

# WE ARE NO ONE

How Impunity for Three  
Years of Atrocities is Erasing  
Nagorno-Karabakh's Armenians



UNIVERSITY  
NETWORK  
FOR HUMAN  
RIGHTS

*Cover image: The view from Kornidzor, the last village in Armenia before the Lachin Corridor. Between September 2020 and October 2023, over 150,000 people fled Nagorno-Karabakh to escape slaughter and subjugation by Azerbaijani forces. (September 2023)*

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December 2023

### ACKNOWLEDGEMENTS



This report was researched and written by the University Network for Human Rights in collaboration with academics, lawyers, and students from the Harvard Law School Advocates for Human Rights, Oxford University, UCLA Law School Promise Institute for Human Rights, Wesleyan University Department of Earth & Environmental Science, Wesleyan University's Intensive Undergraduate Program in Human Rights Advocacy, Yale Jackson School of Global Affairs, and Yale Lowenstein Human Rights Project. The University Network would like to thank the many institutions that provided guidance and individuals who shared their stories and expertise for the report, despite challenging and dangerous circumstances.

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# EXECUTIVE SUMMARY

In September 2023, Azerbaijani forces completed the ethnic cleansing of Nagorno-Karabakh's entire population.

A full year earlier in September 2022, the University Network for Human Rights (University Network or UNHR) issued a statement calling for the protection of vulnerable communities in Nagorno-Karabakh and Armenia. We warned,

In the absence of accountability for the violations committed during and in the aftermath of the 44-Day War in 2020, Azerbaijan, Turkey, and Russia may well allow the situation to degenerate into wholesale ethnic cleansing and slaughter of civilians in Nagorno-Karabakh, convinced that the world will shrug its shoulders and move on.<sup>1</sup>

Again, three weeks before Azerbaijan's final and decisive assault on Nagorno-Karabakh, we pleaded, "the window to prevent yet another collective failure to live up to 'never again' is closing."<sup>2</sup>

When the University Network began documenting human rights abuses following the 2020 Nagorno-Karabakh War three years ago, our initial conclusion was not about the risk of ethnic cleansing nor genocide. Instead, we began preparing a report that would demonstrate that human rights violations were ongoing despite the ceasefire agreement that ended the war in November 2020. However, events unfolded in real time as we continued to visit the region, interview victims and witnesses, analyze data, and publish statements, reports, and op-eds cataloging the abuses we had documented. By our fourth fact-finding trip in July 2023, our understanding of the situation and thus, our conclusion, had evolved. The warning signs of ethnic cleansing and genocide were too many and too clear to ignore. We and others rushed to mobilize the international

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<sup>1</sup> University Network for Human Rights, "NK Statements — University Network for Human Rights," 2022, <https://www.humanrightsnetwork.org/nk-statements>.

<sup>2</sup> University Network for Human Rights, *The Tip of the Iceberg: Understanding Azerbaijan's Blockade of the Lachin Corridor as Part of a Wider Genocidal Campaign against Ethnic Armenians* (Middletown, Connecticut, August 24, 2023), <https://humanrightsnetwork.shorthandstories.com/the-tip-of-the-iceberg-NK/>.

community, issuing a briefing paper, presenting a submission to the UN Special Adviser on the Prevention of Genocide, and conducting real-time monitoring of Azerbaijan's decisive takeover of Nagorno-Karabakh and the mass exodus of ethnic Armenians in September 2023.<sup>3</sup>

This report, *We are No One: How Impunity for Three Years of Atrocities is Erasing Nagorno-Karabakh's Armenians*, collates the findings of this multi-year research by the University Network for Human Rights, in collaboration with students, lawyers, and academics from the Harvard Law School Student Advocates for Human Rights, Oxford University, UCLA Law School Promise Institute for Human Rights, Wesleyan University Department of Earth & Environmental Science, Wesleyan University's Intensive Undergraduate Program in Human Rights Advocacy, Yale Jackson School of Global Affairs, and Yale Lowenstein Human Rights Project. In it, we make evident the scale, continuous nature, and overt genocidal character of the abuses that we and others have been documenting since the 2020 Nagorno-Karabakh War through the present day.

Our research uncovered evidence that since the November 9, 2020 ceasefire agreement, Azerbaijan has committed widespread rights abuses against ethnic Armenians within Nagorno-Karabakh and Armenia that we have divided into seven categories: arbitrary detention, torture, enforced disappearances, unlawful killings, incitement to hatred, attacks on cultural heritage, and forced displacement. Many of the violations still require investigation and accountability, even as their circumstances have been overshadowed by the events of September 2023.

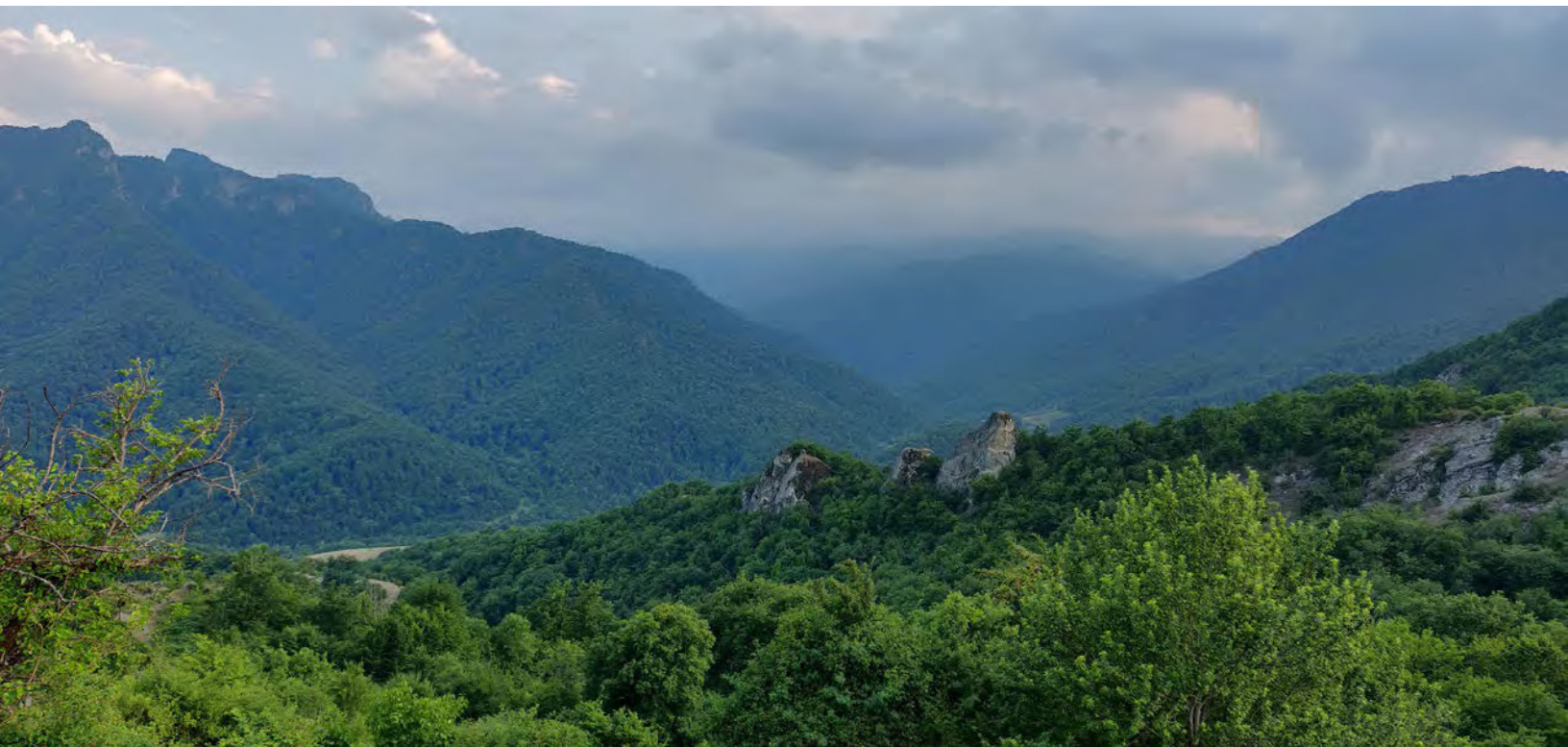
These abuses began during the 2020 Nagorno-Karabakh War, during which Azerbaijani and Armenian forces engaged in full-scale combat in and around Nagorno-Karabakh. Rights violations continued unabated after the ceasefire agreement that formally ended active combat. By the conclusion of the 2020 war, Azerbaijan had assumed control of a significant portion of Nagorno-Karabakh. Scenes from the towns that had been

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<sup>3</sup> Ibid; University Network for Human Rights, *Risk of Ethnic Cleansing and Possible Genocide in Nagorno-Karabakh* (Middletown, Connecticut, September 5, 2023), <https://bit.ly/3TgMk67>; University Network for Human Rights. 2023. University Network for Human Rights, "NKLIVE Monitor — University Network for Human Rights," 2023, <https://www.humanrightsnetwork.org/nk-live-monitor>.

overtaken foreshadowed what was to come: No Armenians remained in those areas; if they had not fled before their villages fell, Azerbaijani forces captured or executed them. Fear of a similar fate compelled virtually all ethnic Armenians to attempt to flee to Armenia as soon as the exit route through the Lachin Corridor was opened on September 24, 2023.

Our report concludes that the Azerbaijani government, at the highest levels, has condoned, encouraged, and facilitated the commission of, or directly perpetrated, the most egregious forms of violence against Armenians. Together, these abuses reveal a well-organized, comprehensive campaign to empty Nagorno-Karabakh and parts of Armenia of Armenians. Moreover, the international community, time and time again, declined to take the measures needed to hold Azerbaijan to account and to deter the abuses that ultimately led to the ethnic cleansing of the Armenians of Nagorno-Karabakh.



*Nagorno-Karabakh countryside. (2019)*



## CALLS TO ACTION

Below, and throughout the following chapters, we direct calls to action to the international community, Armenia, and, where relevant, certain private entities. While Azerbaijan has not complied with recommendations and rulings from international bodies and courts to cease violations and meet its obligations under international law, we nonetheless highlight the measures its government is legally bound to take:

1. Implement all interim measures indicated by the European Court of Human Rights and the International Court of Justice.
2. Investigate without delay all allegations of arbitrary detention, torture and ill-treatment of detainees in Azerbaijan's custody, enforced disappearance, and unlawful killings at all levels of government; and engage constructively with the international community, including international NGOs, in carrying out these investigations.
3. Cease detentions of Armenians in Nagorno-Karabakh and border areas with Nagorno-Karabakh or Armenia; and release all Armenian prisoners detained in Nagorno-Karabakh and border areas with Armenia.
4. End all secret detention and share all information in the possession of any and all state agents regarding the whereabouts and fate of Armenians who remain classified as missing.
5. Cooperate with the international community to transfer Armenians in Azerbaijani custody outside of Azerbaijan to be tried by a legitimate international or domestic court, with jurisdiction, if there is a legitimate basis to believe that they have committed war crimes or crimes against humanity.
6. Take immediate measures to prevent continued destruction of Armenian cultural heritage in Nagorno-Karabakh and the areas of Armenia close to its border with Azerbaijan, and rectify all damage that has already occurred.

7. Deter Azerbaijani officials from inciting ethnic hatred, calling for violence, and advocating discriminatory measures against Armenians, including by putting an end to state practices that perpetuate and reward discrimination and hate crimes.

## **To the international community:**

1. Deploy all available and relevant mechanisms to exert pressure on Azerbaijan to fulfill its duties as enumerated above.
2. Call for an independent investigation through the United Nations Human Rights Council into atrocity crimes perpetrated by Azerbaijani state forces against ethnic Armenians, covering the period of the 2020 Nagorno-Karabakh War through 2024.
3. Call for the UN Human Rights Council to create a Special Procedure with a mandate to investigate these violations and related continuing threats.
4. Call for the creation of a UN mission in Nagorno-Karabakh tasked with overseeing the return of ethnic Armenians to Nagorno-Karabakh, including their ability to live secure and dignified lives with full respect for all individual and collective human rights.
5. Take steps to create a robust international accountability mechanism for atrocity crimes related to the Nagorno-Karabakh conflict. This mechanism might take the form of a rigorous Truth and Reconciliation Commission (as in South Africa following the transition from apartheid to democratic rule), or an international criminal tribunal such as the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), or the Special Court for Sierra Leone.

## To Armenia:

1. Ensure that neither the process nor the outcome of peace talks with Azerbaijan undermine the human rights of the people of Nagorno-Karabakh, in particular: right to self-determination, right of return, and access to justice.
2. Explore avenues for providing Nagorno-Karabakh Armenians with a status in Armenia that provides for their security, stability, material well-being and meaningful political participation, and avoid, intentionally or inadvertently, measures that contribute to the deterioration of collective indigenous identity tied to Nagorno-Karabakh, as well as prospects for exercising the right of return.
3. Provide or ensure the provision of adequate administrative, logistical, psychological, and socio-economic support to victims of prolonged detention and torture, including accommodations and resources for mental health.
4. Provide or ensure provision of adequate administrative, logistical, psychological, and socio-economic support to family members of victims of unlawful killings, arbitrary detention, torture, and possible enforced disappearance, especially those who are elderly and/or disabled.



# BACKGROUND

On September 24, 2023, Nagorno-Karabakh was emptied of its ethnic Armenian population. The exodus of over 100,000 inhabitants was the final chapter of decades of abuse and armed conflict over the Nagorno-Karabakh enclave (often referred to as Artsakh in Armenian).

Situated between Armenia and Azerbaijan, Nagorno-Karabakh existed under Azerbaijan control from the 1920s until the disintegration of the Soviet Union. The Armenian majority of the Nagorno-Karabakh Autonomous Oblast declared independence from Azerbaijan in 1991 as an expression of national self-determination, a movement accelerated by massacres of ethnic Armenians and forced displacement from Azerbaijan. These events culminated in the first Nagorno-Karabakh War in the early 1990s.<sup>1</sup> Reporting from that time indicates that all sides committed grave violations of international human rights and humanitarian law.<sup>2</sup> Four years of warfare ended in a tentative ceasefire and de facto Armenian control of most of Nagorno-Karabakh and some surrounding regions. In the three decades of “frozen conflict” that followed the end of the first war, the minimum conditions necessary to initiate truth and reconciliation or a transitional justice process have not been in place.

On September 27, 2020, Azerbaijan launched a full-scale assault on Nagorno-Karabakh, seizing swaths of territory over the course of 44 days of fighting, as well as by the terms of the ceasefire agreement, known as the Trilateral Statement (signed by Azerbaijan, Armenia, and Russia). Azerbaijan gained total control over Nagorno-Karabakh three years later, following a nine-month siege that ended with a 24-hour blitz of the remaining Armenian-controlled territories on September 19, 2023.

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<sup>1</sup> Robert Kushen and Aryeh Neier, *Conflict in the Soviet Union: Black January in Azerbaidzhan, A Helsinki Watch/Memorial Report* (New York: Moscow: Human Rights Watch; Inter-Republic Memorial Society, 1991), pp. 5-8.

<sup>2</sup> Holly Cartner, “Response to Armenian Government Letter on the town of Khojaly, Nagorno-Karabakh,” Human Rights Watch, March 23, 1997, <https://www.hrw.org/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh>.

During the 2020 war and through the writing of this report, Azerbaijan has committed widespread rights abuses against ethnic Armenians within Nagorno-Karabakh and Armenia that we have divided into seven categories: arbitrary detention, torture, enforced disappearances, extrajudicial killings, incitement to hatred, attacks on cultural heritage, and forced displacement. There has been limited to no investigation into and accountability for these crimes.



*UNHR researchers interview parents of schoolchildren in an Armenian border village that had been attacked by Azerbaijani forces in September 2022. (March 2023)*



# METHODOLOGY

Our findings are based on over 150 interviews conducted across multiple fact-finding 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 individuals who at the time of writing resided in 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 60 firsthand interviews with forcibly displaced ethnic Armenians from Nagorno-Karabakh in Armenia.<sup>1</sup>

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<sup>1</sup> University Network for Human Rights, “NKLIVE Monitor.”

# CHAPTER 1: ARBITRARY DETENTION

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# I. Introduction

During the 2020 Nagorno-Karabakh War and since the November 9, 2020 ceasefire agreement, Azerbaijan has arbitrarily detained individuals in violation of both international humanitarian and human rights law. Hundreds of arbitrary detentions took place during active hostilities in 2020. Since the November 9, 2020 ceasefire agreement, and up until Azerbaijan's September 19, 2023 military offensive that resulted in Azerbaijan taking over the remaining territory of the de facto Nagorno-Karabakh Republic, Azerbaijan arbitrarily detained over 160 Armenians, including civilians and former soldiers. As of the date of this publication, at least 51 Armenians captured during or in the aftermath of the 44-Day War have remained in captivity.<sup>1</sup>

These numbers likely do not capture the full extent of captivity, given that at least some of the individuals who have at some point been considered missing have been forcibly disappeared by Azerbaijani state forces – that is, hidden in secret detention in military police or State Security Service (SSS) custody and subjected to brutal forms of torture. These Armenian prisoners were held in undisclosed sites and in Baku prisons while Azerbaijan denied knowledge of detainees' locations to their families, the International Committee of the Red Cross (ICRC), and the Armenian government, despite video evidence that numerous individuals were in custody (see Chapter 3: Enforced Disappearances).

Captures of Armenian soldiers have occurred in places with no ongoing hostilities, as soldiers retreated from combat zones in Nagorno-Karabakh, as well as in contested border locations. For three years following the ceasefire, Azerbaijan has seized Armenians outside the scope of regular military operations, including by detaining Armenian civilians who accidentally crossed unmarked borders in disputed territory;

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<sup>1</sup> Center for Truth and Justice, "Azerbaijan Must Release All Armenian Political Prisoners, POWs, and Hostages," November 21, 2023, <https://www.cftjustice.org/azerbaijan-must-release-all-armenian-political-prisoners-pows-and-hostages/>. On December 7, 2023, Azerbaijan announced that it would release 32 Armenian prisoners as part of a prisoner exchange with Armenia. ("Joint Statement of the Office of the Prime Minister of the Republic of Armenia and the Presidential Administration of the Republic of Azerbaijan," December 7, 2023, <https://www.primeminister.am/en/press-release/item/2023/12/07/Announcement/>.)

detaining villagers as they tended to their land and herded their livestock; and capturing Armenian soldiers in groups through entrapment. The latter has occurred after surprising or luring Armenian soldiers by feigning good-faith negotiations.

Azerbaijani forces have also subjected Armenians to grave violations of basic due process rights after detaining them, including by filing spurious charges such as illegally crossing a border in the context of a territorial dispute; using coerced self-incriminating testimony; and denying access to interpreters, adequate legal representation, and trial by an independent and impartial tribunal.

The unlawful capture and detention of members of the armed forces and civilians, before and after the November 2020 ceasefire agreement, has been widely documented by various national and international human rights groups, including Human Rights Watch, the International Crisis Group, the Office of the Human Rights Defender (Ombudsman) of the Republic of Armenia, and the Human Rights Defender (Ombudsman) of the Republic of Artsakh (Nagorno-Karabakh), among others.<sup>2</sup>

Fact-finding by the University Network for Human Rights (University Network or UNHR) contributes to this body of documentation with firsthand accounts from returned prisoners of war who were detained subsequent to the November 9, 2020 ceasefire agreement both in Nagorno-Karabakh and in the Republic of Armenia. In addition to describing the inappropriate and unpredictable nature of their initial capture, we outline the subsequent violations of due process rights. We also analyze relevant legal norms and obligations, as well as existing research and scholarship on arbitrary detentions.

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<sup>2</sup> Tanya Lokshina, “Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes,” *Open Democracy*, March 12, 2021, <https://www.opendemocracy.net/en/odr/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes/>; International Crisis Group, “The Nagorno-Karabakh Conflict: A Visual Explainer,” September 16, 2023, <https://www.crisisgroup.org/content/nagorno-karabakh-conflict-visual-explainer>; Human Rights Defender of the Republic of Artsakh, *Report on the Violations of Individual and Collective Human Rights as a Result of Azerbaijan’s Blockade of Artsakh (Nagorno-Karabakh). Six Months* (Nagorno-Karabakh, June 12, 2023), <https://artsakhombuds.am/en/document/1028>; International Committee of the Red Cross, “Nagorno-Karabakh conflict: Offering a lifeline to families of detained people,” August 24, 2021, <https://www.icrc.org/en/document/nagorno-karabakh-conflict-connecting-families-detainees>.

