visited several times. Azerbaijani soldiers told the Armenian prisoners that they were not to tell anyone anything, an order with which Matevos complied. Matevos noticed the food quantity and quality improved and they received cigarettes ahead of the ICRC's first visit. The ICRC visited every five weeks for two to four days during Matevos's detention. During subsequent visits, prisoners began to describe beatings and poor conditions to the ICRC including showing their bruises. "We were alone with the ICRC, but Azerbaijani officials would stand by the door and sometimes enter." Matevos interpreted this as a threatening reminder of their presence and to deter prisoners from reporting abuses to the ICRC. Though "talking to the ICRC helped" regarding the food portions and the cleanliness of the corridors and cells, there were no changes to the frequency of beatings until the ICRC's third visit. After that, the beatings stopped. Matevos assumed this was because the ICRC warned the guards. The only torture technique that remained was forcing the soldiers to yell, "Karabakh is Azerbaijan" every time the door opened; that technique eventually stopped during the last few months of Matevos's detention as the ICRC started to "work harder" and resolve more issues.⁷¹

⁶⁹ Edgar, interview.

⁷⁰ Hagop, UNHR interview.

⁷¹ Matevos, interview.

3. Enduring Impacts of Torture on Returned POWs

Some returned POWs continued to face challenges even after their release to Armenia. In general, the Armenian government has not provided adequate psychological support to returned POWs.

One of the most shocking revelations of UNHR's interviews with returned POWs was the treatment some soldiers received by the Armenian authorities upon their return. One of the former POWs described his experience upon arriving in Armenia after three weeks of detention in Azerbaijan: "I called my mom and told her that I'm in Armenia and that they have to take us to the hospital, and I thought they would take us home after that. But they kept us for three-four days and only let us see our families for ten minutes, took us to interrogations, treated us really badly. They blamed us for becoming POWs. One of them said 'Did you not have a grenade, that you became a prisoner?' I tried not to overreact because I knew we would go home in several hours and did not want any problems. They gave us twenty days vacation and then called us back to service."⁷²

All of the interviewees continue to suffer from the long-term effects of the torture they endured during detention. Arman's and Hagop's wrists are covered in scars from being tightly bound with zip ties. "I had pain in my knees for several weeks after repatriation. I took medications which helped with the pain. I feel numbness in my hand even today."⁷³

Areg is unable to stand for long periods of time.⁷⁴ Arman has constant headaches and eye pain from the beatings he sustained to his head, as well as a permanently damaged nasal structure (he can only breathe out of one nostril).⁷⁵ In the hospital in Armenia, Mher discovered that 12 pieces of shrapnel were embedded in his body. When asked if he knew about the extent of his injuries while he was in captivity, he responded, "at the time the only thing I was aware of was if I was being beaten or not being beaten, and all I cared about was if I was going to get home."⁷⁶

⁷² Edgar, interview.

⁷³ Hagop, UNHR interview.

⁷⁴ Areg, interview.

⁷⁵ Arman, interview.

⁷⁶ Mher, interview.

Varujan spoke to the lasting effects of the torture he experienced on his life. Guards would taunt him by blowing puffs of smoke into his face, and he was not allowed to go to the bathroom located in his same cell without permission. Upon reintegration into Armenian society, he can no longer think about the simple pleasures of sweets or cigarettes or the basic necessity of using the restroom in the same way.⁷⁷

The returned POWs have expressed gratitude to be home but also concern for the wellbeing of the prisoners they left behind. Matevos described, "It feels like my months in the Baku prison were like a dream and this is real life," but avoids sharing details of his experience because he is worried about the people still incarcerated in Baku.⁷⁸ Mher, who had been a POW in Azerbaijan for two months in 2020, warned about the psychological harm suffered by those Armenian captives who are still in Azerbaijan:

I came back very quickly, that's why I'm ok. If I had remained there until now, I'm not sure I would have come back normal. The sooner the issue of our remaining POWs is resolved, the better. The later they come back, the worse they'll come back. Everyday is a battle with yourself so that you don't go crazy. So many awful thoughts constantly invade your mind. Every day was very cruel. Really every day is a terrible day. All the bad things that go through your head... good thoughts never cross your mind. You're constantly battling to keep your head straight.⁷⁹

Varujan, too, continues worrying about those who have not returned: "Until now, there's no information about the POWs who are missing – families go with videos of their loved ones to the commanders, and parents of people not in my group come back asking if we knew where their loved ones were."⁸⁰

In addition, the Armenian government has not adequately addressed the psychological harm caused by prolonged detention combined with torture and degrading treatment in returned POWs. The men we interviewed who were conscripts reported that they were sent back to the front after a few weeks of rest. None of the servicemen and reservists have been offered support for psychological rehabilitation or counseling by the Armenian government.

⁷⁷ Varujan, interview.

⁷⁸ Matevos, interview.

⁷⁹ Mher, interview.

⁸⁰ Varujan, interview.