## II. International Legal Framework for Arbitrary Detention

Arbitrary detention is the arrest and deprivation of liberty of a person without legal authorization or judicial protections. The Office of the United Nations High Commissioner for Human Rights' (OHCHR) Working Group on Arbitrary Detention maintains that deprivation of liberty – defined as “whenever a person is being held without his or her free consent” – is an arbitrary detention when: (1) there is no legal basis for the deprivation of liberty; (2) it results from the exercise of specific rights and freedoms guaranteed by the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR); (3) it violates international norms relating to the right to a fair trial; (4) it involves subjecting migrants to prolonged custody without a possibility of review or remedy; or (5) it constitutes a violation of international law based on discrimination against protected groups. The UN Working Group further asserts that arbitrary detention generally includes “elements of inappropriateness, injustice, lack of predictability and due process of law.”<sup>3</sup>

Various international instruments prohibit arbitrary detention. The ICCPR, which Azerbaijan ratified in 1992, establishes that “no one shall be subjected to arbitrary arrest or detention” and that “no one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.”<sup>4</sup> The treaty further imposes obligations on States regarding the treatment of those detained. Article 10 of the ICCPR declares that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”<sup>5</sup> Further, Articles 9.4 and 9.5 of the ICCPR guarantee that any person subjected to

<sup>3</sup> UN Office of the High Commissioner of Human Rights, “About arbitrary detention,” <https://www.ohchr.org/en/about-arbitrary-detention>.

<sup>4</sup> UN General Assembly, International Covenant on Civil and Political Rights, art. 9, December 16, 1966, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

<sup>5</sup> ICCPR, art. 10.

arbitrary arrest or detention is entitled to proceedings before a court and entitled to compensation for their detention.<sup>6</sup>

Article 14 of the ICCPR codifies basic due process rights for detainees, ensuring that “[a]ll persons shall be equal before the courts and tribunals” and that “everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”<sup>7</sup> The treaty enshrines the fundamental guarantee that all people are innocent until proven guilty. The Basic Principles on the Role of Lawyers echoes these protections, maintaining that “all persons are entitled to call upon the assistance of a lawyer of their choice,” while both the Basic Principles on the Independence of the Judiciary and the UN Human Rights Committee, the treaty body of the ICCPR, have stated that trials must not involve threats, pressures, or interferences, including “political interference by the executive branch and legislature” as well as “any form of political influence in their decision-making.”<sup>8</sup>

## III. Key Findings

### 1. Post-Ceasefire Civilian Detentions in Nagorno-Karabakh

Azerbaijani forces have arbitrarily detained civilians in Nagorno-Karabakh after the November 10, 2020 ceasefire. In the period immediately following the ceasefire, civilian detentions have resulted largely from the ensuing confusion about the new location of de facto borders. Ethnic Armenian civilians have stumbled upon Azerbaijani forces as they traversed familiar roads that days or hours earlier had fallen under the

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<sup>6</sup> ICCPR, art. 9.

<sup>7</sup> ICCPR, art. 14.

<sup>8</sup> Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, August 27–September 7, 1990, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>; UN Human Rights Committee, General Comment No. 32, art. 14: Right to Equality before Courts and Tribunals and to a Fair Trial, para. 19, <https://www.icj.org/wp-content/uploads/2014/03/Human-Rights-Committee-General-Comments-equality-before-courts-and-tribunals-report-CCPR-C-GC-32-2007-eng.pdf>; “Basic Principles on the Independence of the Judiciary,” 1985, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>.

control of Azerbaijan's military. Azerbaijani forces have then detained the Armenians and transferred them to be tried and imprisoned in Azerbaijan.<sup>9</sup>

After the initial post-ceasefire period passed, and up until Azerbaijan's September 19, 2023 military takeover of Nagorno-Karabakh, civilian detentions have involved either entrapment at the Lachin Corridor border crossing (also referred to as the Hakari Bridge Checkpoint) or capture in agricultural or grazing lands in close proximity to the new Azerbaijani military positions. Detentions of civilians in agricultural lands near border regions are also discussed in this report's Forced Displacement chapter, specifically in relation to intimidation of border communities, attacks on livelihood, and endangerment of food security.

## Entrapment at the Hakari Bridge Checkpoint

On April 23, 2023, Azerbaijan set up a checkpoint at the Hakari Bridge, thereby blocking the Lachin Corridor, the one passage between Armenia and Nagorno-Karabakh.<sup>10</sup> Azerbaijan's president declared that the border checkpoint "should be a lesson" to Armenians.<sup>11</sup> Over the following months, Azerbaijani state forces took advantage of their oversight of the border crossing to arrest ethnic Armenians attempting to cross into Armenia on spurious accusations.

On July 29, 2023, Azerbaijani forces detained Vagif Khachatryan, a 68-year-old man from the Patara community of Nagorno-Karabakh, at the Hakari Bridge checkpoint. Khachatryan was part of an ICRC medical convoy and his detention was carried out in the presence of ICRC representatives. Azerbaijani officials seized Khachatryan's

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<sup>9</sup> Human Rights Defender of the Republic of Artsakh, *Interim report on malicious prosecution by Azerbaijan of captured Armenian servicemen and civilians* (Nagorno-Karabakh, October 2021), <https://artsakhombuds.am/ru/document/879>.

<sup>10</sup> Gabriel Gavin, "Azerbaijan installs checkpoint on road to Nagorno-Karabakh amid fatal clashes," *Politico*, April 24, 2023, <https://www.politico.eu/article/azerbaijan-installs-checkpoint-on-road-to-nagorno-karabakh-amid-fatal-clashes/>.

<sup>11</sup> Ilham Aliyev, "Ilham Aliyev met with people who returned to the city of Lachin and presented house keys to them," transcript of speech, Lachin, May 28, 2023, <https://president.az/en/articles/view/60027>.

passport and brought him to a medical office, where they subjected him to abusive interrogation. They threatened to use force against him, his daughter, and the ICRC representative if he did not comply. Azerbaijani officials then took Khachatryan away in a car to an undisclosed location. At that time, the ICRC representative who had been with Khachatryan was transported by Azerbaijani forces back to the Hakari Bridge.<sup>12</sup> Following Khachatryan's detention, Azerbaijan's Prosecutor General's Office initiated criminal proceedings against him, accusing him of involvement in what Azerbaijani officials refer to as the "Meshalinka massacre" of 1991. On November 7, 2023, an Azerbaijani court sentenced Khachatryan to a 15-year prison term.<sup>13</sup>

Approximately one month after Khachatryan's detention, Azerbaijani forces detained three young students at the Hakari Bridge border checkpoint, accusing them of disrespecting the Azerbaijani flag in a video posted on social media in 2021.<sup>14</sup> The Human Rights Defender of the Republic of Nagorno-Karabakh reported that all three students had been included in a pre-agreed list for crossing the checkpoint. An Azerbaijani court later sentenced the three students to a ten-day jail term.<sup>15</sup>

According to a range of sources, including representatives of the ICRC, and consistent with University Network researchers' experience entering Nagorno-Karabakh in March 2022, since the end of the 2020 Nagorno-Karabakh War, Azerbaijani authorities have reviewed and approved lists of the names of individuals who seek to enter and exit Nagorno-Karabakh from Armenia via the Lachin Corridor. This practice was in place

<sup>12</sup> Human Rights Defender of the Republic of Artsakh (@ArtsakhOmbuds), "Facts collected by the Ombudsman's Office about the kidnapping of Vagif Khachatryan by Azerbaijan," Twitter, July 29, 2023, <https://twitter.com/ArtsakhOmbuds/status/1685367128080203777>.

<sup>13</sup> "Internationally wanted fugitive of Meshali massacre detained," Prosecutor General's Office of the Republic of Azerbaijan, July 29, 2023, <https://genprosecutor.gov.az/az/post/6619>; "Armenian criminal Vagif Khachatryan was sentenced to 15 years in prison," APA, November 7, 2023, <https://en.apa.az/incident/armenian-criminal-vagif-khachatryan-was-sentenced-to-15-years-in-prison-updated-5-video-415746>.

<sup>14</sup> "The Prosecutor General has launched a criminal case regarding the fact that Armenian football players committed offensive actions against the national flag of the Republic of Azerbaijan," Prosecutor General's Office of the Republic of Azerbaijan, December 14, 2021, <https://genprosecutor.gov.az/az/post/4644>.

<sup>15</sup> "Azerbaijani Media Report Arrest of Three Armenians in Lachin Corridor," *Armenpress*, August 28, 2023, <https://armenpress.am/eng/news/1118234.html>; Prosecutor General's Office of the Republic of Azerbaijan, "Armenian football players detained at the Lachin border post have been arrested." Facebook, August 28, 2023, <https://www.facebook.com/prokurorluq/posts/information-of-the-press-service-of-the-prosecutor-generals-office-of-the-republ/709134777919270/>.

even before the installation of the checkpoint at the Hakari Bridge. Azerbaijani border officials were thus not only aware of, but knowingly facilitated, the arrival of Khachatryan and a month later, the three students, at the Hakari Bridge checkpoint, where they subsequently detained them and charged them with crimes in Azerbaijan.

## Capture of Civilians Conducting Agricultural Work

Attacks on civilians conducting agricultural work in border regions of Nagorno-Karabakh and Armenia have become increasingly commonplace since the 2020 Nagorno-Karabakh War, largely due to the proximity of Azerbaijani positions to Armenian residential areas whose local economies and subsistence depend heavily on agriculture and livestock. The examples below are meant to illustrate this phenomenon, but do not even approach demonstrating its scale.

On July 19, 2021, in the village of Tegh in the Syunik region of Armenia, a man crossed the invisible demarcation line into an area under the control of Azerbaijan's armed forces with his tractor. After the man returned to his own land, Azerbaijani soldiers entered Armenian territory and detained the man and seized his tractor. The commander of the Russian forces stationed in the area, the commander of the army corps of the Armed Forces of Armenia, and representatives of Azerbaijan engaged in five hours of negotiations to have the man and his equipment returned.<sup>16</sup> A similar incident was reported to the Human Rights Defender of the Republic of Nagorno-Karabakh on July 22, 2021: a resident of the Aygestan village of the Askeran district lost his way in the area of the Khramort municipality and crossed into an area controlled by Azerbaijan. After hours of mediation by the Russian forces, Azerbaijani officials eventually released him.<sup>17</sup>

<sup>16</sup> Susan Badalyan, "A tractor driver from the village of Tegh "violated" the border by 10 meters and caused 5-hour trilateral negotiations," Радио Азатутюн [Azatutyun Radio], July 19, 2021, <https://rus.azatutyun.am/a/31367199.html>.

<sup>17</sup> "Artsakh's citizen who was lost and entered the territory under Azerbaijani control has been returned," Armenpress, July 22, 2021, <https://armenpress.am/eng/news/1058864/>.

That same month, the staff of the Human Rights Defender of the Republic of Nagorno-Karabakh received an alert regarding the arbitrary detention of Artak, a 32-year-old resident of the Machkalashen community in the Martuni Region of Nagorno-Karabakh. The cattleman was captured by Azerbaijani soldiers after he apparently crossed inadvertently into territory under Azerbaijani control while searching for a lost cow. The municipal authorities appealed to the Russian forces to have the man returned safely. Following significant mediation, Azerbaijan eventually released the man.<sup>18</sup> Four months later, in the Martuni region of Nagorno-Karabakh, local authorities reported that a 21-year-old Armenian lost his way and found himself in Azerbaijani-controlled territory. His release three days later seemed to result from negotiations conducted with Russian forces.<sup>19</sup>

Again, the examples above are only illustrative of what appears to have become an extremely common practice since 2021. We present additional firsthand accounts of intimidation of civilians in agricultural and grazing lands in Chapter 7: Forced Displacement.

## 2. Capture of Armenian Soldiers after the Ceasefire

Since the November 9, 2020 ceasefire agreement, Azerbaijani forces have captured Armenian soldiers in groups through entrapment. On at least two occasions documented by University Network researchers, these group arrests took place by surprising or luring in Armenian soldiers by feigning good-faith negotiations.

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<sup>18</sup> Gegham Stepanyan, "The Human Rights Defender's staff received an alert regarding the arrest of one of the residents of Machkalashen community of Martunu region," Facebook, July 26, 2021, <https://www.facebook.com/gegham.stepanian/posts/3904332026362849>.

<sup>19</sup> "Release," Ministry of Defense of the Republic of Armenia, November 26, 2023, <https://mil.am/en/news/10146>; "The National Security Service of the Republic of Artsakh is Taking Measures to Return the Artsakh Citizen Who Appeared under the Control of the Armed Forces of Azerbaijan as a Result of Going Astray," Republic of Artsakh National Security Service, accessed December 2023, <http://www.nssartsakh.am/hy/news/arcaxi-hanrapetutyanyan-azgayin-anvtangutyanyan-carayutyun-mijocner-e-jernarkum-molorvelu-ardiyunkum-adrbejani-zinvac-uzeri-verahskogutyanyan-tak-haytnvac-arcaxcun-veradarjnelu-uggutyamb>.

Armenian human rights lawyer Siranush Sahakyan told our research team that, during active hostilities, “the logic was to terrify the Armenian side through extrajudicial killings. The strategy changed during peacetime.”<sup>20</sup> Indeed, the University Network’s independent collection and review of data on arbitrary detentions during and after the 2020 Nagorno-Karabakh War indicate that most of the individuals captured by Azerbaijani forces during active hostilities were killed, while many of those captured after the November 10, 2020 ceasefire were taken captive. Those in the latter category either remain imprisoned in Azerbaijan or were eventually sent back to Armenia.

One theory behind the shift in the *modus operandi* with regard to the capture of Armenians is that after the cessation of active combat, Azerbaijan sought to amass

Armenian hostages to use as leverage in international affairs, including border demarcation negotiations with Armenia; as Azerbaijani human rights activist Arif Yunusov observed in a phone interview with UNHR, the Azerbaijani government’s strategy at some point after the November ceasefire became dominated by the use of Armenian captives as “business opportunities” to advance Azerbaijani President Ilham Aliyev’s political goals.<sup>21</sup> In a similar vein, Armenian authorities have accused Azerbaijan of using Armenian prisoners of war (POWs) as “bargaining chips.”<sup>22</sup>



*A former prisoner of war in Gyumri, Armenia with his mother in March 2022.*

<sup>20</sup> Siranoush Sahakyan, interview with UNHR, Yerevan, March 2023.

<sup>21</sup> Arif Yunusov, phone interview with UNHR, February 14, 2023.

<sup>22</sup> Ani Mejlumyan, “A year after war, Armenian prisoners still bargaining chips in Azerbaijan,” *Eurasianet*, December 10, 2021, <https://eurasianet.org/a-year-after-war-armenian-prisoners-still-bargaining-chips-in-azerbaijan>.

Firsthand accounts of the moment of capture are consistent with these analyses. At least two incidents of post-ceasefire mass arrests include an element of deception on the part of Azerbaijani forces to lure Armenians who surrendered into circumstances that ultimately facilitated their capture and transfer to Baku, where most were charged and tried for criminal offenses.

## Entrapment at Khtsaberd

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, nearly one month after the signing of the ceasefire agreement. Armenians commonly refer to the group of 62 soldiers captured there as the "Khtsaberd group."

The lawyers representing members of the Khtsaberd group explained to the University Network that, despite promises from Azerbaijani authorities that the captured Armenian troops would be released immediately, all but 20 of the soldiers remained in captivity for months or years. Azerbaijan brought criminal charges against the remaining 42 soldiers in February 2021, followed by convictions in July and August 2021, with sentences ranging from six months to 20 years in prison.<sup>23</sup>

Some of those convicted have been repatriated to Armenia. Of those sentenced to six months, 15 were released to Armenia in June and July of 2021. Five more were reportedly repatriated to Armenia on October 19, 2021. As mentioned above, the release of an additional 32 prisoners was announced on December 7, 2023. It is unclear at the time of writing how many of them, if any, are from the Khtsaberd group. According to the most recent report from an Armenian organization closely tracking the situation of Armenian prisoners in Azerbaijan, until that exchange takes place, at least 51 Armenians remain in detention in Baku.<sup>24</sup>

<sup>23</sup> Sahakyan, interview, 2023.

<sup>24</sup> Center for Truth and Justice, "Azerbaijan Must Release All Armenian Political Prisoners, POWs, and Hostages," November 21, 2023, <https://www.cftjustice.org/azerbaijan-must-release-all-armenian-political-prisoners-pows-and-hostages/>.

Matevos, one of the soldiers from the Khtsaber group who was ultimately repatriated, described to University Network researchers the events that led to the group's capture.<sup>25</sup>

On December 13, we received the command to retreat and return home. I was told to guide the group on foot to a specific location where vehicles would be waiting to transport us. While we made the trek, around 11 o'clock that night, Azerbaijani troops unexpectedly surrounded us. I had realized earlier that they were nearby but I didn't know they were so close.<sup>26</sup>

Matevos explained that his group negotiated with the Azerbaijani soldiers over the course of an hour while the Armenian and Azerbaijan troops stood across from each other at a crossroads. The Armenians decided to believe the Azerbaijani soldiers' assurances that they would escort the group to the Russian forces, and so they agreed to the Azerbaijani soldiers' conditions: handing over their weapons and personal belongings.

The soldiers offered to escort us to a village where they claimed Russian peacekeepers were waiting for us. So I began negotiating with the soldiers who assured me that peacekeepers had just left with another group of Armenian soldiers from another position and were 20 minutes away. The soldiers, whose uniforms indicated they were members of the Azerbaijani Special Forces, said they would let us go 'this time,' but they commanded us to never return to Nagorno-Karabakh as 'it is Azerbaijani territory.' Then they tied up our hands and escorted us to a fire where we remained for two to three hours. After they began filming us, 'as souvenirs,' they said, and guiding us to secondary locations, we realized that they were not taking us home.<sup>27</sup>

Matevos was among 36 Armenian soldiers from the Khtsaber Group who were sentenced to six years of imprisonment.<sup>28</sup> Azerbaijan offered no explanation for Matevos' sudden release 10 months after his initial capture.

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<sup>25</sup> Name has been changed for privacy and security reasons.

<sup>26</sup> Matevos, interview with UNHR, Gyumri, March 2022.

<sup>27</sup> Ibid.

<sup>28</sup> Human Rights Defender of the Republic of Artsakh, *Interim report on malicious prosecution by Azerbaijan of captured Armenian servicemen and civilians*.

## Entrapment at Ishkhanasar

University Network researchers also spoke with Hagop,<sup>29</sup> a returned Armenian POW, on the eve of his redeployment. Hagop was released to Armenia six weeks after his capture on November 16, 2021 – one year and seven days after the signing of the ceasefire agreement.

On November 14, 2021, Hagop observed Azerbaijani troops gathering artillery from his unit's elevated position in Ishkhanasar, a mountain in the southern part of Armenia. He recalled seeing Azerbaijani soldiers take over other Armenian positions nearby. Eventually, the Azerbaijani forces surrounded his group. They displayed maps delineating borders and accused the Armenians of settling 40 meters within Azerbaijani territory. Hagop recalled, "There were about 13 of us. Our commanders told us not to leave without their permission. We stayed for two days, waiting for the Russian peacekeeping forces to arrive and escort us home, but the Azerbaijani troops refused to allow any Armenians, Russians, or food delivery services to approach."<sup>30</sup>

Finally, on November 16, 2021, around 1:00 p.m., Hagop saw about 30 members of the Azerbaijan Special Forces approach their group while saying in Russian, "Don't shoot, we're here to negotiate."<sup>31</sup> The Special Forces alerted the Armenians that an Azerbaijani officer wished to speak to the group. Together, the 13 Armenian soldiers agreed to descend from their position to approach the officer. "We were first taken to a post containing about 60 Azerbaijani soldiers who claimed that the commander was actually located at a second position. They asked some Armenian soldiers to remain at the first post while a few continued on to the second. This is when we realized we were being captured."<sup>32</sup> Hagop was among at least 30 Armenian troops who were taken

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<sup>29</sup> Name has been changed for privacy and security reasons.

<sup>30</sup> Hagop, interview with UNHR, Armenia, March 17, 2022.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

captive by Azerbaijani forces in the southern Syunik region between November 14 and 16, 2021.<sup>33</sup> Hagop remained in captivity until December 29, 2022.

## Detentions during September 2022 Attacks on Armenia

Arbitrary detentions continued during Azerbaijan's September 2022 attacks on eastern Armenia. In Jermuk, 19-year-old Edgar<sup>34</sup> and three other conscripts lost contact with their unit hours earlier. They then spent the night wading through streams and dodging sniper fire, trying to make their way back to Jermuk city. In the early morning, they were already far from the frontlines, deep within Armenian territory, so they decided to rest before the final leg of their trek, especially because one of them was seriously injured. They awoke to find that Azerbaijani troops had encircled them at gunpoint. "I couldn't imagine in my worst nightmares that the enemy had reached those places. We thought we were safe."<sup>35</sup> We recount the next phase of Edgar's story in Chapter 2: Torture.

Around the same time, 128 kilometers away, Azerbaijani forces captured at least nine Armenian soldiers in the area of Sev Lake, in the Iskhanasar Massif where Hagop had been captured nearly two years prior. Azerbaijanis posted a video of their execution of the captives, lined up next to each other on their knees, while one of the Azerbaijani soldiers gunned them down.<sup>36</sup> This incident is discussed in greater detail in Chapter 4: Unlawful Killings and Mutilation of the Deceased. Separately, Armenian officials reported that Azerbaijani forces had taken a total of 20 prisoners during that same time period.<sup>37</sup>

<sup>33</sup> EVN Report, "2021: The Post-War Year," January 2, 2022, <https://evnreport.com/politics/2021-the-post-war-year/>.

<sup>34</sup> Name has been changed for privacy and security reasons.

<sup>35</sup> Edgar, interview with UNHR, Armenia, March 23, 2023.

<sup>36</sup> Carlos Gonzales, "An Execution Near Sev Lake," *Bellingcat*, October 20, 2022, <https://www.bellingcat.com/news/2022/10/20/an-execution-near-sev-lake-armenia-azerbaijan/>.

<sup>37</sup> The Prime Minister of the Republic of Armenia. Statement of the Security Council of the Republic of Armenia, September 19, 2022. [https://www.primeminister.am/en/press-release/item/2022/09/19/Nikol-Pashinyan-Security-Council-Announcement/?fbclid=IwAR26y3DpA\\_7inKgcjQ1JTmPJYL9YVR3wq7\\_YrJ0S2OYBpjsCrdWJUyS4wN4](https://www.primeminister.am/en/press-release/item/2022/09/19/Nikol-Pashinyan-Security-Council-Announcement/?fbclid=IwAR26y3DpA_7inKgcjQ1JTmPJYL9YVR3wq7_YrJ0S2OYBpjsCrdWJUyS4wN4).

The circumstances and motives underlying the capture and subsequent detentions of Armenian civilians and soldiers, whether in Nagorno-Karabakh or Armenia, whether days or years after the conclusion of the 2020 war, and whether the captives were ultimately released to Armenia or are still in Azerbaijani custody, warrant serious investigation. This possibility should be of grave concern to the international community: that Azerbaijani state forces have been arbitrarily detaining Armenian civilians to intimidate border communities into fleeing and have been capturing Armenian troops to use as leverage in bilateral and international negotiations.

### **3. Violations of Due Process**

Azerbaijani forces have subjected Armenians to due process violations after detaining them, including spurious charges such as illegally crossing a border in the context of a territorial dispute; use of coerced self-incriminating testimony; and lack of access to interpreters, adequate legal representation, and trial by an independent and impartial tribunal.

Despite Azerbaijan's continued arbitrary detention of Armenian soldiers captured after the ceasefire, Azerbaijan has officially denied prisoner of war status to Armenian detainees. The Ministry of Foreign Affairs of Azerbaijan published the following statement in 2021 justifying its decision:

The Government of Armenia has attempted to confuse the context in which arrests have been made. Following the end of the conflict, marked by the signing of the Trilateral Statement of 10 November 2020, anyone detained in Azerbaijan cannot be considered POWs. Those sent by Armenia to the territory of Azerbaijan with the aim of engaging in sabotage and terrorist activities in the period after the signing of the mentioned Trilateral Statement, are not and cannot be considered as POWs in accordance with international humanitarian law and are liable under the criminal law of the Republic of Azerbaijan. Detainees are being treated in accordance with international human rights law, and Azerbaijani law upholding their rights. To

reiterate, Azerbaijan has returned all detainees classified as POWs.<sup>38</sup>

In interviews with returned detainees and their lawyers, and upon thorough review of reports published by the Human Rights Defender of Nagorno-Karabakh and the Human Rights Defender of Armenia, University Network researchers found that, within the same group of detainees, some have been charged as terrorists and others were immediately returned to Armenia without any charges. Moreover, among those charged, some have been held until trial, while others have been returned before their case went to trial. Furthermore, some of those convicted have even been sent back to Armenia. Thus, not only the detentions themselves, but also the criminal proceedings accompanying them, have proven arbitrary with respect to Azerbaijan's application of the law.

The Human Rights Defender of the Republic of Nagorno-Karabakh qualifies these trials as "illegal prosecutions" because the victims were captured "during active hostilities and after the ceasefire."<sup>39</sup> The Human Rights Defender's report also describes how captives have been subjected to threats, manipulation and mistreatment or torture, including beatings and deprivation of food and water, to pressure them to provide false confessions or to sign documents they did not understand. (The documents were written in Azeri, and Azerbaijani officials did not provide the Armenian captives with translators or translations of the documents.)<sup>40</sup>

Along similar lines, Armenian human rights lawyer Sahakyan, who represents a number of Armenian detainees, has argued that "a charge of illegal border crossing is absurd in the context of a territorial dispute,"<sup>41</sup> and explained to UNHR why they consider these to be sham trials:

<sup>38</sup> "No:102/21, Commentary by the Press Service Department of the MFA of the Republic of Azerbaijan on the alleged cases of mistreatment with Armenian POWs as reported by Human Rights Watch," The Ministry of Foreign Affairs of the Republic of Azerbaijan, accessed December 2023, <https://mfa.gov.az/en/news/no10221-commentary-by-the-press-service-department-of-the-mfa-of-the-republic-of-azerbaijan-on-the-alleged-cases-of-mistreatment-with-armenian-pows-as-reported-by-human-rights-watch>.

<sup>39</sup> Human Rights Defender of the Republic of Artsakh, *Interim report on malicious prosecution by Azerbaijan of captured Armenian servicemen and civilians*.

<sup>40</sup> Ibid.

<sup>41</sup> Siranoush Sahakyan, interview with UNHR, Yerevan, March 2022.

A public political declaration preceded the proceedings, because of the discriminatory and arbitrary approach in convictions, because a charge of ‘illegal border crossing’ is absurd in the context of a territorial dispute (using the criteria of quality of law and predictability, and taking into consideration that these soldiers faced criminal liability for refusing orders). In addition, there is the matter of the court proceedings themselves: the Azerbaijani judges are not impartial . . . [Sahakyan cites prior European Court of Human Rights rulings and describes how crimes against Armenians are treated as heroism in Azerbaijan] . . . , and Armenians are not allowed to have their own lawyers.<sup>42</sup>

Indeed, the Azerbaijani human rights organization Institute for Peace and Democracy (IPD), which has observed these trials, has published extensive analyses of the violations of due process involved. For example, regarding the trials held on July 2, 2021 of the groups of Armenian soldiers captured in December 2020, IPD concluded that “the court’s verdict stated that the trial was held openly, but in reality, the court effectively deprived the defendants of their right to a public trial and the journalists wishing to cover the trial objectively of their right to obtain and share any kind of information.” Additionally, because the “defendants’ guilt was not proven” and there was no “clear and sufficient evidentiary [sic] basis, the defendants’ right to liberty was violated.”<sup>43</sup>

In IPD’s analysis of the trial of an Armenian captured near Shushi (Shusha) in November 2020, just days after the signing of the ceasefire, the organization also wrote:

Despite the fact that there has been a conflict between the two countries, Azerbaijan and Armenia, for many years, the investigation of such criminal cases requires particular attentiveness, objectivity and respect for the principle of equality of all before the law and court. As a rule, the judges in Azerbaijan are not characterized by any of these qualities. Over the years, the judges have been handling sensitive cases ‘with no objectivity and no sense of justice. This trial was no exception. . . . A number of constitutional rights, the norms of substantive and procedural legislation, the basic principles of criminal law, as well as the Norms of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court of Human Rights were violated in relation to the accused.<sup>44</sup>

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<sup>42</sup> Ibid.

<sup>43</sup> Institute for Peace and Democracy, “The Trials of Armenian Prisoners of War are Held Behind Closed Doors,” July 2, 2021, <https://www.ipd-az.org/the-trials-over-the-armenian-prisoners-of-war-are-held-behind-closed-doors/>.

<sup>44</sup> Institute for Peace and Democracy, “The Court Violated Both the Norms of Azerbaijani Legislation as well as Those of the International Law in Relation to the Armenian Prisoner of War,” June 14, 2021, <https://www.ipd-az.org/the-court-violated-both-the-norms/>.

Yunusov, who serves as chief of the Conflictology and Migration Department of IPD, described to the University Network how Armenian detainees had the cards stacked against them from the moment they were captured. “We know that these are very dangerous topics [in Azerbaijan] – Armenia, the Karabakh War. It’s very complicated to defend Armenians. If you’re an Armenian, you aren’t a POW, you’re a terrorist. That’s it.”<sup>45</sup>

The accounts shared with University Network researchers by lawyers representing Armenian detainees corroborate IPD’s observations. Sahakyan recounted how her team requested but was denied access to its clients because Azerbaijan’s Public Defender’s Office offered Armenian captives representation. Sahakyan’s team’s clients were forced to provide self-incriminating testimony through various means (see Chapter 2: Torture) and contact was sparse due to the absence of a secure medium of communication between the captives and their lawyers.

Beyond systemic bias against Armenians, international institutions have expressed serious concerns with the independence of Azerbaijan’s judiciary more generally. According to Freedom House’s Freedom in the World 2022 Report, in Azerbaijan “constitutional guarantees of due process are not upheld. Arbitrary arrest and detention are common, and detainees are often held for long periods before trial.”<sup>46</sup> These concerns are not recent. In 2017, the Council of Europe had called upon the Azerbaijani government “to pursue the reforms of the judiciary and the prosecution service to strengthen their independence and restore confidence in the justice system.”<sup>47</sup> Thus, deep-seated anti-Armenian sentiment combined with severe shortcomings in Azerbaijan’s judicial system led Armenian captives in Azerbaijani custody to suffer rampant due process violations.

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<sup>45</sup> Yunusov, interview.

<sup>46</sup> “Azerbaijan: Freedom in the World 2022 Country Report,” Freedom House, 2022, <https://freedomhouse.org/country/azerbaijan/freedom-world/2022>.

<sup>47</sup> Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), *The functioning of democratic institutions in Azerbaijan* (September 25, 2017), [https://www.ecoi.net/en/file/local/1410091/1226\\_1506433011\\_the-functioning-of-democratic-institutions-in-azerbaijan.pdf](https://www.ecoi.net/en/file/local/1410091/1226_1506433011_the-functioning-of-democratic-institutions-in-azerbaijan.pdf).

## IV. Conclusion and Calls to Action

After the formal conclusion of the 2020 Nagorno-Karabakh War, Azerbaijan has continued to arbitrarily detain Armenians from both Armenia and Nagorno-Karabakh – over 160 individuals at the time of writing, according to UNHR's count using media and official reports. Azerbaijan has seized Armenian civilians and soldiers outside the scope of regular military operations, including by detaining civilians who accidentally crossed unmarked borders in disputed territory; by detaining villagers as they tended to their land and herded their livestock; and by capturing Armenian soldiers in groups through entrapment, after surprising or luring them in by feigning good-faith negotiations. Azerbaijani forces also have subjected Armenians to due process violations after detaining them, including by leveling spurious charges such as illegally crossing a border in the context of a territorial dispute; using coerced self-incriminating testimony; and denying access to interpreters, adequate legal representation, and trial by an independent and impartial tribunal.

There are likely many more experiences of captivity that have not been documented. It is impossible for many victims of arbitrary detention to share their stories, in particular those captives who were subsequently victims of extrajudicial killing, those who still remain in detention with little to no access to the outside world, and those who have been forcibly disappeared.

### **To the international community:**

1. NGOs, intergovernmental institutions, and individual states should send delegations to Baku to monitor and report on the trials of Armenians, specifically with regard to the independence of judges and lawyers and respect for due process rights. Pay special attention to signs of coerced self-incriminating testimony, denial of access to interpreters, denial of adequate legal representation, and denial of trial by an independent and impartial tribunal.

2. States should promote and support a UN Human Rights Council fact-finding mission to investigate arbitrary detention of Armenians by Azerbaijani state forces.
3. Independent human rights monitoring mechanisms, such as the UN Working Group on Arbitrary Detention or other UN mandated fact-finding mission, should conduct an independent investigation into allegations of arbitrary detention, including by conducting a country visit to Azerbaijan and interviewing former prisoners of war in Armenia.

## **To Azerbaijan:**

1. Cease detentions of Armenians in Nagorno-Karabakh and border areas with Nagorno-Karabakh or Armenia.
2. Release all Armenian prisoners detained in Nagorno-Karabakh and border areas with Armenia. If there is a legitimate basis to believe that Armenians have committed war crimes or crimes against humanity, try them before an authorized international or domestic court, with jurisdiction, outside of Azerbaijan.
3. End all secret detention and share all information in the possession of any and all state agents regarding the whereabouts and fate of Armenians who remain classified as “missing.”
4. Investigate without delay all allegations of arbitrary detention and hold those responsible to account. Engage openly and constructively with the international community in carrying out these investigations.

## 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.
2. Ensure the provision of adequate administrative, logistical, psychological and socio-economic support to family members of victims of arbitrary detention, especially those who are elderly, ill and/or disabled.

# CHAPTER 2: TORTURE

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"I'm going back to my unit, but I won't get captured ever again. I will fight or blow myself up before I get captured again."

- Hagop,<sup>1</sup> former POW captured in Ishkhanasar, Syunik Province of Armenia, in November 2021.<sup>2</sup>

## I. Introduction

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.

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 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.

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<sup>1</sup> Name has been changed for security and privacy reasons.

<sup>2</sup> Hagop, interview with UNHR, Armenia, March 17, 2022.

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. 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.

## **II. 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,"<sup>3</sup> 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, non-exhaustively 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.<sup>4</sup> 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.<sup>5</sup> In addition, Human Rights 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.<sup>6</sup> Moreover, after analysis of the mistreatment

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<sup>3</sup> Human Rights Defender of the Republic of Armenia, *Ad Hoc Public Report Responsibility of Azerbaijan for Torture and Inhuman Treatment of Armenian Captives: Evidence-Based Analysis (the 2020 Nagorno-Karabakh War)* (Yerevan, September 2021), <https://www.ombuds.am/images/files/8f33e8ccaac978faac7f4cf10442f835.pdf>.

<sup>4</sup> Amnesty International, "Armenia/Azerbaijan: Decapitation and war crimes in gruesome videos must be urgently investigated," December 10, 2020, <https://www.amnesty.org/en/latest/press-release/2020/12/armenia-azerbaijan-decapitation-and-war-crimes-in-gruesome-videos-must-be-urgently-investigated/>.

<sup>5</sup> Tanya Lokshina, "Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes," *Open Democracy*, March 12, 2021, <https://www.opendemocracy.net/en/odr/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes/>.

<sup>6</sup> Human Rights Watch, "Azerbaijan: Armenian POWs Abused in Custody," March 19, 2021, <https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>.

of Armenian prisoners in videos widely disseminated on social media, HRW cautioned that “Armenian POWs still in Azerbaijani custody are at risk of further abuse.”<sup>7</sup>

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.<sup>8</sup> 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, access to food, and contact with the outside world.<sup>9</sup>

Immediately following the ceasefire, the Center for Truth and Justice (CFTJ) 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.<sup>10</sup> At least two detainees died in Azerbaijani captivity; one of them, based on the evidence, was most likely the victim of extrajudicial execution (see Chapter 4: Unlawful Killings and Mutilation of the Deceased). Country reports by the U.S. Department of State in

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<sup>7</sup> Ibid.

<sup>8</sup> 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.

<sup>9</sup> Ibid., 111–13.

<sup>10</sup> Center for Truth and Justice, *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* (Los Angeles, California, September 2021), <https://www.cftjustice.org/wp-content/uploads/2022/07/White-Paper-On-Azerbaijani-Torture-of-Armenian.pdf>.

2021 and 2022 also recorded credible accounts of torture, cruel, inhuman, or degrading treatment, and life-threatening prison conditions in Azerbaijani custody.<sup>11</sup>

The European Court of Human Rights (ECHR) 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.<sup>12</sup> 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.”<sup>13</sup>

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.

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<sup>11</sup> U.S. Department of State, Bureau Of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Azerbaijan*, accessed December 2023, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/azerbaijan/>; U.S. Department of State, Bureau Of Democracy, Human Rights, and Labor, *2022 Country Reports on Human Rights Practices: Azerbaijan*, accessed December 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/azerbaijan/>.

<sup>12</sup> Parliamentary Assembly of Europe, “Res. 2391 - Resolution - Adopted text,” 2021, <https://pace.coe.int/en/files/29483/html>.

<sup>13</sup> 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: [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).

### III. International Legal Framework for Torture

Torture is the intentional infliction of severe mental or physical pain or suffering on a person to extract a confession or information, punish individuals, or intimidate people.<sup>14</sup> Under international law, Azerbaijan is obligated to prevent and investigate any occurrence of torture. The prohibition on torture is enshrined in various international instruments and treaties. Article 5 of the Universal Declaration of Human Rights (UDHR) states, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”<sup>15</sup> The prohibition of torture and other forms of ill-treatment has a special status in international law in that it is recognized as *jus cogens*, and thus overrides any inconsistent provision in another treaty or customary law.

Other treaties to which Azerbaijan is bound provide additional obligations on the State. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) states, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Furthermore, Article 10 of the ICCPR establishes that prisoners may not be tortured: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”<sup>16</sup> Additionally, as interpreted by the United Nations Human Rights Council, the deprivation of food, water, and medical care to coerce a confession may constitute torture.<sup>17</sup>

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<sup>14</sup> UN General Assembly, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 1, December 10, 1984, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> [hereinafter CAT].

<sup>15</sup> UN General Assembly, The Universal Declaration of Human Rights, art. 5, December 10, 1948, United Nations, available at: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english> [hereinafter UDHR].

<sup>16</sup> UN General Assembly, International Covenant on Civil and Political Rights, art. 9, December 16, 1966, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

<sup>17</sup> UNHRC, Communication No. 1209, 1231/2003 and 1241/2004, Resolutions and Decisions, UN Doc CCPR/C/92/D/1209,1231/2003&1241/2004, available at: <https://digitallibrary.un.org/record/626511?ln=en>.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter the Convention Against Torture or CAT), ratified by Azerbaijan in 1996, establishes further obligations. The CAT requires a State to take effective legislative, judicial and other measures to prevent torture, and it explicitly states that this obligation is non-derogable: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>18</sup> Additionally, it imparts an obligation on State Parties to carry out “prompt and impartial” investigations into torture carried out under its jurisdiction.<sup>19</sup> Azerbaijan is further bound by the Optional Protocol of the Convention against Torture, which it ratified in 2009, requiring the country to allow visits by monitoring bodies to any location where persons are deprived of their liberty.<sup>20</sup> It is worth noting that the laws of war (codified most clearly in the four Geneva Conventions of 1949) prohibit outrages upon human dignity in Common Article 3, understood to absolutely bar torture and cruel treatment.<sup>21</sup>

## 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 after the ceasefire agreement, during what should have been a period of relative peace according to the terms of the November 9, 2020 trilateral statement.

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<sup>18</sup> CAT, art. 10.

<sup>19</sup> CAT, art. 12.

<sup>20</sup> UN General Assembly, Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, art. 1, December 18, 2002, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>.

<sup>21</sup> “[The] following acts are and shall remain prohibited at any time and in any place whatsoever . . . outrages upon personal dignity, in particular humiliating and degrading treatment.” (International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Treatment of Prisoners of War (*Third Geneva Convention*), August 12, 1949, 75 UNTS 135, Common Article 3.)

The treatment of captives interviewed by UNHR varied across the different locations or stages of captivity, tending 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 Chapter 1: Arbitrary Detention.
- **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 Custody:** This phase involves Azerbaijani forces' short-term detention of Armenian prisoners at holding cells or military police stations for one to five days. Azerbaijani officials interrogate and torture prisoners at these sites.
- **SSS (KGB) Custody:** This phase involves Azerbaijani forces' interrogating and torturing Armenian prisoners in Azerbaijani State Security Service (SSS, previously KGB) facilities. Detention at these sites has tended to last longer and involve a harsher degree of torture than in other locations.
- **Prison:** The final phase of detention is the site of indefinite imprisonment 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 hardly guaranteed.