V. Conclusions and Recommendations

Armenians captured by Azerbaijan during and after the 2020 Nagorno-Karabakh War, as well as in the course of fighting on the Armenia-Azerbaijan border in September 2022, have been subjected to torture and cruel, inhuman or degrading treatment while in Azerbaijani custody. The degree of such torture and ill-treatment has usually corresponded to the place of detention, with perpetrators unleashing the worst abuses in clandestine sites. Treatment has usually significantly improved when third parties such as the ICRC have been permitted to visit captives in prison. The torture captives endured has had a lasting psychological impact on victims even after release.

The findings regarding Azerbaijan's torture of Armenian captives relates to other violations and atrocity crimes documented by UNHR. Many, if not all, of the victims of torture described above were arbitrarily detained. Additionally, the secret phases of this circuit of detention have provided cover to Azerbaijani forces in cases of enforced disappearances. Finally, the pervasiveness of forcing Armenian captives to declare "Karabakh is Azerbaijan" throughout all stages of detention, while being subjected to torture and degrading treatment, also speak to the relationship between this abuse and Azerbaijan's policy of ethnic cleansing.

These acts of torture have occurred in a larger context of widespread and systematic state-sponsored discriminatory propaganda against Armenians. Since the 2020 War, Azerbaijani officials' hateful discourse and propaganda has been accompanied by physical threats and intimidation directed at Armenian border communities. Azerbaijanis' wide dissemination on social media of brutal acts of torture have deepened the sense of fear among Armenians and contribute to forced displacement. This dissemination is strongly indicative of Azerbaijan's specific intent to push Armenians out of the area using fear as part of a wider campaign for an Armenian-free Nagorno-Karabakh.

The cultivation of ethnic hatred seems to have driven much of the Azerbaijani forces' deliberate infliction of physical pain, emotional suffering, and public humiliation upon Armenian captives. This is particularly apparent in the widely circulated videos of sexualized mutilation of the bodies of deceased female combatants.⁸¹ These practices

⁸¹ Azerbaijani forces have filmed the bodies of combatants killed in action, which they mutilated post mortem. It is not always apparent solely based on the content of the videos whether the mutilation occurred before or after death, but practices include chopping off limbs, carving messages across torsos, exposing victims' genitals and breasts, inserting digits or foreign objects into victims' mouths and empty eye sockets, severing victims' heads, placing severed heads onto the bodies of animals, and other forms of horrific treatment.

are consistent with the overarching pattern of ethnic discrimination that characterizes the other categories of rights violations analyzed in this report.

These accounts of captivity should put international observers on alert. Understanding that torture is most often carried out in secret, the international community should be particularly concerned about the opacity of the early stages of detention of Armenian POWs. Based on the accounts from returned prisoners of war, the most horrific treatment took place while they were considered missing in action, when in fact they were in Azerbaijani custody in clandestine or unofficial detention. Holding POWs in secret detention cuts them off from the protection offered by the supervision of the ICRC, other neutral third parties or victims' own lawyers. Consequently, all sides should redouble their efforts to find the missing, and Azerbaijan should submit all locations known to hold prisoners of war or otherwise labeled Armenian captives to inspection by the ICRC and independent human rights monitors.

In the course of UNHR's fact-finding on torture, we came across important issues that we were not able to adequately investigate, and thus have not included in this report. These issues do warrant systematic documentation, among them: 1) Azerbaijani forces' willful involvement of civilians, including doctors, patients, and children in the torture of Armenian captives; and 2) mental suffering inflicted upon families of victims through different means, including holding on to remains of the deceased for prolonged periods, creating and circulating humiliating digital stickers of detainees and mutilated corpses on social media.

To the international community:

- 1. States should promote and support efforts to prosecute those responsible for torture of Armenians captured by Azerbaijani state forces through appropriate international fora, including but not limited to the International Criminal Court and the International Court of Justice.
- 2. States should promote and support a UN Human Rights Council fact-finding mission to investigate torture of Armenians by Azerbaijani state forces.
- 3. Independent human rights monitoring mechanisms, such as the UN Special Rapporteur on Torture or a Human Rights Council mandated fact-finding mission, should discuss the allegations documented in this and other reports, conduct a country visit to Azerbaijan to inspect detention centers, including sites of secret detention, and visit Armenia to collect testimonies from returned prisoners of war.
- 4. Similarly, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) should visit detention centers in

Azerbaijan, insisting on access to secret detention sites, as well as conduct interviews with returned Armenian prisoners of war.

5. The Committee of Ministers of the Council of Europe should monitor and report on Azerbaijan's progress in implementing interim measures indicated by the European Court of Human Rights in September 2023, specifically with regard to refraining from actions that could constitute a violation of the prohibition on torture.

To Azerbaijan:

- 1. Investigate without delay all allegations of arbitrary detention, torture and illtreatment of detainees in Azerbaijan's custody, and hold those responsible to account.
- 2. Engage openly and constructively with the international community in carrying out investigations of torture.

To Armenia:

1. Take the long-term mental health impacts of prolonged detention and torture seriously, and provide accommodations and mental health resources (for example, regular visits with psychologists and support groups) to returned prisoners of war.