Across these stages, those Armenian 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 chapter 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 and attempt to identify and describe which sectors of the Azerbaijani government were responsible at each stage. We also discuss implications for the protection of prisoners who still remain in Azerbaijan as well as for those who are considered missing in action.

## 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 Areg<sup>22</sup> 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

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<sup>22</sup> Name has been changed due to privacy and security concerns.

others were beaten with knife and rifle handles. This all occurred before they were transported by vehicle to a military police station.<sup>23</sup> Similarly, Arman<sup>24</sup> 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.<sup>25</sup> The two men continued to beat Arman the duration of 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.<sup>26</sup>

Matevos,<sup>27</sup> part of the Khtsaber group (introduced in Chapter 1: Arbitrary Detention), described similar treatment during his group’s capture and transfer to a detention center in December 2020.<sup>28</sup> His hands were tied upon capture and remained so throughout transport to new locations. He noted that some prisoners’ hands were tied too tight; when they asked for them to be loosened, their Azerbaijani captors refused. 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

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<sup>23</sup> Areg, interview with UNHR, Yerevan, March 2022.

<sup>24</sup> Name has been changed due to privacy and security concerns.

<sup>25</sup> Arman, interview with CFTJ, July 2021.

<sup>26</sup> Ibid.

<sup>27</sup> Name has been changed for security and privacy reasons.

<sup>28</sup> One of the most widely documented cases of Azerbaijan’s mass capture of Armenian soldiers took place in the village of Khtsaber 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 “Khtsaber group.” Their capture is described in detail in Chapter 1: Arbitrary Detention.

they finally arrived at a prison, the Azerbaijani soldiers shoved them out of the car and forced them to walk down a line of soldiers who hit and kicked them.<sup>29</sup>

Varujan<sup>30</sup> and three other soldiers experienced the same physical abuse when they were captured in 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,<sup>31</sup> 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.

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.<sup>32</sup>

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 from 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

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<sup>29</sup> Matevos, interview with UNHR, Gyumri, March 2022.

<sup>30</sup> Name has been changed for security and privacy reasons.

<sup>31</sup> Name has been changed for security and privacy reasons.

<sup>32</sup> Hagop, UNHR interview.

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.”<sup>33</sup>

### *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 long distances 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.<sup>34</sup> 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 announcing that they were going to put one Armenian prisoner in a cell with four Azerbaijanis.

Edgar,<sup>35</sup> 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 because I was sure I would pass out before they cut my ears.”<sup>36</sup> 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.<sup>37</sup>

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<sup>33</sup> Ibid.

<sup>34</sup> Matevos, interview.

<sup>35</sup> Name has been changed for security and privacy reasons.

<sup>36</sup> Edgar, former POW captured in Jermuk, Armenia in September 2022. Interview with UNHR, Yerevan, March 23, 2023.

<sup>37</sup> Ibid.

## Stage 2: Military Police and State Security Service Custody

Based on the testimonies UNHR researchers collected, it appears that the worst treatment took place during secret detention. The instances of secret detention we documented and studied 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,<sup>38</sup> 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.”<sup>39</sup> 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.”<sup>40</sup>

Mher went on, “After that interview (there were five of us in the interview) they took us to the KGB<sup>41</sup> building, where Azerbaijan also held criminals, though in different rooms.” During that time, the prisoners were taken to interrogations every one or two

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<sup>38</sup> Name has been changed due to security and privacy concerns.

<sup>39</sup> Mher, interview with UNHR, Yerevan, March 24, 2023.

<sup>40</sup> Ibid.

<sup>41</sup> Mher used the term “KGB,” the previous name for the State Security Service (SSS) in all former Soviet Republics.

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.<sup>42</sup>

“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.”<sup>43</sup>

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.<sup>44</sup> 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.<sup>45</sup>

Varujan’s<sup>46</sup> 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.”<sup>47</sup> 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.”

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<sup>42</sup> Mher, interview.

<sup>43</sup> Ibid.

<sup>44</sup> 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.

<sup>45</sup> Areg, interview.

<sup>46</sup> Name has been changed for security and privacy reasons.

<sup>47</sup> 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."<sup>48</sup>

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."<sup>49</sup>

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

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<sup>48</sup> Ibid.

<sup>49</sup> Arman, interview.

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.<sup>50</sup>

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.<sup>51</sup>

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 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.<sup>52</sup>

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

<sup>50</sup> Varujan, interview.

<sup>51</sup> Arman, interview.

<sup>52</sup> Hagop, UNHR interview.

have to be dragged back. Matevos also was subjected to electric shocks throughout interrogation, regardless of how he answered the questions.<sup>53</sup>

### *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 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.<sup>54</sup> 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.”<sup>55</sup>

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.<sup>56</sup>

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

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<sup>53</sup> Matevos, interview.

<sup>54</sup> Varujan, interview.

<sup>55</sup> Arman, interview.

<sup>56</sup> Edgar, interview.

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.<sup>57</sup> 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.”<sup>58</sup> 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.<sup>59</sup>

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.<sup>60</sup> 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.

## Stage 3: Prison

### *Continued Beatings*

For most of the prisoners interviewed, the primary change they described once they arrived at a 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,

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<sup>57</sup> Matevos, interview.

<sup>58</sup> Arman, interview.

<sup>59</sup> Hagop, UNHR interview.

<sup>60</sup> Unlike the other POWs we interviewed who were eventually transferred to a long-term prison, Areg was never transferred to a prison and did not see the ICRC at all during his captivity.

"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."<sup>61</sup> 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,<sup>62</sup> as we detail in this chapter's next section, "Impact of Third-Party Visits."

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 would beat and stab his head with barbecue skewers."<sup>63</sup> Echoing observations from other testimonies collected by UNHR, Varujan posited that 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.<sup>64</sup>

Varujan also 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" during the trial.<sup>65</sup>

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.

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<sup>61</sup> Hagop, CFTJ Interview in Gyumri, February 27, 2022.

<sup>62</sup> Ibid.

<sup>63</sup> Varujan, interview.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

### *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?”<sup>66</sup>

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.<sup>67</sup>

### *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.<sup>68</sup>

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.<sup>69</sup> Arman remained in the civilian clothing he was wearing at the time of his capture until the ICRC brought him fresh clothing.<sup>70</sup>

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<sup>66</sup> Hagop, CFTJ interview.

<sup>67</sup> Matevos, interview.

<sup>68</sup> Ibid.

<sup>69</sup> Matevos, interview.

<sup>70</sup> Arman, interview.

### *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.”<sup>71</sup>

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.<sup>72</sup>

### *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.<sup>73</sup> Hagop explained that while food was provided more regularly at the prison, “The food was pig feed. For example, the potatoes were covered in mud, but the starvation left me no choice but to eat whatever was provided.”<sup>74</sup>

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

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<sup>71</sup> Edgar, interview.

<sup>72</sup> Varujan, interview.

<sup>73</sup> Matevos, interview.

<sup>74</sup> Hagop, UNHR interview.

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.”<sup>75</sup>

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.”<sup>76</sup>

## 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.

Several individual experiences documented by UNHR demonstrate the positive impacts of third-party 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.<sup>77</sup>

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<sup>75</sup> Varujan, interview.

<sup>76</sup> Ibid.

<sup>77</sup> 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, we had 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."<sup>78</sup>

Hagop began to receive three meals a day after the ICRC visit, including porridge and egg, soup with noodles, and soup with corn. 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.<sup>79</sup>

Matevos told UNHR that inhuman treatment continued until the ICRC visited several times. Azerbaijani soldiers told the Armenian prisoners that they were not to speak of their treatment in detention, 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 the guards' presence 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 abuse that

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<sup>78</sup> Edgar, interview.

<sup>79</sup> Hagop, UNHR interview.

remained was forcing the soldiers to yell, “Karabakh is Azerbaijan” every time the door opened; that practice eventually stopped during the final few months of Matevos’s detention as the ICRC started to “work harder” and resolve more issues.<sup>80</sup>



*UNHR researchers interviewing a returned Armenian prisoner of war. (September 2022)*

<sup>80</sup> 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.<sup>81</sup>

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."<sup>82</sup>

Areg is unable to stand for long periods of time.<sup>83</sup> 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).<sup>84</sup> 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

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<sup>81</sup> Edgar, interview.

<sup>82</sup> Hagop, UNHR interview.

<sup>83</sup> Areg, interview.

<sup>84</sup> Arman, interview.

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.”<sup>85</sup>

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, Varujan can no longer think about the simple pleasures of sweets or cigarettes or the basic necessity of using the restroom in the same way.<sup>86</sup>

The returned POWs have expressed gratitude to be home but also concern for the wellbeing of the prisoners they left behind. “It feels like my months in the Baku prison were like a dream and this is real life,” Matevos reflected, but avoids sharing details of his experience because he is worried about the people still incarcerated in Baku.<sup>87</sup> 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.<sup>88</sup>

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.”<sup>89</sup>

In addition, the Armenian government has not adequately addressed the psychological harm caused by prolonged detention combined with torture and degrading treatment. The men we interviewed who were conscripts reported that they were sent back to the

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<sup>85</sup> Mher, interview.

<sup>86</sup> Varujan, interview.

<sup>87</sup> Matevos, interview.

<sup>88</sup> Mher, interview.

<sup>89</sup> Varujan, interview.

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.

## V. Conclusion and Calls to Action

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' incitement to hatred has been accompanied by physical threats and intimidation directed at Armenian border communities. Azerbaijani forces' publication and wide dissemination of inhuman treatment alongside videos of killings, mutilation and threats of torture and sexual violence, reinforced by incitement to hatred in official discourse and propaganda, instilled profound fear in Armenian communities. As a

result, Azerbaijan's final incursion on the enclave all but guaranteed the mass exodus of Armenians from 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 (see Chapter 4: Unlawful Killings and Mutilation of the Deceased). These practices are consistent with the overarching pattern of ethnic discrimination that characterizes the other categories of rights violations analyzed in this report.

These accounts of torture in 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' wilful 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, and 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 the International Criminal Court and the International Court of Justice.
2. States should promote and support a UN-mandated 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 violation of the prohibition on torture.

## **To Azerbaijan:**

1. Immediately issue instructions to all military personnel, law enforcement, prison guards, medical personnel, and any other relevant civilian or non civilian actors, to permanently refrain from causing physical or mental harm to detainees.

2. Investigate without delay all allegations of arbitrary detention, torture and ill-treatment of detainees in Azerbaijan's custody, enforced disappearances, and unlawful killings at all levels of government, and hold those responsible to account.
3. Engage openly and constructively with the international community in carrying out investigations of torture.

## **To Armenia:**

1. Take the long-term mental and physical health impacts of prolonged detention and torture seriously; provide accommodations and mental health resources (for example, regular visits with psychologists and support groups) to returned prisoners of war.
2. Instruct Armenian officials to refrain from blaming victims of torture for their capture and treatment while in Azerbaijani custody, and discipline those who do so.

# THE CIRCUIT OF HELL

## INITIAL CAPTURE

This initial phase of detention in which Azerbaijani state forces first capture detainees has involved deception or coercion to capture Armenian prisoners.

## HOLDING CELLS OR MILITARY POLICE CUSTODY

This phase involves Azerbaijani forces' short-term detention of Armenian prisoners at holding cells or military police stations for one to five days. Azerbaijani officials interrogate and torture prisoners at these sites.

## PRISON

The final phase of captivity is the site of longer-term detention following the period of detention in SSS custody. At times, the ICRC may access Armenians in these prisons, but that access is not always guaranteed.

## 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.

## SSS (KGB) CUSTODY

This phase involves Azerbaijani forces' interrogating Armenian prisoners in State Security Service installations and subjecting them to the most brutal forms of torture.

Often in secret detention

# CHAPTER 3: ENFORCED DISAPPEARANCE

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# I. Introduction

During and since the 2020 Nagorno-Karabakh War, the government of Azerbaijan has condoned, facilitated, and directly perpetrated enforced disappearances tied to arbitrary detentions and use of secret detention. University Network for Human Rights (UNHR or University Network) has reviewed and independently collected evidence of Azerbaijan's forcible disappearance of Armenians over three years of fact-finding. This evidence includes the existence of 80 cases of missing individuals who were last known to be alive while being held by Azerbaijani forces (the Armenian government and Armenian human rights organizations have brought these cases before the European Court of Human Rights); firsthand interviews with returned prisoners of war (POWs) who were in Azerbaijani custody for months before their status changed from "missing" to "POW"; and testimony from one returned POW who reported being in detention in Azerbaijan alongside Armenians who to this day are classified as missing persons. Given that the issue of enforced disappearances is closely tied to that of missing persons, we also briefly discuss how the Armenian government has fallen short of providing accurate and timely information to families of missing persons, exacerbating their suffering and creating obstacles in the search for the disappeared.

## II. International Legal Framework for Enforced Disappearance

An enforced disappearance, sometimes referred to as a forced disappearance, is the abduction or imprisonment of a person by State agents or those acting under the authorization or approval of the State followed by the failure or refusal to acknowledge the deprivation of liberty, rendering that person outside the protection of the law.<sup>1</sup>

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<sup>1</sup> UN General Assembly, International Convention for the Protection of All Persons from Enforced Disappearance, art. 2, December 23, 2010, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced> [hereinafter CED].

Sometimes a person who has been killed is classified as disappeared when the State has concealed the fate of the victim. Disappearances have a double impact: first on the individual, who endures human rights abuses while detained outside the protection of the law; and second, on families and society, who experience uncertainty about the disappeared victim and general fear.

The International Convention for the Protection of All Persons from Enforced Disappearance (CED), of which Azerbaijan is a signatory, holds that State agents are prohibited from carrying out enforced disappearances and that the State will take “appropriate measures” to investigate enforced disappearances committed by private groups within the State.<sup>2</sup> Signatories to the convention must put in place measures to prevent and investigate disappearances, and they must also provide reparations to victims of enforced disappearances.<sup>3</sup> Furthermore, the convention emphasizes that “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.”<sup>4</sup> Finally, the CED, like the Rome Statute, to which Armenia is a signatory, states that enforced disappearance can constitute a crime against humanity if it is part of a widespread and systematic practice.<sup>5</sup>

### III. Key Findings

#### 1. Azerbaijan Forcibly Disappeared Armenian Captives

Azerbaijan forcibly disappeared Armenian soldiers and civilians during and beyond the 2020 war. Accounts from family members of the victims, and in a few cases, by those forcibly disappeared whom Azerbaijan eventually acknowledged and released, reveal that Azerbaijani authorities knowingly exploited conditions of secret detention and

<sup>2</sup> CED art. 1, 2, 3.

<sup>3</sup> CED art. 6, 7, 8, 9, 24.

<sup>4</sup> CED art. 2.

<sup>5</sup> UN General Assembly, Rome Statute of the International Criminal Court, art. 7, July 17, 1998, International Criminal Court, available at: <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf> [hereinafter Rome Statute].

“missing person” status to inflict severe physical and mental suffering on captives. Moreover, Azerbaijani officials have knowingly withheld information about the whereabouts of missing persons from the International Committee of the Red Cross (ICRC) and the Armenian government, when the individuals in question were in fact being held by Azerbaijani state forces.

UNHR spoke with Hagop,<sup>6</sup> a former prisoner of war who was forcibly disappeared by Azerbaijani forces from November 16 to December 10, 2021. Azerbaijan released him to Armenia 19 days after he re-established contact with his family via the ICRC. The initial moments of Hagop’s capture, alongside 12 other Armenian troops, were described above in Chapter 1: Arbitrary Detention. Hagop recalled that after being disarmed and subdued, he and the others were blindfolded, loaded into a truck, and driven away. “My eyes were blindfolded and I had no idea where I was being taken,” Hagop said. “I thought I was going to be executed, as many captured Armenian soldiers have been by the Azeris.”<sup>7</sup>

Azerbaijani forces beat Hagop and the other soldiers throughout the transport. When they arrived at the second location the following day, the Azerbaijani soldiers placed the Armenians in cells and regularly beat them.



*One former POW, who requested to stay anonymous, told University Network researchers that he could see the mirrored building of Baku from his prison cell. Photo by İltun Huseynli.*

<sup>6</sup> Name has been changed for security and privacy reasons.

<sup>7</sup> Hagop, interview with UNHR, Armenia, March 17, 2022.

Hagop and over thirty other Armenian captives were eventually transported to a second prison facility, this one in Baku. Hagop was initially hopeful when they were loaded into transport vehicle. “We thought they were bringing us to Armenia.”<sup>8</sup> These hopes were dashed when they saw the Azerbaijani special forces and accompanying journalists at their destination. Despite the journalists’ presence, no reports came out about the soldiers’ detention, and Hagop remained listed as missing in action (MIA).<sup>9</sup>

During an interrogation on November 18, Hagop was told by his interrogator that some soldiers were formally reported as being in Azerbaijani custody (POWs), but others were not. Hagop was among the latter – he was not listed as a prisoner of war nor acknowledged as being in Azerbaijani custody. “[Name of interrogator] told me that I was considered as missing in action. 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 sure that this was the fate that many of his comrades had suffered. He was then told he would stay in a Baku prison for a “very, very long time.”<sup>10</sup>

Azerbaijani forces held Hagop in this prison from November 18 to December 29. November 14 was the last time his parents had heard from him. He was eventually able to contact his parents on December 10, through a monitored call, with the help of the ICRC. On December 29, Hagop was taken back to Armenia and released. “Arriving home was like a new life,” Hagop said.<sup>11</sup>

On February 8, 2022, the last two of three soldiers that were taken alongside Hagop were returned; one person remained in Azerbaijani custody at the time of UNHR’s conversation with Hagop.

UNHR also spoke with Mariam Baghdassarian, sister of Hayk Baghdassarian,<sup>12</sup> in Yerevan, a year and a half after she last heard from her brother. Hayk, a 32-year-old father

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Names have been changed to protect privacy and/or security.

of two, went to the front four days after the fighting began in Nagorno-Karabakh in September 2020. Mariam and her family continued to hear from Hayk regularly over the next three weeks, but on October 21st he stopped answering his phone. A week later, an acquaintance sent them a video on Telegram showing Hayk with his hands tied being forced to say “Karabakh is Azerbaijan” in Russian. This same video later appeared on YouTube. The lawyers representing Mariam and her family explained that the International Committee of the Red Cross and Red Crescent (ICRC) and the European Court of Human Rights (ECHR) have presented requests for information on Hayk to the Azerbaijani government, but the government has denied that their forces are holding Hayk captive and claim to have no information concerning his whereabouts.<sup>13</sup> Despite Azerbaijan’s formal denial to the ICRC and ECHR, the video evidence, which we have reviewed, clearly demonstrates that Azerbaijani forces held Hayk in captivity.

Aram Karapetyan, the father of Vasgen Karapetyan,<sup>14</sup> shared a similar story. Vasgen was 26 years old when the war began. Vasgen had been working with a local charitable organization, but soon chose to follow in the footsteps of his elder brother and join the war effort as an Armenian soldier. Vasgen’s family last heard from him when he spoke to his mother on the phone and told her he was heading to a new position. Three days later, Aram’s brother-in-law saw a video of Vasgen being held captive by Azerbaijani forces.<sup>15</sup> In the video, a voice behind the camera asked Vasgen to identify himself by his first and last name and to state “Karabakh is Azerbaijan.” The family later found out that this video, in addition to circulating on Telegram, was broadcast on Azerbaijani public television.<sup>16</sup>

The International and Comparative Law Center, an Armenia-based human rights organization, submitted an application to the ECHR on Vasgen’s behalf. As in the case of Mariam’s brother Hayk, the European Court granted a request for interim measures, but the Azerbaijani government merely responded that they could neither confirm nor deny having Vasgen in custody.<sup>17</sup> Vasgen’s father continues the search for his son, but

<sup>13</sup> Mariam, interview with UNHR, Armenia, March 26, 2022.

<sup>14</sup> Names have been changed to protect privacy and/or security.

<sup>15</sup> Aram Karapetyan, interview with UNHR, Yerevan, March 26, 2022.

<sup>16</sup> University Network researchers independently reviewed the video.

<sup>17</sup> International and Comparative Law Center, interview with UNHR, Yerevan, March 26, 2022.

ends our interview on an ambiguous note. “I’m hopeless. I have no news from the government. I only have faith in [names his lawyer] and the ICRC.”<sup>18</sup>

## ***A Story of Survival in Azerbaijani Secret Detention***

Areg<sup>19</sup> was captured and disappeared by Azerbaijani forces after being injured during the 2020 Nagorno-Karabakh War. He was denied basic medical attention, endured both physical and psychological torture, and was isolated in a cell in Baku. For the first three months of his captivity, the Azerbaijani government denied any knowledge of his whereabouts. Today, Areg walks with a limp as a result of his treatment in Azerbaijan. He hopes that the international community will help pressure the Azerbaijani government both to return the POWs still imprisoned in Baku and reveal the whereabouts of the Armenians still missing.

In July 2020, Areg began his two years of conscriptive service in the military. In Hadrut, his leg was injured by shrapnel from a grenade. Areg and eight other soldiers made it to a nearby village, where they hid in a cellar with no ammunition, surviving on self-imposed rations of two to three spoonfuls per day from the stash of canned food they found in that cellar and nearby abandoned homes.

When Azerbaijani forces located the group after 40 days, only five soldiers remained: Four had left to look for help, and two had succumbed to their injuries. They were forced to identify themselves on video and were then transported to Baku. Azerbaijani forces zip-tied their hands, blindfolded them, beat them with rifles, and told them that their fellow servicemen had been executed (Areg later found out that this was not true).

Although Areg had identified himself in the video for the Azerbaijani troops, and the Azerbaijani troops had transferred him to a prison in Baku, the Azerbaijani government denied having any knowledge of Areg’s whereabouts during this time.

<sup>18</sup> Karapetyan, interview.

<sup>19</sup> Name has been changed for privacy and security reasons.

Azerbaijani forces held Areg in solitary confinement, injured, with no access to the ICRC. He was denied medical attention and any communication with the outside world, beyond his prison guard. His only interaction with the prison guard consisted of the guard repeatedly forcing Areg to yell, “Karabakh is Azerbaijan.”

“When I was interrogated by Azerbaijani officials, one would bring me cigarettes and tea just for the other to smack them out of my hands.” While Armenian officials thought he was dead, Areg’s parents suspected he was alive because they could see that he was still active on Facebook. This online activity resulted from Azerbaijani interrogators forcing him to log onto his Facebook page. “The interrogators would scroll through my friends’ and family members’ pages, asking me questions and threatening to harm them, or me.”

Areg’s mental health deteriorated rapidly during this time. Some of Areg’s fellow servicemen were executed while in captivity; others committed suicide. When Areg began to display suicidal inclinations, Azerbaijani forces brought in another Armenian captive to stay in his cell with him and keep him alive. Areg’s treatment did not improve until New Years of 2021, when the Azerbaijani government finally acknowledged that, after three months of captivity, Areg was indeed being held as a prisoner of war. However, he was still not permitted to communicate with the outside world, the ICRC, or receive any medical care until February 9, 2021 (four months after he lost contact with his unit), when he and five other Armenian prisoners were released to Armenia.<sup>20</sup>

The University Network obtained firsthand testimony that corroborates accusations that Azerbaijan engages in a systematic practice of enforced disappearance from direct witnesses as well. Varujan<sup>21</sup> told UNHR that when he was first captured and brought to the Kovsakan Kindergarten, Azerbaijani forces were already holding four other Armenian troops there. Those four soldiers were still considered missing as of the date of that interview. Varujan also identified one other Armenian with whom he

<sup>20</sup> Areg, interview with UNHR, Yerevan, March 2022.

<sup>21</sup> Name has been changed for privacy and security reasons.

interacted regularly in the Baku prison, whom, again, as of the time of that interview, Azerbaijan had not confirmed to be in their custody.<sup>22</sup>

In addition to the direct accounts gathered from family members and victims, UNHR reviewed information collected by the International and Comparative Law Center (ICLC) in Armenia, which has brought 300 cases of human rights violations related to the 2020 Nagorno-Karabakh War before the ECHR. Siranush Sahakyan, an Armenian human rights lawyer and co-founder of the organization, explained that their team has cross-checked videos and images on social media, statements by Azerbaijani officials, and information gleaned from interviews with families and witnesses. After reviewing all of this information, ICLC concluded that, with regard to at least 80 cases of missing persons, there is “irrefutable proof of captives being alive among Azerbaijani soldiers.”<sup>23</sup>

UNHR researchers independently reviewed videos and photographs published on social media, namely Azerbaijani Telegram channels, as well as those shared with us by family members and their lawyers. We also reviewed videos and photographs published by NGOs, whose publications we have cited throughout this report, and public and non-public reports prepared by the Human Rights Defenders (Ombudspeople) of Nagorno-Karabakh and Armenia. This review revealed numerous cases of missing individuals who were last known to be alive while being held by Azerbaijani forces. Given the number of cases, the amount of time that has passed without new information coming to light, and Azerbaijani authorities’ refusal to acknowledge and take responsibility for the detentions, it is fair to conclude that the government of Azerbaijan is engaging in a pattern of behavior that condones, facilitates, and directly perpetrates enforced disappearances.

## **2. Azerbaijan and Armenia Violate “Right to Know” about Missing Persons**

The problem of enforced disappearances is closely related to the issue of missing persons. In the words of a group of UN Special Rapporteurs who issued a joint statement

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<sup>22</sup> Varujan, interview with UNHR, Artashat, July 20, 2023.

<sup>23</sup> Siranoush Sahakyan, interview with UNHR, Yerevan, March 2022.

on the 2020 war, “Failure to disclose information on the fate and whereabouts of missing persons and refusal to hand over the remains of the deceased may amount to enforced disappearance, which both Azerbaijan and Armenia have committed to preventing.”<sup>24</sup> The ICRC reported that as of September 2022, they had registered 309 missing Armenians between 2020 and 2022 in connection with the armed conflict with Azerbaijan.<sup>25</sup>

While Azerbaijan is primarily responsible for the fate of the missing whose last known whereabouts were inside Azerbaijani-controlled territory, the Armenian government has also failed to guarantee families transparency and access to information regarding their missing loved ones. As an ICRC spokesperson put it in an interview with UNHR researchers in March 2023, “The main principle is the ‘right to know’ of the families, and that is the obligation of the authorities.”

The failure to determine the whereabouts of missing persons takes a devastating emotional toll on their families. Families are left helpless as months and years go by without information. It should be noted that some or even many of the missing, whether forcibly disappeared or lost in the course of active combat, may no longer be, or may at no point have been, in Azerbaijani custody.

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<sup>24</sup> UN Office of the High Commissioner of Human Rights, “Nagorno-Karabakh: captives must be released – UN experts,” February 1, 2021, <https://www.ohchr.org/en/press-releases/2021/02/nagorno-karabakh-captives-must-be-released-un-experts>.

<sup>25</sup> International Committee of the Red Cross, “Armenia Facts and Figures - January to December 2022,” March 22, 2023, <https://www.icrc.org/en/document/armenia-facts-and-figures-january-december-2022>.

## ***A Couple's Search for their Missing Son***

Karine and Hratch<sup>26</sup> reside high in the mountains overlooking Yerevan. Together, the couple has two children. Artyom was 22 years old and Gevorg was 20 years old at this writing. Artyom began his mandatory conscription after graduating high school at just 19 years old. He was deployed to Nagorno-Karabakh and had served one year and three months before the 44-Day War began. On September 27, 2020, Karine and Hratch waited for Artyom to call home, as he had done every day since entering the military, but he never did. Eventually learning of the start of the war through televised news, Artyom's parents repeatedly called him and every number he had ever called them from, but none of their calls went through. So they waited.

On October 7, 2020, Karine and Hratch saw Artyom's name in a list of martyred soldiers that ran periodically on TV. Karine and Hratch were devastated - no one had reached out prior to notify them. In fact, no official has ever contacted them in any capacity to provide information about Artyom's whereabouts, so Karine and Hratch spent everyday attempting to gather more information. After contacting the Ministry of Defense, they visited morgues hoping to at least identify Artyom's body if he had in fact died. They also provided their DNA samples after hearing of other parents who had been able to identify their deceased child with forensic analysis. Unfortunately, the last DNA match from the group of soldiers serving at the same time and in the same region as Artyom occurred almost a year earlier.

Karine and Hratch are convinced that Artyom is still alive and remain hopeful that he will one day return home. Speaking to UNHR, Karine said, "I can't put into words how this has impacted our family. The only reason we haven't lost our heads is because of our other son. Our hope is what is keeping us going at this point." However, this hope is waning, as the institutions created to serve them have failed time and time again. "There isn't a door we haven't knocked on. We've done everything we know to do. We don't know what to do or where to go now."<sup>27</sup>

<sup>26</sup> Names have been changed to protect privacy and/or security.

<sup>27</sup> Karine and Hratch, interview with UNHR, Gyumri, March 2022. Names have been changed to protect privacy and/or security.

A recent breakthrough – Armenia’s creation of the Interdepartmental Commission on Issues of Prisoners of War, Hostages and Missing Persons on October 20, 2022 – is an important advance.<sup>28</sup> The Commission could be a step towards effective oversight of Armenian authorities, ensuring that families of the missing receive timely and informative communication and support. Most importantly, the Commission, whose name conveys a recognition of the close relationship between missing persons and enforced disappearance, can serve to encourage Armenian leaders to continue the search for the disappeared, the pursuit of accountability, and the demand that Azerbaijan release all Armenian captives.

## IV. Conclusion and Calls to Action

The government of Azerbaijan has condoned, facilitated, and directly perpetrated enforced disappearances of Armenians during the 2020 Nagorno-Karabakh war and subsequent escalations in Nagorno-Karabakh and Armenia. Moreover, it is highly likely that many, if not all, of the victims of enforced disappearances have also been victims of torture and arbitrary detention. The existence of video footage and firsthand testimony indicating that individuals classified as missing persons were in fact in Azerbaijan’s custody, in combination with Azerbaijan’s obligation under the Convention for the Protection of All Persons from Enforced Disappearance to investigate disappearances, is incompatible with Azerbaijan’s refusal to confirm or deny knowledge of these individuals’ whereabouts. The international community should condemn the Azerbaijani leadership’s support and participation in enforced disappearances in the strongest of terms and demand robust investigation and accountability.

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<sup>28</sup> "First Session of Interagency Commission on Issues of Prisoners of War, Hostages and Missing (Location Unknown) Persons Held at National Security Service of RA," The National Security Service of the Republic of Armenia, November 16, 2022, <https://www.sns.am/en/news/view/763>.

## To the international community:

1. States should promote and support efforts to prosecute Azerbaijani state forces responsible for the forcible disappearance of Armenians through the International Criminal Court and the International Court of Justice.
2. States should promote and support a UN-mandated fact-finding mission to investigate enforced disappearances of Armenians by Azerbaijani state forces.
3. Independent human rights monitoring mechanisms, such as the UN Working Group on Enforced or Involuntary Disappearances or fact-finding mission mandated by the Human Rights Council, should conduct investigations, visit Azerbaijan (including to sites of possible secret detention), and collect testimony from victims' families and returned Armenian prisoners of war who have been held in secret detention.
4. States should deploy effective mechanisms to exert pressure on Azerbaijan to:
  - a. Implement all interim measures indicated by the European Court of Human Rights as regards the provision of information on disappeared Armenians whose capture Azerbaijan has not acknowledged.
  - b. Investigate without delay all allegations of enforced disappearance, as well as to engage openly and constructively with the international community, including international NGOs, in carrying out investigations of enforced disappearance.
  - c. Immediately end and take effective measures to prohibit all secret detention.

# CHAPTER 4: UNLAWFUL KILLINGS AND MUTILATION OF THE DECEASED

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# I. Introduction

During and following the 2020 Nagorno-Karabakh War, thousands of people, including civilians and soldiers, were killed. While some deaths may be permitted under international law, many of these killings were illegal. The University Network for Human Rights (UNHR or University Network) has closely reviewed over 150 killings of Armenian civilians, soldiers *hors de combat* (out of combat), and prisoners of war by Azerbaijani state forces, the majority of which are likely extrajudicial and warrant further investigation. This number is not intended to represent the totality of possible illegal killings, which is likely far greater, but rather to demonstrate the scope of cases reviewed for this report.<sup>1</sup>

Many unlawful killings have involved ethnic Armenian civilian residents of Nagorno-Karabakh killed in their homes or villages by invading Azerbaijani forces. A substantial number of the civilians who have been unlawfully killed were elderly and/or disabled and were unable to escape before Azerbaijani forces overtook their towns. In other cases, Azerbaijani forces have summarily executed Armenian soldiers who were injured, disarmed, and/or captured. Despite the November 2020 ceasefire agreement formally ending the war, such killings of Armenians have continued throughout the entire duration of our fact-finding activities. Nearly a third of the victims in this analysis were killed by Azerbaijani forces after the war's end.<sup>2</sup>

The ways in which many of the executions have been carried out have been particularly brutal. Azerbaijani forces have beaten, beheaded, stomped on, shot at point blank range, and mutilated civilians and soldiers alike, both before and after death. Azerbaijan's leadership has not only failed to investigate and hold the perpetrators of these abuses to account; they have condoned and encouraged the cruelest forms of violence against Armenians through prolific hate speech and racist propaganda. Further, the most egregious crimes have often been put on display by Azerbaijani soldiers themselves who have filmed and widely spread videos of summary executions

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<sup>1</sup> This calculation is based on UNHR review of credible reporting, described in further detail below.

<sup>2</sup> This report focuses largely on post-ceasefire violations. Wartime violations are mentioned insofar as accountability is still wanted.

on TikTok and Telegram. Members of the Azerbaijani military have also created stickers, memes, and emojis demeaning Armenians whom they have killed. Perpetrators have then sent these to victims' family members through social media feeds and messages. The circulation of graphic videos and images has directly threatened, humiliated, and instilled fear in families of people killed, as well as among Armenians more broadly.

Subsequent to the killings, Azerbaijani authorities have unjustifiably retained the bodies of many of the victims for months before handing them over to Armenian authorities, prolonging and deepening the emotional suffering of victims' families. Meanwhile, Armenian families whose relatives are presumed or proven to have been killed extrajudicially have experienced significant obstacles in their search for information and in their efforts to recover their loved ones' remains. The Armenian government has failed to provide adequate administrative support to elderly and ill family members of victims as they navigate Armenian bureaucracy in search of information, accountability, and reparations.

Finally, there has been no meaningful accountability for these illegal killings. Azerbaijan has taken very few steps towards investigating or prosecuting members of its state forces suspected of extrajudicial killings, and family members of victims have had limited options for accountability and reparations in international fora.

The cases described below provide an overview of the methods by and frequency with which Azerbaijani forces have committed these killings and indicate that, far from isolated, incidental, or atypical, they are intentional consequences of deep-seated disregard for both Armenian lives and international law.

## **II. Ample Documentation of Evidence of Unlawful Killings**

Our analysis of unlawful killings relies in significant measure on secondary sources that have documented executions by Azerbaijan since the 2020 war, as well as firsthand

interviews carried out by our team. We reviewed this information, visited some of the areas involved, and met with witnesses and community leaders to corroborate individual cases.

Evidence showing that Azerbaijan has committed unlawful killings of ethnic Armenians continues to amass over time. Armenia-based civil society organizations such as Open Society Foundations (OSF) and the International and Comparative Law Center have rigorously collected documentation of extrajudicial killings and other war crimes and human rights violations during and following the 2020 war. Both these groups have relied on primary sources, such as on-the-ground investigations and family or community member interviews, as well as corroborating sources such as audiovisual evidence and intelligence reports, to build their own archives of Azerbaijan's willful killings of protected persons.<sup>3</sup> Through their research, OSF and the International and Comparative Law Center have independently established that the number of such executions are certainly in the dozens but likely much higher. The Offices of the Human Rights Defenders in both Armenia and Nagorno-Karabakh have also conducted on-the-ground fact gathering and consulted with witnesses of extrajudicial killings.

Preeminent human rights watchdog and research institutions have likewise documented and verified firsthand testimony and social media postings of such killings. Amnesty International, for example, in a 2022 report titled *Last to Flee: Older People's Experience of War Crimes and Displacement in the Nagorno-Karabakh Conflict*, outlined how

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<sup>3</sup> "The Fact-Finding Group interviewed lawyers, families, and, where possible, the repatriated POWs (the victims of abuses). In the course of the fact-finding mission, the members of the Group members interviewed four former POWs who were repatriated in December 2020. The cases presented below are corroborated with video evidence taken by the perpetrators or their colleagues and posted on social networks by members of the Azerbaijani Armed Forces or affiliated users, including on Telegram channels Caliber, Kolorit 18+, Karabah\_News, as well as Facebook, Instagram and TikTok. Corroboration was also obtained via an interview with the lawyer representing the victims and their families before the ECHR, and via interviews given by other repatriated POWs to media in relation to the same or related facts. The information presented in this report is also corroborated by the findings of the reports of the Human Rights Defender of the Republic of Nagorno-Karabakh, Human Rights Watch, Amnesty International, open-source investigations conducted by international media, as well as statements of international organizations." (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), 50. [https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report\\_FINAL\\_web.pdf](https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf).)

older ethnic Armenians have been disproportionately subjected to violence, including war crimes, extrajudicial killings, and torture. Amnesty International conducted field research, interviewing and vetting witnesses to atrocity crimes and family members of the victims.<sup>4</sup> In a separate report, Amnesty International analyzed and authenticated a number of videos posted on social media during the war that depicted decapitations and other executions further described below.<sup>5</sup> Human Rights Watch has published at least two reports on various incidents of torture and extrajudicial killings by Azerbaijani soldiers.<sup>6</sup> Additionally, international journalism outlets such as the BBC, the Guardian, and Bellingcat have investigated and corroborated individual incidents of extrajudicial killings.<sup>7</sup> Finally, the International Crisis Group and the University of Southern California's Dornsife Institute for Armenian Studies have aggregated evidence of killings from the aforementioned research and other military and governmental reports, officials' statements, and news coverage.<sup>8</sup>

Among these existing sources, the University Network has found that at least 152 possible cases of unlawful killings have been individually identified and credibly

<sup>4</sup> Amnesty International, *Armenia: Last to flee: Older people's experience of war crimes and displacement in the Nagorno-Karabakh conflict* (London, May 17, 2022), <https://www.amnesty.org/en/documents/eur54/5214/2022/en/>.

<sup>5</sup> Amnesty International, "Armenia/Azerbaijan: Decapitation and War Crimes in Gruesome Videos Must Be Urgently Investigated," December 10, 2020, <https://www.amnesty.org/en/latest/news/2020/12/armenia-azerbaijan-decapitation-and-war-crimes-in-gruesome-videos-must-be-urgently-investigated/>.

<sup>6</sup> Tanya Lokshina, "Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes," *Open Democracy*, March 12, 2021, <https://www.opendemocracy.net/en/odr/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes/>; Human Rights Watch, "Video Shows Azerbaijan Forces Executing Armenian POWs," October 14, 2022, <https://www.hrw.org/news/2022/10/14/video-shows-azerbaijan-forces-executing-armenian-pows>.

<sup>7</sup> Human Rights Watch, "Video Shows Azerbaijan Forces Executing Armenian POWs"; Grigor Atanesian and Benjamin Strick, "Nagorno-Karabakh conflict: 'Execution' video prompts war crime probe," *BBC*, October 23, 2020, <https://www.bbc.com/news/world-europe-54645254>; Andrew Roth, "Two men beheaded in videos from Nagorno-Karabakh war identified," *The Guardian*, December 15, 2020, <https://www.theguardian.com/world/2020/dec/15/two-men-beheaded-in-videos-from-nagorno-karabakh-war-identified>; Nick Waters, "An Execution in Hadrut," *Bellingcat*, October 15, 2020, <https://www.bellingcat.com/news/rest-of-world/2020/10/15/an-execution-in-hadrut-karabakh/>; Carlos Gonzales, "An Execution Near Sev Lake" *Bellingcat*, October 20, 2022, <https://www.bellingcat.com/news/2022/10/20/an-execution-near-sev-lake-armenia-azerbaijan/>.

<sup>8</sup> International Crisis Group, "The Nagorno-Karabakh Conflict: A Visual Explainer," September 16, 2023, <https://www.crisisgroup.org/content/nagorno-karabakh-conflict-visual-explainer>; Emil Sanamyan, "Legal Appeals Filed Over Armenians Executed in Azerbaijani Custody," *USC Institute of Armenian Studies* (blog), May 3, 2021, <https://armenian.usc.edu/appeals-filed-over-captured-armenians-executed-in-azerbaijani-custody/>.

investigated.<sup>9</sup> UNHR's database includes killings from September 2020 to March 2023. They involve victims aged nine to 82. Causes of death include drone strikes, sniper fire, short-range gunshots, decapitation, traumatic brain injury due to beating, and others. The circumstances surrounding death for a significant minority of cases are unknown, as bodies have been found killed, dismembered, and/or mutilated during search operations in areas following Azerbaijani occupation. Based on our research, it appears that Azerbaijan has yet to investigate, charge, or convict any members of its armed forces for involvement in the extrajudicial killings.<sup>10</sup> And while many Armenians who are still unaccounted for – recorded missing or forcibly disappeared – are suspected to have been extrajudicially killed, those we were unable to cross-verify or for which we have not obtained witness or family-member testimony are not included in this report.<sup>11</sup>

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<sup>9</sup> However, calculating the exact number of wartime and postwar unlawful killings of civilians and other protected persons is an inherently difficult and arguably impossible task, especially at this stage of conflict; any tally should be taken with caution. In general, this difficulty exists because the evidence distinguishing legal killings from illegal killings in conflict situations is difficult to obtain, especially from afar or after the fact, as such distinctions are idiosyncratic and context-dependent. Without the details of the circumstances surrounding the vast majority of wartime deaths, the issue of extrajudicial killings is likely to be far undercounted. This difficulty is exacerbated in the present case by specific failings and deficiencies of the parties involved. Due to reporting issues and a lack of transparency by Azerbaijan surrounding wartime casualties, Armenia and the International Committee of the Red Cross (ICRC)'s inability to account for all disappeared persons, unrecovered remains, unsuccessful DNA testing, and resistance from family members, reports often cannot ascertain the extent of Azerbaijan's engagement in unlawful killings. Additionally, Azerbaijan's aggressive blockade at the Lachin Corridor has made independent evidence-gathering within Nagorno-Karabakh nearly impossible since December 2022.

<sup>10</sup> See "Impunity for Unlawful Killings" below.

<sup>11</sup> This analysis collated credible reports of possible unlawful killings. Cases investigated by organizations that conducted independent on-the-ground fact-finding and/or work with the families of victims were deemed credible; cases documented and investigated by independent international organizations (through open source methods and others) in tandem with local news reporting were also deemed credible.

## ***Home or Survival: An Impossible Decision***

Every ten days, 83-year-old M.<sup>12</sup> takes the bus from where she now lives in Sis outside Yerevan to the cemetery where her brother, Yuri, is buried. She had been his caretaker for years and was living with him in the house built by their father in Azokh, a village in Nagorno-Karabakh, before the 2020 war broke out. Yuri had refused to abandon the house even as Azerbaijani forces closed in, and M. had to leave her brother behind. They were reunited only when Yuri's body was recovered and returned to Armenia five months later.

M. learned of her 80-year-old brother's gruesome death from a news broadcast she watched alone in her one-room home in Sis. The television, atop a folding table and beneath a single bare bulb, informed her that six days after she fled Azokh, Azerbaijani forces entered the village. They captured Yuri, apparently dragging him out of his house. An Azerbaijani soldier began filming Yuri's final moments. He begged for his life as another soldier sawed at his throat with a knife. The video of the murder was shared on Telegram for the world to see, going viral.

M. still has not seen the video, though what she has heard haunts her.

"Imagine, if you see it from afar and it affects you, imagine how it affects me as his sister. I know every piece of him fully," M. said. "My poor brother, what did he do to be killed, and in such a cruel way?"

M.'s life has been punctuated by displacement and loss. Born in Nagorno-Karabakh in the 1940s, she grew up in Baku but fled with part of her family to Armenia in the late 1980s amidst increasing ethnic violence against Armenians in Azerbaijan. One of four children, she is the last of her siblings still alive.

"I cannot find my place. It feels like I don't even exist in this world," she said.<sup>13</sup>

<sup>12</sup> Name changed for privacy and security reasons.

<sup>13</sup> M., interview with UNHR, Sis, July 21, 2023.

### III. International Legal Framework on Extrajudicial Killings

Extrajudicial killings, also referred to as summary or arbitrary executions, are the deliberate killing of a person not authorized by a legal proceeding.<sup>14</sup> Extrajudicial killings are a violation of international law, in particular the right to life, the most fundamental of human rights. The Office of the United Nations High Commissioner for Human Rights has maintained that the right to life is a “fountain” from which all other human rights flow.”<sup>15</sup> It is enshrined in international human rights instruments, including the Universal Declaration of Human Rights, which states, “Everyone has the right to life, liberty and security of person,” and the International Covenant on Civil and Political Rights, which asserts that “no one shall be arbitrarily deprived of their life.”<sup>16</sup>

The UN Human Rights Committee, the body of independent experts charged with interpreting and applying the International Covenant on Civil and Political Rights, has issued several official pronouncements regarding the nature and scope of the right to life, including its oft-cited General Comment No. 6. That document states that the right to life is the “supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation.” It also emphasizes that States “should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces.”<sup>17</sup> The Committee

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<sup>14</sup> UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 11 (Rev.1), Extrajudicial, Summary or Arbitrary Executions, October 1997, available at: <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet11rev.1en.pdf>.

<sup>15</sup> Ibid.

<sup>16</sup> UN General Assembly, The Universal Declaration of Human Rights, art. 3, December 10, 1948, United Nations, available at: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english> [hereinafter UDHR]; UN General Assembly, International Covenant on Civil and Political Rights, art. 6, December 16, 1966, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

<sup>17</sup> United Nations Human Rights Council (UNHRC), General Comment No. 6: Article 6 (Right to Life), 16th Sess, adopted June 30, 1982, U.N. Doc. HRI/GEN/1/Rev.1 at 6 (1994), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G94/189/63/PDF/G9418963.pdf?OpenElement>.

further maintains that States must provide reparations to victims when the right to life has been violated.<sup>18</sup>

## IV. Key Findings

### 1. Killings of Civilians

During the 2020 war and following, the majority of the cases that UNHR reviewed and cross-verified for this report involve civilians.<sup>19</sup> Many of the cases compiled were postwar killings, carried out after the November 10, 2020 ceasefire, while the timing of other civilian deaths remains unknown.

#### *Hadrut: Epicenter of Killings of Civilians*

One area of concentrated extrajudicial killings was the town of Hadrut, Nagorno-Karabakh. At least 23 civilians were killed there during the 2020 war. That number does not include an additional 15 individuals who were still missing in August 2023, according to information provided to UNHR by Margarita Karamayan, a leading activist and community organizer forcibly displaced from Hadrut during the war. After relocating to Yerevan and grappling with the violence she observed as Azerbaijani forces invaded her hometown, Karamyan founded an NGO, Return to Dizak, that supports victims and internally displaced persons.<sup>20</sup>

<sup>18</sup> UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, principle 20, December 15, 2005, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>.

<sup>19</sup> 95 of 152. This number includes civilians killed by illegal munitions in residential areas during the 2020 war. This report does not explore this issue in further detail for a number of reasons, including evidence supporting that Armenian and Nagorno-Karabakh forces violated international humanitarian law regarding illegal munitions on civilians as well.

<sup>20</sup> Return to Dizak NGO, private email communication to UNHR, May 28, 2023.

In Hadrut and elsewhere, several significant patterns emerged from our review of the cases. Some of the most brutal and widely broadcast cases were killings of elderly and/or disabled people, sometimes along with their caregivers, who were taken from their homes. These most vulnerable civilians appeared to have been incidentally or specifically targeted..

In one of the most widely documented extrajudicial killings throughout the conflict, Azerbaijani soldiers took 25-year-old Yuri Adamyan and 73-year-old Benik Hakobyan prisoner in an area of Hadrut in October 2020. In a pair of videos anonymously posted on Telegram, the two men are seen captured and executed by gunshot while sitting on a wall with their hands bound behind them and draped in the Armenia and Nagorno-Karabakh flags. Armenian authorities and neighbors of the two men identified them after the video circulated. While both Yuri and Benik were dressed in military camouflage, experts are unsure whether the men were civilians or soldiers.<sup>21</sup>

Mushegh Melkumyan, 83, was captured by Azerbaijani forces in early October 2020 after they invaded his town in Hadrut. Melkumyan remained in captivity without any contact with the outside world for the remainder of the month. Azerbaijan confirmed his captivity only after the International Committee of the Red Cross (ICRC) visited Melkumyan on October 26. When his body was returned to Armenia, Azerbaijan confirmed his date of death as October 29. Forensic exams following Mushegh's extradition revealed sign of torture and death caused by a traumatic brain injury.<sup>22</sup>

Arsen Gharakhanyan was a young man living in Moscow who returned to Nagorno-Karabakh to protect his parents, Sasha and Aida. Azerbaijani soldiers captured Gharakhanyan and Sasha after raiding their home in Hadrut; they released Sasha in December 2020, but not Gharakhanyan. After a few months with no information on Gharakhanyan's whereabouts, a video surfaced on the internet showing Azerbaijani

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<sup>21</sup> Atanesian and Strick, "Nagorno-Karabakh Conflict: 'Execution' Video Prompts War Crime Probe"; Waters, "An Execution in Hadrut."

<sup>22</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on the Cases of the Killing of Civilians in Artsakh by the Armed Forces of Azerbaijan* (Nagorno-Karabakh, December 22, 2020), accessed December 2023, <https://artsakhombuds.am/en/document/785>.

soldiers forcing Gharakhanyan to claim that Nagorno-Karabakh belongs to Azerbaijan and disparage Armenian Prime Minister Nikol Pashinyan, a common humiliation technique recounted by many surviving prisoners of war interviewed by UNHR. Another video circulated several days later in which Azerbaijani soldiers mocked Gharakhanyan and forced him to say hello to the city of Shusha, the Azerbaijani name for the city known as Shushi by Armenians, located in Nagorno-Karabakh.

Following the posting of these videos, the European Court of Human Rights asked Azerbaijan, on January 13, 2021, to provide information concerning Gharakhanyan's whereabouts. Five days after this request, during a search for dead bodies in the Hadrut region, Gharakhanyan's body was found in a freshly dug grave with gunshot wounds to his forehead and chin. During an interview with Human Rights Watch, Gharakhanyan's mother questioned, "Why did they kill our son? He wasn't fighting in the war. He was



*Image of two civilians executed by Azerbaijani forces in Hadrut, verified by Bellingcat, sourced from a video circulated on Azerbaijani Telegram channels.*

unarmed. He just stayed to watch over his father. So, it's a war, so they rounded him up – but the war ended, and they still didn't let him go. They abused him, they filmed him, they posted those videos . . . and then killed him. Why?"<sup>23</sup>

Born in 1951, Gennady Petrosyan returned to his village in the Askeran region of Nagorno-Karabakh after evacuation in late October 2020 when he was captured by Azerbaijani soldiers.<sup>24</sup> His death was captured in two videos widely disseminated on social media and authenticated by Amnesty International. The first clip shows men in Azerbaijani military uniforms holding down a struggling shirtless man, while their colleague decapitates him with a knife. The video ends with a crowd of Azerbaijani soldiers cheering and clapping. In the second clip, the Azerbaijani men mock the deceased by placing his decapitated head onto a pig carcass. They then speak directly to their victim saying, "You have no honor, this is how we take revenge for the blood of our martyrs" and, "This is how we get revenge – by cutting heads."<sup>25</sup>

The bodies of David and Nina Davityan, an elderly married couple from a village in Hadrut that had come under Azerbaijani control in October 2020, were found during search operations in December of that year. Armenian authorities reported Nina's body had been mutilated; her chest and hand had gunshot wounds; her head was separated from her body and its bones crushed.<sup>26</sup>

Alvard Tovmasyan lived in a village in the Shushi region and was intellectually disabled. Her corpse, recovered in January 2021 during search operations and identified by family, revealed she had been tortured and mutilated. According to forensic analysis,

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<sup>23</sup> Lokshina, "Survivors of Unlawful Detention in Nagorno-Karabakh Speak out about War Crimes."

<sup>24</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on the Cases of the Killing of Civilians in Artsakh by the Armed Forces of Azerbaijan*.

<sup>25</sup> Amnesty International, "Armenia/Azerbaijan: Decapitation and War Crimes in Gruesome Videos Must Be Urgently Investigated."

<sup>26</sup> "80-year-old Nina Davtyan, who stayed in her house in Vardashat village, was killed by Azerbaijani soldiers," *Armenia News*, December 18, 2020, <https://news.am/arm/news/619764.html>; Trdat Musheghyan, "Passport Photos Never Used: Murdered Artsakh Couple Buried Far from Home," *Hetq*, February 14, 2022, <https://hetq.am/en/article/141138>.

she died from a blunt craniocerebral injury. The analysis further indicated that her feet, hands, left ear and the tip of her tongue were cut off while she was alive.<sup>27</sup>

Armenian authorities found the bodies of Vahram Lalayan, Vardan Altunyan, and Slavik Galstyan in a village in Hadrut in December 2020. The latter two were both elderly pensioners. Lalayan had been decapitated and his wrists cut.<sup>28</sup>

Aram<sup>29</sup>, a 43-year-old civilian, refused to leave his home in the region of Hadrut with the onset of the war. When Azerbaijani forces invaded the area, they beheaded Aram, as well as a 23-year-old Armenian soldier accompanying him, who lived in the same village. Their corpses were later discovered with their heads missing; the two men's heads have still not been found.<sup>30</sup>

Several significant patterns emerged from our review of the cases. Elderly and disabled civilians appeared to have been incidentally or specifically targeted. In numerous cases, special brutality appeared to have been reserved for these most vulnerable civilians.

## The Elderly – Nearly Half of All Victims of Civilian Killings

Many of the above victims were pensioners. In fact, people over the age of 60 represent nearly half of the civilians likely extrajudicially killed who were reliably documented and collected here.<sup>31</sup> Reports like Amnesty International's *Last to Flee* and the Human Rights Defender of the Republic of Nagorno-Karabakh confirm that the elderly have

<sup>27</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on the Cases of the Killing of Civilians in Artsakh by the Armed Forces of Azerbaijan*; Anya Sarkisova, Gayane Hovsepyan, and Tirayr Muradyan, "Falling Under the Rock," *Hetq*, June 4, 2021, <https://hetq.am/hy/article/131530>; International and Comparative Law Center, "Extrajudicial Killings and Missing Persons - Artsakh 2020."

<sup>28</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on the Cases of the Killing of Civilians in Artsakh*; Armenian Legal Center for Justice & Human Rights, "Armenian Legal Center for Justice & Human Rights announces legal action before the European Court for POWs murdered by Azerbaijan," *The Armenian Weekly*, August 10, 2021, <https://armenianweekly.com/2021/08/10/armenian-legal-center-for-justice-human-rights-announces-legal-action-before-the-european-court-for-pows-murdered-by-azerbaijan/>.

<sup>29</sup> Name has been changed for privacy and security reasons.

<sup>30</sup> International and Comparative Law Center, "Extrajudicial Killings and Missing Persons - Artsakh 2020."

<sup>31</sup> 43 of 95.

been disproportionately victimized in the Azerbaijani's assault on civilians in Nagorno-Karabakh.<sup>32</sup> There are a number of possible explanations for this age distribution, among them a greater attachment to land and unwillingness to abandon it, as well as lesser physical ability to flee.

Another contributing factor may be what we found elsewhere, particularly in our research on torture of prisoners of war (POWs) – that Azerbaijani forces reserved special cruelty for those believed to have participated in the First Nagorno-Karabakh War. For example, Eduard Shakhkeldyan, 79, and his wife, Arega, lived in a village in Askeran and were both detained when Azerbaijani forces occupied their village. Arega told Human Rights Watch that in October,

[t]heir soldiers just ran into the house with those big automatic rifles, pointing their weapons at us, shouting, threatening. . . . I started crying, pleading with them not to hurt us, but they twisted my husband's arms behind his back and led him out of the house. Then they pounced on me. I screamed, I tried to resist, I was telling them I won't go anywhere, but they were yelling and pushing me, so they forced me out. I begged them to at least let me take some warm clothing, but they did not.<sup>33</sup>

The two were detained together where Arega observed Azerbaijani soldiers beating her husband. "More soldiers were [at the detainment site] and one of them punched Eduard several times and kicked him with booted feet, yelling that he had surely taken part in the war 30 years earlier and this was his punishment for killing Azerbaijani people back then."<sup>34</sup> They were then transported to a prison in Baku and separated. While imprisoned, guards told Arega that Eduard died in his sleep and took her to view his body. She remembers that his face was entirely bruised. Eduard's death certificate,

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<sup>32</sup> "According to information Amnesty International obtained from the Office of the Human Rights Defender of Nagorno-Karabakh, more than half of the 48 documented civilians killed during the 44-Day War were elderly persons, at least 30 of whom were unable or unwilling to flee before Azerbaijani forces took their town. The relatives who survived them, some of whom spoke to University Network researchers, think that their loved ones did not believe that they would be killed" (Amnesty International, *Last to Flee*; Amnesty International, "Decapitation and War Crimes in Gruesome Videos Must Be Urgently Investigated"). According to the Human Rights Defender of the Republic of Nagorno-Karabakh, 39 of the 80 civilians killed between September 2020 and December 2021 were over the age of 63 (Human Rights Defender of the Republic of Artsakh, *Interim Report on the Cases of the Killing of Civilians in Artsakh*, Infographic 5, "Killed civilians by age.").

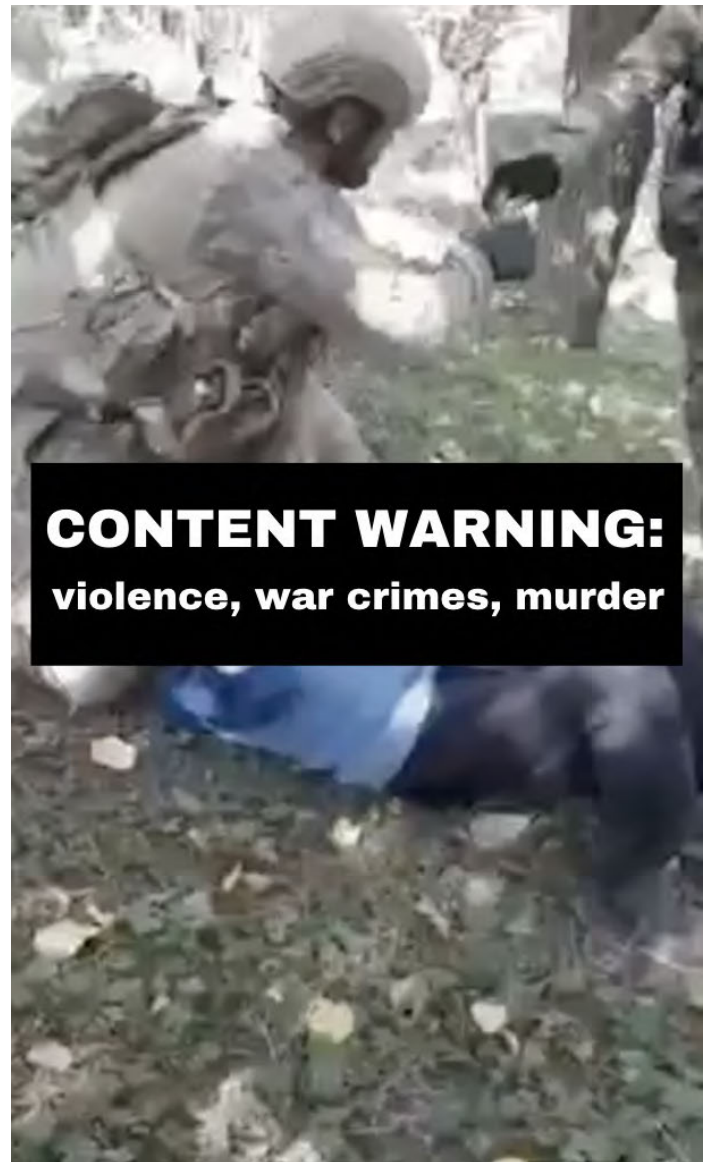
<sup>33</sup> Lokshina, "Survivors of Unlawful Detention in Nagorno-Karabakh Speak out about War Crimes."

<sup>34</sup> Ibid.

issued by the Armenian authorities following an autopsy, listed his cause of death as “blunt brain injury, brain swelling, and acute disorder of vital brain function,” complications that could all be attributed to beatings, not natural causes.<sup>35</sup>

Eduard Zhamharyan, 63, ran a small museum in Shushi (Shusha in Azeri). His daughter Sofia told Amnesty International that when Azerbaijani forces seized the city in November 2020, he was determined to stay in his home. “He didn’t believe that [the Azerbaijani forces] would get to Shusha,” Sofia reportedly said. “He also didn’t have electricity or water and couldn’t watch the news. I think if he had known, he would have [left].” Later that month, she learned local Nagorno-Karabakh authorities had received her father’s corpse from the Azerbaijanis. His head had a large open wound and his body was riddled with bullets that punctured his internal organs and appeared intended to maim him, according to an Armenian autopsy.<sup>36</sup>

Ashot Munchyan was another elderly pensioner who remained in Shushi after it had been captured by the Azerbaijani military. His body was handed over to Armenian authorities in December 2020. He had been killed by gunshot, and his left ear had been cut off.<sup>37</sup>



Still capture from a video circulated on Azerbaijani Telegram channels of the beheading of an elderly man from Azokh village in Nagorno-Karabakh. UNHR researchers interviewed the man's sister in Armenia in July 2023.

<sup>35</sup> Ibid.

<sup>36</sup> Amnesty International, *Last to Flee*, 18.

<sup>37</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on the Cases of the Killing of Civilians in Artsakh*; International and Comparative Law Center, “Extrajudicial Killings and Missing Persons - Artsakh 2020.”

Edik Muradyan, 72, remained in his village in Hadrut during the invasion of Azerbaijani forces. His body was found in March of 2021; analysis by Armenian authorities dated his death to October 2020 and found that he died due to multiple bone fractures in his skull and throughout his body.<sup>38</sup>

Volodya Aghabekyan, 82, refused to leave his home when violence escalated in the Askeran region. His son Telman stayed with him and joined a group of men defending their village. In October 2020, Azerbaijan initiated heavy shelling in the area, forcing the Armenian soldiers to abandon their posts. Telman told Amnesty International that no one was able to help his father escape. Volodya's death was confirmed in November after his body was found in his home with gunshots to his head.<sup>39</sup>

Elena Hakobyan lived with her husband Benik Hakobyan in Hadrut. Her body, found in January 2021, had been buried in the yard of her house. Her legs had been tied together with rope and she had been decapitated. Benik's capture and killing are described above, and the circumstances of the execution of her disabled neighbors, Serjik and Ella Vardanyans, are described below.<sup>40</sup>

## Willful Killings of the Disabled

Disabled civilians, including both those with physical and intellectual disabilities, represent a significant share of the victims of extrajudicial killings during and after the 2020 war.

Borya (Boris) Baghdasaryan had a mental health condition and was cared for by his older brother, Baghdasar. When fighting began, Baghdasar told Amnesty International that he and his brother wanted to stay in their village in the Askeran district of Nagorno-

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<sup>38</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on the Cases of the Killing of Civilians in Artsakh*.

<sup>39</sup> Amnesty International, *Last to Flee*, 21.

<sup>40</sup> Lokshina, "Survivors of Unlawful Detention in Nagorno-Karabakh Speak out about War Crimes"; Human Rights Defender of the Republic of Artsakh, *Interim Report on the Cases of the Killing of Civilians in Artsakh*; International and Comparative Law Center, "Extrajudicial Killings and Missing Persons - Artsakh 2020."

Karabakh and help the Armenian soldiers by bringing them food. Azerbaijani soldiers entered the village in October 2020. Baghdasar ran and hid, but his brother did not. He described that Borya “didn’t understand what was happening, he just stood there . . . I heard him screaming and shouting at [the Azerbaijani soldiers], but I couldn’t hear what he was saying because I was already running away and trying to hide.”<sup>41</sup> According to a prisoner of war captured from the same village and later repatriated, Valery Poghosyan, Borya’s beheaded body could later be seen on the ground.<sup>42</sup> Armenian forces only recovered Boris’s body in April 2021, several months later. The cause of death was not definitive, but his niece Inara, who went to the morgue to identify him, confirmed his head was not attached to his body.<sup>43</sup>

When Azerbaijani forces invaded the city of Hadrut in October 2020, a number of disabled civilians were among the at least a dozen they killed. Soldiers entered the home of Misha Movsisyan and fatally shot him in the head three times. His mother, Anahit, also suffered from gunshot wounds but survived.<sup>44</sup> All three killed had mental disabilities.

Also from the city of Hadrut, Serjik and Ella Vardanyan had a number of health issues; Serjik specifically had diabetes, a past serious stroke, and an amputated leg. They lived with their son, who lost contact with his parents in October 2020. Their bodies were found in the yard of their house.<sup>45</sup> Serjik was half-buried, with some of his body dismembered and left on the ground.<sup>46</sup>

Radik Stepanyan, 81, had physical disabilities that made fleeing from his village in Hadrut difficult even as fighting reached the region. His family and neighbors told Amnesty International he had been left behind and ultimately killed. Vahid Zoramush reportedly said, “I talked to Radik’s wife and said there was no guarantee they would

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<sup>41</sup> Amnesty International, *Last to Flee*, 19-20.

<sup>42</sup> International and Comparative Law Center, “Extrajudicial Killings and Missing Persons - Artsakh 2020.”

<sup>43</sup> Amnesty International, *Last to Flee*, 20.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> International and Comparative Law Center, “Extrajudicial Killings and Missing Persons - Artsakh 2020.”

be safe, to gather his things and leave. But she said she couldn't take him, he was wearing diapers and it would be impossible to manage the transport. I kept telling her it wasn't safe here, but she kept saying it's impossible, he's immobile. Eventually we convinced her to leave but he stayed in the village."<sup>47</sup> His body was recovered in December 2020 with his head missing and legs broken.<sup>48</sup>

## 2. Killings of Out-of-Combat Soldiers and Prisoners of War

Azerbaijani forces have also summarily executed members of another protected group of people: *hors de combat*, or soldiers who were no longer participating in active hostilities at the time of their killing due to choice or circumstance. Armenian soldiers who were injured, disarmed, or captured as prisoners of war were subjected to cruel and humiliating deaths, most often at the end of Azerbaijani rifles. More than half of the killings of out-of-combat soldiers analyzed here happened after the end of the 2020 war. Detailed below are several summary executions of out-of-combat soldiers since hostilities began in September 2020, though this section is by no means exhaustive.

In October 2020, Artur Manvelyan was wounded in combat near Mekhakavan. A video circulated on Telegram later that month showing an Azerbaijani soldier shooting Manvelyan from a close distance.<sup>49</sup> He was identified by his family. Open Society Foundations reported,

The way the Azerbaijani serviceman is approaching Manvelyan before shooting him demonstrates no fear of being shot by Manvelyan; this also suggests that he was not armed or at least was not using any arms to defend himself or attack the Azerbaijani serviceman in question. This assertion is supported by the fact that no guns or other indication of Manvelyan participating in hostilities are seen in the video. This means that Manvelyan was *hors de combat*, was no longer participating in hostilities, at the moment when he was shot dead.<sup>50</sup>

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<sup>47</sup> Amnesty International, *Last to Flee*, 16.

<sup>48</sup> International and Comparative Law Center, "Extrajudicial Killings and Missing Persons - Artsakh 2020."

<sup>49</sup> Ibid.

<sup>50</sup> Open Society Foundations Armenia, *Human Rights Violations During the 44-Day War in Artsakh*, 55.

In another incident, Azerbaijani forces captured and beheaded Narek Babayan, and then called his family to tell them about his death. A photo of a dead and mutilated Babayan later appeared on his personal Instagram page.<sup>51</sup>

There are also a number of notable examples in which Armenian soldiers were executed as groups. In one case, Azerbaijani forces scouring the forest in an area near Hadrut following the signing of the trilateral ceasefire agreement found Karen Nersisyan, Hayk Harutyunyan, Albert Stepanyan, Grisha Grigoryan, Sasun Petrosyan, and Samvel Smbatov, and killed them on the spot.<sup>52</sup> In another case, the bodies of Sargis Manukyan, Lyudvig Avdalyan, Senik Khurshudyan, and Husik Hovakimyan were captured on video being dragged out of a damaged medical transportation vehicle and thrown to the ground in a video that first appeared on Telegram in late October 2020. Azerbaijani soldiers disparage the men on camera. In another video posted a few days later, the half-naked bodies of the same four servicemen are again dumped to the ground, slammed with a shovel, and stomped in the faces. According to the International and Comparative Law Center, which analyzed the video, the bodies have signs they received medical treatment, further indicating the soldiers were captured and later killed.<sup>53</sup>

What has been dubbed the Kovsakan massacre is one of two particularly egregious instances of Azerbaijan extrajudicially killing Armenian soldiers en masse. In October 2020, 61 Armenian soldiers were deployed to Kovsakan in the Zangilan region when they were ambushed by Azerbaijani forces. According to two independent Armenian fact-finding reports on the incident, one by OSF in collaboration with Helsinki Citizens' Assembly of Vanadzor, the Law Development and Protections Foundation, and "Protection of Rights without Borders", and another by the International and Comparative Law Center, at least 17 Armenian soldiers were massacred by Azerbaijani forces – four in an initial execution and another 13 rounded up and killed later on.<sup>54</sup>

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<sup>51</sup> Armenian Legal Center for Justice & Human Rights, "Armenian Legal Center for Justice & Human Rights announces legal action before the European Court for POWs murdered by Azerbaijan."

<sup>52</sup> Ibid.

<sup>53</sup> International and Comparative Law Center, "Extrajudicial Killings and Missing Persons - Artsakh 2020."

<sup>54</sup> Open Society Foundations Armenia, *Human Rights Violations During the 44-Day War in Artsakh*, 50; International and Comparative Law Center, *The Kovsakan Incident Report* (Yerevan, 2021).

Members of the Azerbaijani military captured much of these events on camera and posted them to social media, particularly Telegram, in October and November 2020.

The Sev Lake executions, the second of these two especially brutal massacres, occurred in September 2022 in a border area split between the Syunik Province of Armenia and the Lachin District of Nagorno-Karabakh. This killing was also captured in a video authenticated by then-Human Rights Defender of Armenia Kristinne Grigoryan, Human Rights Watch, and Bellingcat.<sup>55</sup> In the video, Azerbaijani soldiers gather a group of Armenian soldiers and force them to the ground. The Armenian soldiers are unarmed. Soon thereafter, one Azerbaijani soldier begins firing his assault rifle at the group. A few other soldiers join and the close-range firing continues for at least 10 seconds. Thirty seconds into the video, the filmmaker takes his assault rifle and shoots several rounds at the body of an Armenian soldier already apparently dead on the ground. Bellingcat reported that at least nine were killed in this case.<sup>56</sup>

### 3. Mutilation

Azerbaijani forces have also 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.

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<sup>55</sup> Kristinne Grigoryan, "The statement of the Defender on the video of the execution of Armenian POWs by the Azerbaijani armed forces," Facebook, October 2, 2022, <https://www.facebook.com/100069268237249/posts/pfbid027NbDrxxZCJaV2cRMuqogZJdJJ8PkQUUoM6gHaBmigpe2A3UpodZMR6qaRgBJVfy9I/>; Human Rights Watch, "Video Shows Azerbaijan Forces Executing Armenian POWs"; Gonzales, "An Execution Near Sev Lake."

<sup>56</sup> Gonzales, "An Execution Near Sev Lake."

Zara Amiryan and Lucin Prutyan<sup>57</sup> were two female Armenian soldiers killed during Azerbaijan's September 2022 attacks on Armenia.<sup>58</sup> They appeared in a video clip of a carcass-strewn battle scene which was filmed and posted by Azerbaijani servicemen.<sup>59</sup> In the video, Amiryan appears stripped naked and placed trophy-like atop a pile of corpses as a soldier directed abuses toward the victims. Amiryan is shown mutilated, with an eyeball placed on her eyelid and a severed finger sticking out of her mouth. They carved the word "Yasma," the code name for the Azerbaijani special forces, into her torso, with text written across her breasts and stomach. A stone has been placed in her eye socket and a severed finger in her mouth.

## 4. Cruelty on Display

A common feature of many of the aforementioned killings is their publicization across social media by members of the Azerbaijani military and public, if not the perpetrators themselves.<sup>60</sup> In many cases, Armenians have not only been executed, but have been shown mutilated or degraded on camera as well.

In a statement made after the posting of a summary killing of Armenian soldiers, the Armenian Ministry of Foreign Affairs claimed that "numerous videos regularly publicized by Azerbaijani users on social media demonstrate the war crimes, extrajudicial killings of Armenian prisoners of war, torture of Armenian servicemen, including women, and desecration of corpses committed by the Azerbaijani armed forces."<sup>61</sup> According to the Human Rights Defender of Armenia, whose office has collected and analyzed hundreds of videos showing Azerbaijani human rights abuses, all female victims of

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<sup>57</sup> Names have been changed to protect privacy and/or security.

<sup>58</sup> Human Rights Defender of the Republic of Armenia, *Ad Hoc Report on Torture and Inhuman Treatment of Members of Armed Forces of Armenia and Captured Armenians by Azerbaijani Armed Forces* (Yerevan, September 2022), non-public report.

<sup>59</sup> Ibid. UNHR researchers independently viewed the footage.

<sup>60</sup> AzerWarCrimes.org has created an archive of videos posted to various platforms. Go to <https://azeriwarcrimes.org/atrocities/> to view their collection on "Willful killing, mutilation, torture, and inhuman treatment of Armenians by Azerbaijani forces."

<sup>61</sup> "Statement of the Foreign Ministry of Armenia on the war crimes committed by the armed forces of Azerbaijan," Ministry of Foreign Affairs of the Republic of Armenia, October 2, 2022, [https://www.mfa.am/en/interviews-articles-and-comments/2022/10/02/Statement\\_PoWs/11661](https://www.mfa.am/en/interviews-articles-and-comments/2022/10/02/Statement_PoWs/11661).

killings “were stripped down to their breasts and left on the field of combat with their chests stripped naked.”<sup>62</sup>

Among cases reviewed in this research, the most brazen instances of cruelty put on display include:

- An Azerbaijani soldier filmed his peers pinning Yuri Asriyan to the ground as he begs for mercy, reportedly saying, “For the sake of Allah, I beg you.” One of the soldiers can be heard saying, “Take this one,” as he hands a knife over to another, who then slices Asriyan’s throat.<sup>63</sup> “One of my nieces came and told me about the incident,” M., Yuri’s sister, said in the UNHR interview. “She said Azeris made a video and aired it on TV. I couldn’t believe it and I didn’t see.”<sup>64</sup>
- In two videos, Azerbaijani soldiers decapitate Gennady Petrosyan, who is shirtless, with a knife. The crowd of men claps and cheers loudly. Petrosyan’s head is then seen placed on the carcass of a pig, as soldiers say in the background, “You have no honor, this is how we take revenge for the blood of our martyrs” and, “This is how we get revenge – by cutting heads.”<sup>65</sup>
- Azerbaijani soldiers stomped on and beat four Armenian soldiers, Sargis Manukyan, Lyudvig Avdalyan, Senik Khurshudyan, and Husik Hovakimyan, post mortem in two different videos. In both clips, the Azerbaijanis are also heard making derogatory statements about them.<sup>66</sup>
- One of the bloodiest massacres of the war in Kopsakan generated numerous videos distributed over social media of Armenian soldiers in various humiliating and degrading states: marching with their hands bound as Azerbaijani soldiers

<sup>62</sup> Human Rights Defender of the Republic of Armenia, *Ad Hoc Report*; Arusyak Julhakyan, “Opening of the sitting No. 3,” transcript of speech at Parliamentary Assembly of Europe, January 24, 2023, <https://pace.coe.int/en/verbatim/2023-01-24/am/en>.

<sup>63</sup> Amnesty International, “Decapitation and War Crimes in Gruesome Videos Must Be Urgently Investigated.”

<sup>64</sup> M., interview.

<sup>65</sup> Amnesty International, “Decapitation and War Crimes in Gruesome Videos Must Be Urgently Investigated.”

<sup>66</sup> Armenian Legal Center for Justice & Human Rights, “Armenian Legal Center for Justice & Human Rights announces legal action before the European Court for POWs murdered by Azerbaijan.”

smile into their front facing camera, lined up in a row while sitting on the ground, shot at point-blank range while laying face down, presumably already executed, among others.

- In the video displaying the mutilated corpse of the female soldiers described above, the man filming comments, “Look at the bitch, there are two women. She became a rock.” The soldier filming later stomps on the chest of Prutyán, who is also stripped naked. She was reportedly returned to Armenia in the same condition in which she is seen in the video, with her underwear hanging off her hand. In a separate video from the same scene, the body of another woman, later identified as a medical nurse, is seen wearing only underwear.<sup>67</sup>
- Degrading videos of Arsen Gharakhanyan on the internet were the first news his family received his whereabouts and status after he was captured by Azerbaijani forces. In one, Azerbaijani soldiers force the young Armenian soldier to say Nagorno-Karabakh belongs to Azerbaijan; in another, Azerbaijanis mock him and force him to say hello to the Nagorno-Karabakh city of Shushi. His body was later found buried shortly after the videos surfaced online.<sup>68</sup>

Though the exact circumstances of most of the videos referenced in this report have yet to be verified, their existence and proliferation, and the frequent celebratory rhetoric within and surrounding them, strongly suggests that inhumanity was not incidental, but rather the point.

The captions and comments on much of this content indicate as much. Some of these videos, according to analysis by the Human Rights Defender of Armenia, were posted on social media accounts dedicated to mocking and denigrating Armenians. One example is the Telegram channel Khacherubka, which is a derivative of two Russian words: “Khach,” an anti-Armenian epithet, and “Rubka,” meaning “felling.” The comment sections on

<sup>67</sup> Human Rights Defender of the Republic of Armenia, *Ad Hoc Report; Azeri War Crimes*. “Desecration of female Armenian soldier by Azerbaijani troops,” September 19, 2022, <https://azeriwarcrimes.org/2022/09/19/desecration-of-female-armenian-soldier-by-azerbaijani-troops/>.

<sup>68</sup> Armenian Legal Center for Justice & Human Rights. “Armenian Legal Center for Justice & Human Rights announces legal action before the European Court for POWs murdered by Azerbaijan.”

this account reflect hatred toward Armenian captives and Armenians in general.<sup>69</sup> In another example, a popular VK account called Polygon Azerbaijan that created and spread content to help fight the “information war” during the 2020 conflict regularly shared graphics featuring rats as Armenian soldiers in response to announcements of the death or serious injury of Armenian military personnel. Analysis by the Promise Institute for Human Rights determined this content, which continued well after the end of the war, was regularly reposted on Azerbaijani Twitter accounts, message boards, and news sites.<sup>70</sup> In a final example, on videos depicting the September 2022 Sev Lake executions, journalist Lindsey Snell documented how the Azerbaijani comments “[exemplify] how atrocities against Armenians are celebrated in Azerbaijani society,” with some of them gleefully lauding the killings and one calling for the perpetrators to be given monetary awards and medals for their bravery.<sup>71</sup> In fact, Kamil Zeynalli, one of the Azerbaijani soldiers identified as being involved in the murder of Yuri Asriyan, was awarded two recognitions by private associations for his participation in the war.<sup>72</sup>

This pernicious animosity towards Armenians has normalized violence against them in Azerbaijani culture, the Human Rights Defender of Armenia has written. These videos, in which such violence is performed without remorse, are widely distributed and gloried – only further perpetuating the dehumanization of Armenians.

The fact of the matter is that the gravity of the committed crimes is exacerbated when their footages are posted on the worldwide web, placing them as subjects of public curiosity. . . . These cruel and absolutely disrespectful actions by Azerbaijani Armed Forces outraging upon personal dignity of members of Armenian soldiers

<sup>69</sup> Human Rights Defender of the Republic of Armenia, *Ad Hoc Report*.

<sup>70</sup> Aya Dardari, Nicholas Levens, Ani Setian, and Jessica Peake, *Social Media, Content Moderation, and International Human Rights Law: The Example of the Nagorno-Karabakh/Artsakh Conflict* (Los Angeles, California: The Promise Institute for Human Rights), 27-35, accessed December 2023, <https://promiseinstitute.law.ucla.edu/wp-content/uploads/2022/05/Social-Media-Content-Moderation-and-Internationals-Human-Rights-Law.pdf>.

<sup>71</sup> Lindsey Snell (@LindseySnell), “This Response to the Latest AZ War Crime Video Exemplifies How Atrocities against Armenians Are Celebrated in Azerbaijani Society,” Twitter, October 2, 2022, <https://twitter.com/LindseySnell/status/1576624123953881089>.

<sup>72</sup> “As for the medals, the “National Army-100” medal was founded by the Public Union of Veterans of the Patriotic War of Azerbaijan, and the “For the Motherland” medal was founded by the Public Union of the Disabled, Veterans and Martyrs’ Families of Azerbaijan Karabakh War. These medals are not considered state awards. Kamil Zeynalli also thanked the public association in his post” (“Was Kamil Zeynalli given a medal or not? - FactCheck,” *ElMedia*, February 5, 2021, <https://elmedia.az/xeber/kamil-zeynalliya-medal-verilib-ya-yox--factcheck-695>).

are consequences of extremely high level of state supported hatred towards ethnic Armenians. Filming and disseminating these types of footages throughout social networks have the precise purpose of mocking and humiliating the relatives of the POWs and dead Armenian soldiers as well as terrorize the Armenian society in general.<sup>73</sup>

This cruelty has gone a step further than online virality, with Azerbaijani soldiers using social media to terrorize the families of Armenians they have killed. The case of Narek Babayan is one instance, in which Azerbaijani forces, after beheading him, called his family to tell them about his death and posted a photo of his dead and mutilated body on his personal Instagram page.<sup>74</sup>

## 5. Impunity for Unlawful Killings

Azerbaijan has taken very few steps towards accountability for suspected unlawful killings, wartime or post-ceasefire.

In October 2022, Azerbaijan's Prosecutor General's Office announced it had started an investigation into the "video footage of Azerbaijani servicemen allegedly shooting at detained Armenian saboteurs" to verify the video's authenticity, time and location of the event, and the "identity of the servicemen shown on them." The Office also stated that "[based on the results, measures provided for by law will be taken."<sup>75</sup> The U.S. Department of State reported, "Later that month, the Ministry of Foreign Affairs stated that criminal cases were opened concerning perpetrators of crimes portrayed in the video, with no further details."<sup>76</sup> Our researchers were not able to find any information regarding the results of that investigation, and the Office does not appear to have initiated any investigations into other instances of extrajudicial killings.

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<sup>73</sup> Human Rights Defender of the Republic of Armenia, *Ad Hoc Report*.

<sup>74</sup> Armenian Legal Center for Justice & Human Rights, "Armenian Legal Center for Justice & Human Rights announces legal action before the European Court for POWs murdered by Azerbaijan."

<sup>75</sup> "Azerbaijan's Prosecutor General's Office Informs on Video Footage of Servicemen Circulating in Social Media," *Trend.Az*, October 2, 2022, <https://en.trend.az/azerbaijan/politics/3651816.html>.

<sup>76</sup> U.S. Department of State, Bureau Of Democracy, Human Rights, and Labor, *2021 Country Reports on Human Rights Practices: Azerbaijan*, accessed December 2023, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/azerbaijan/>.

Given the failure of Azerbaijani authorities, the European Court of Human Rights (ECHR) and the International Court of Justice (ICJ) have taken initial steps towards holding Azerbaijan accountable for unlawful killings. In a September 2020 interim measures ruling, the ECHR “called upon both Azerbaijan and Armenia to refrain from taking any measures, in particular military action, which might entail breaches of the Convention and violate rights of the civilian population, including putting their life and health at risk, and to comply with their engagements under the Convention, notably in respect of Article 2 (right to life) and Article 3 (prohibition of torture and inhuman or degrading treatment or punishment).”<sup>77</sup> On September 22, 2023, the ECHR also issued interim measures obligating Azerbaijan to “refrain from taking any measures which might entail breaches of their obligations under the [European Convention], notably Article 2 (right to life) and Article 3 (prohibition of torture and inhuman or degrading treatment or punishment).”<sup>78</sup> The International Court of Justice, in a December 2021 opinion, took note of a joint statement issued by several UN human rights special rapporteurs expressing grave concern “at allegations that prisoners of war and other protected persons have been subjected to extrajudicial killing, enforced disappearance, torture and other ill-treatment.”<sup>79</sup> In light of this, the Court ordered Azerbaijan to “[p]rotect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law.”<sup>80</sup>

In addition to the measures taken by international courts, the UN Human Rights Council appointed Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions stated in September 2023 that “Azerbaijan must . . . promptly investigate alleged or suspected violations of the right to life reported in the context of its later military

<sup>77</sup> “ECHR Has Delivered a Decision,” Office of the Representative on International Legal Matters, September 30, 2020, <https://rilm.am/en/events-en/echr-has-delivered-a-decision/>.

<sup>78</sup> Siranush Ghazanchyan, “European Court Indicates Interim Measures to Azerbaijan,” *Public Radio of Armenia* (blog), accessed December 16, 2023, <https://en.armradio.am/2023/09/22/european-court-indicates-interim-measures-to-azerbaijan/>.

<sup>79</sup> *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, I.C.J. Reports 2021, 361, <https://www.icj-cij.org/sites/default/files/case-related/180/180-20211207-ORD-01-00-EN.pdf> [henceforth I.C.J. Order of 7 December 2021], citing United Nations Office of the High Commissioner for Human Rights, “Nagorno-Karabakh: Captives Must Be Released – UN experts,” news release, February 1, 2021, para. 87, <https://www.ohchr.org/en/press-releases/2021/02/nagorno-karabakh-captives-must-be-released-un-experts>.

<sup>80</sup> I.C.J. Order of 7 December 2021.

offensive . . . during which dozens of people, including peacekeepers, were killed.”<sup>81</sup> In addition, the European Parliament issued a resolution calling on the European Union to adopt targeted sanctions against the Azerbaijani government officials responsible for multiple ceasefire violations and human rights abuses in Nagorno-Karabakh.<sup>82</sup> The resolution also described the conflict as a gross violation of international law and called for investigations into abuses committed by Azerbaijani forces that could constitute war crimes.

However, beyond the preventive efforts of the ECHR and ICJ, there has been little formal investigation or prosecution for extrajudicial killings in international fora, due in part to the numerous obstacles faced by human rights lawyers trying to move the needle on complaints. The Armenian Legal Center for Justice and Human Rights, for example, in partnership with the International and Comparative Law Center, has announced that it has brought cases on 19 Armenians killed in 10 separate incidents while in the custody of Azerbaijani forces or in prison in Azerbaijan to the ECHR.<sup>83</sup> As of December 2023, there have been no updates from the Court on these cases.<sup>84</sup>

## V. Conclusion and Calls to Action

During and following the 2020 Nagorno-Karabakh War, Azerbaijani forces have committed killings of Armenian civilians, soldiers *hors de combat*, and prisoners of war. A substantial number of the civilians who have been killed are elderly and/or disabled who would not or could not escape before Azerbaijani forces overtook their towns. In other cases, Azerbaijani forces have summarily executed Armenian soldiers who were injured, disarmed, and/or captured. The most egregious cases of extrajudicial killings

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<sup>81</sup> “Karabakh: Azerbaijan must ‘guarantee the rights of ethnic Armenians,’” *UN News*, September 27, 2023, <https://news.un.org/en/story/2023/09/1141577>.

<sup>82</sup> “Joint motion for a resolution,” European Parliament, October 4, 2023, [https://www.europarl.europa.eu/doceo/document/RC-9-2023-0393\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/RC-9-2023-0393_EN.pdf).

<sup>83</sup> Armenian Legal Center for Justice & Human Rights, “Armenian Legal Center for Justice & Human Rights Announces Legal Action before the European Court for POWs Murdered by Azerbaijan.”

<sup>84</sup> “Azerbaijan - Press Country Profile,” European Court of Human Rights, last updated December 23, 2023, [https://www.echr.coe.int/documents/d/echr/cp\\_azerbaijan\\_eng](https://www.echr.coe.int/documents/d/echr/cp_azerbaijan_eng).

have often been put on display by Azerbaijani soldiers themselves who have filmed and widely spread videos of these killings on social media. The circulation of graphic videos and images has directly instilled fear, threatened, and humiliated families of people killed, as well as other Armenians.

The actions of the Azerbaijani military described here violate the paramount human right to life, and the associated responsibilities to investigate and prosecute possible unlawful killings and hold those responsible to account. The widespread nature and cruelty of these killings suggest a systematic practice within the Azerbaijani state forces, rather than isolated or fringe cases.

Additionally, the impacts of these extrajudicial killings are felt not only by the friends and families of individual victims. The terror of ruthless slaughter reaches both those victimized directly and those afraid such a death could become their fate. This abuse is therefore related to forced displacement: the sister of a civilian beheaded by Azerbaijani soldiers explained that after you hear and see such stories, when the soldiers approach your village, "All you can think about is escape."<sup>85</sup>

## **To the international community:**

1. States should promote and support efforts to prosecute the Azerbaijani State or specific state forces responsible for the unlawful killings of Armenians through the International Criminal Court and the International Court of Justice.
2. States should promote and support a UN-mandated fact-finding mission to investigate unlawful killings of Armenians by Azerbaijani state forces.
3. The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions should consider allegations of unlawful killings, conduct a visit to the region, and discuss the issue in a thematic report on the subject.

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<sup>85</sup> M., interview.

4. 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 violate the right to life.

## **To Armenia:**

Ensure the provision of adequate administrative, logistical, psychological and socio-economic support to family members of victims of unlawful killings, especially those who are elderly and/or disabled.

# CHAPTER 5: INCITEMENT TO HATRED

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# I. Introduction

Armenians living in Nagorno-Karabakh have been long-standing targets of hate speech and racial discrimination endemic in Azerbaijan. In November 2017, the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe stated that “an entire generation of Azerbaijanis has now been raised with a rhetoric of hate, hostility and victimhood, which may have an impact on prospects of future reconciliation.”<sup>1</sup> During and after the war in 2020, Azerbaijani racial animus towards Nagorno-Karabakh’s ethnic Armenians has reached new heights.

The Azerbaijani government has fomented hatred against ethnic Armenians through genocidal hate speech. The Azerbaijani government has also promoted discrimination through state institutions and projects. Below we present an analysis of the relevant legal norms and obligations, followed by examples of incitement to hatred from UNHR’s firsthand fact-finding and investigation of secondary sources.

## II. International Legal Framework for Incitement to Hatred

Various international instruments impart obligations on States regarding discrimination emanating from hate speech. The Universal Declaration of Human Rights, for instance, states, “All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”<sup>2</sup> Thus, in order to protect all individuals, free speech may be limited when it poses a risk or threat to others, particularly those in protected groups.

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<sup>1</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, “Fourth Opinion on Azerbaijan – adopted on 8 November 2017,” November 8, 2017, Council of Europe,” available at: <https://rm.coe.int/4th-acfc-opinion-on-azerbaijan-english-language-version/1680923201>.

<sup>2</sup> UN General Assembly, The Universal Declaration of Human Rights, art. 7, December 10, 1948, United Nations, available at: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english> [hereinafter UDHR].

Though there is no single, authoritative international legal definition of hate speech, the UN Strategy and Plan of Action on Hate Speech defines it as “any kind of communication in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.”<sup>3</sup> It can be manifested in various forms of expression, including speech, images, text, gestures, objects, and symbols.<sup>4</sup>

Other instruments to which Azerbaijan is a party provide further safeguards. The International Covenant on Civil and Political Rights prohibits “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”<sup>5</sup> The Rabat Plan of Action, elaborated by experts from around the world, clarifies when such restrictions to freedom of expression can be imposed. The plan provides a test with six categories to assess the severity of hatred, namely: context, speaker, intent, content and form, extent of the speech act, and likelihood of harm.<sup>6</sup>

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) imparts an obligation on State parties to condemn all propaganda based on ideas of racial superiority or ethnic hatred. Furthermore, signatories must take measures to stop and punish propaganda activities that promote or incite racial discrimination.<sup>7</sup> The Committee on the Elimination of Racial Discrimination, the body that monitors

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<sup>3</sup> United Nations Strategy and Plan of Action on Hate Speech, May 2019, available at: [https://www.un.org/en/genocideprevention/documents/advising-and-mobilizing/Action\\_plan\\_on\\_hate\\_speech\\_EN.pdf](https://www.un.org/en/genocideprevention/documents/advising-and-mobilizing/Action_plan_on_hate_speech_EN.pdf).

<sup>4</sup> “What is hate speech?” United Nations, accessed December 2023, available at: <https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech>.

<sup>5</sup> UN General Assembly, International Covenant on Civil and Political Rights, art. 20 (2), December 16, 1966, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

<sup>6</sup> UN Human Rights Council, Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, 11 January 2013m A/HRC/22/17/Add.4 /Appendix, available at: <https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action>. See further, “OHCHR and Freedom of Expression vs Incitement to Hatred: The Rabat Plan of Action,” OHCHR, accessed December 18, 2023, <https://www.ohchr.org/en/freedom-of-expression>.

<sup>7</sup> UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, art. 4, 21 December 1965, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial> [hereinafter ICERD].

implementation of the ICERD by State parties, has emphasized that both direct and indirect hate speech must be condemned. The Committee states, “Racist hate speech can take many forms and is not confined to explicitly racial remarks. . . . [S]peech attacking particular racial or ethnic groups may employ indirect language in order to disguise its targets and objectives.”<sup>8</sup> Thus, Azerbaijani authorities must desist from employing direct and indirect hate speech and condemn hateful and discriminatory speech when used by others.

### III. Key Findings

#### 1. Official Incitement of Ethnic Hatred

Hateful rhetoric has emanated from the highest levels of the Azerbaijani government. President Aliyev has referred to ethnic Armenians as “barbarians and vandals,” who are infected by a “virus” for which they “need to be treated.”<sup>9</sup> Elnur Aslanov, head of the Political Analysis and Information Department of the Presidential Administration, referred to Armenia as a “cancerous tumor,” while Ziyafat Asgarov, First Deputy of Parliament reportedly called Armenians a “disease.”<sup>10</sup>

Genocidal and expansionist remarks by government officials reveal the aims of this degrading rhetoric. Elman Mammadov, former Azerbaijani parliamentarian, reportedly said, “Turkey and Azerbaijan could together wipe Armenia off the face of the Earth at

<sup>8</sup> UN Committee on the Elimination of Racial Discrimination (CERD), General recommendation No. 35 : Combating racist hate speech, 26 September 2013, CERD/C/GC/35, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/471/38/PDF/G1347138.pdf?OpenElement>.

<sup>9</sup> Ilham Aliyev (@presidentaz), “The Armenian barbarians and vandals have razed the city of Agdam to the ground. The ruins of the city of Agdam are clearly visible from here,” Twitter, August 7, 2014, <https://twitter.com/presidentaz/status/497364584743718913>; Ilham Aliyev, “Opening speech by Ilham Aliyev at the 7th Congress of New Azerbaijan Party,” transcript of speech, March 5, 2021, <https://president.az/en/articles/view/50805>.

<sup>10</sup> “Elnur Aslanov: ‘Armenia is a cancerous tumor of the South Caucasus’ - UPDATED,” *Day.Az.*, May 17, 2013, <https://news.day.az/politics/402615.html>; Human Rights Defender of the Republic of Artsakh, *Armenophobia in Azerbaijan: Organized Hate Speech & Animosity Towards Armenians* (Nagorno-Karabakh, September 25, 2018), <https://agbueurope.org/wp-content/uploads/sites/17/2017/02/Armenophobia-in-Azerbaijan-1.00-Interactive-25.09.2018.pdf>.

a blow, and the Armenians should beware of that thought.”<sup>11</sup> Evidence presented by United States Congressman Joseph Knollenberg at a hearing before the Committee on Foreign Affairs in 2008 cites Baku’s former mayor, Hajibala Abutalybov, stating, “Our goal is the complete elimination of Armenians.”<sup>12</sup> Ten years later, Azerbaijan’s president reinforced this expression of genocidal intent, announcing a policy of progressive territorial expansion that implies the ouster of Armenians from Armenia: “[Armenia’s capital] Erivan is our historical land and we, the Azerbaijanis, must return to these historical lands. This is our political and strategic goal, and we must gradually approach it.”<sup>13</sup>

Discourse from these high-level leaders has inevitably bled into popular Azerbaijani society. In a nationwide address during the hostilities in September 2020, President Aliyev described how “Azerbaijani soldiers drive [Armenians] away like dogs.”<sup>14</sup> This phrase exploded across Azerbaijani social media and eventually became a popular hashtag.

More examples of such vitriolic sentiments followed suit across Azerbaijani social media. Nurlan Ibrahimov, the public relations and media manager of the Azerbaijani football club Qarabağ, said, “We must kill Armenians. No matter whether a woman, a child, an old man. We must kill everyone we can and whoever happens (sic). We should not feel sorry; we should not feel pity. If we do not kill (them), our children will be killed.”<sup>15</sup>

Azerbaijani government leaders have employed subtler discursive strategies to foment animosity toward Armenians. Officials have regularly invoked the concepts of “Western Azerbaijan” and “Caucasian Albania,” thereby denying the historical existence of

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<sup>11</sup> “Azerbaijani MP urges Turkish government to expel all Armenians,” *Horizon Weekly*, April 28, 2015, <https://horizonweekly.ca/am/66568-2/>. The original interview appears to have been removed.

<sup>12</sup> U.S. Congress, House of Representatives, Committee on Foreign Affairs, *The Caucasus: Frozen Conflicts and Closed Borders: Hearing Committee on Foreign Affairs*, 110th Cong., 2nd. sess., June 28, 2008, 50, <https://www.govinfo.gov/content/pkg/CHRG-110hhrg43066/pdf/CHRG-110hhrg43066.pdf>

<sup>13</sup> Ilham Aliyev, “Speech by Ilham Aliyev at the 6th Congress of New Azerbaijan Party” transcript of speech, February 8, 2018, <https://president.az/en/articles/view/26998>.

<sup>14</sup> Ilham Aliyev, “Ilham Aliyev addressed the nation,” transcript of speech, October 4, 2020, <https://president.az/en/articles/view/41713>.

<sup>15</sup> Peter Osborne and Tom Mutch, “How the Murderous Past of Armenian Genocide Flourishes Today in Denial – Byline Times,” *Byline Times*, February 3, 2021, <https://bylinetimes.com/2021/02/03/how-the-murderous-past-of-armenian-genocide-flourishes-today-in-denial/>.

autochthonous Armenians in Nagorno-Karabakh and Armenia. Aliyev stated in 2022, “Armenia was never present in this region before. Present-day Armenia is our land.”<sup>16</sup> He additionally asserted, “I am sure that there will come a time when our compatriots from Western Azerbaijan, their relatives, children and grandchildren will return to our historical land, to Western Azerbaijan.”<sup>17</sup>

## 2. Promoting Discrimination in State Policies and Programs

Deeply entrenched anti-Armenian hatred does not end with bigoted rhetoric by government figures and in official materials, but is effectuated in policies and programs. Azerbaijan opened the Military Trophy Park after its victory in the 2020 Nagorno-Karabakh War featuring grotesque and degrading statues of defeated Armenians.<sup>18</sup>

Though the park was subsequently downsized after Armenia applied to the International Court of Justice to issue a provisional measure closing the park, it remains open to the public. In another example, Azerbaijan began producing a commemorative stamp showing a split-screen image of an Azerbaijani soldier and a man in a chemical biohazard suit standing over a map of Azerbaijan and fumigating the area of Nagorno-Karabakh.<sup>19</sup>



*Azerbaijan's Military Trophy Park, opened after its victory in the 2020 Nagorno-Karabakh War, featuring degrading statues of defeated Armenians. Photo from Azerbaijani Government.*

<sup>16</sup> Ilham Aliyev, “Ilham Aliyev viewed conditions created at administrative building of Western Azerbaijan Community,” transcript of speech, December 24, 2022, <https://president.az/en/articles/view/58330>.

<sup>17</sup> Ibid.

<sup>18</sup> Shahana Rahimli, “We tried to have as realistic images as possible” *AzVision*, April 14, 2021, <https://azvision.az/news/257089/-calisdiq-ki,-mumkun-qeder-realist-obrazlar-olsun--ermeni-herbcilerin-maketlerini-onlar-hazirlayib--fotolar--.html>.

<sup>19</sup> “Postage Stamps Dedicated to Azerbaijani Heroes Issued,” *AZTV*, January 6, 2021, <https://aztv.az/en/news/11015/postage-stamps-dedicated-to-azerbaijani-heroes-issued>.

Ethnic hatred, amounting to the belief that Armenians as a people should be eradicated from or supplanted in the region, has underpinned much of the Azerbaijani forces' deliberate infliction of physical pain, emotional suffering, and public humiliation upon Armenians captured or executed both in wartime and peacetime. This is particularly apparent in the widely circulated videos of Azerbaijani soldiers using dehumanizing language and forcing captives to declare that Nagorno-Karabakh is Azerbaijan as they exercise violence against Armenians, including the sexual mutilation of bodies of female combatants. These methods are consistent with the overarching pattern of ethnic



*Azerbaijan produced a commemorative stamp showing a man in a chemical biohazard suit standing over a map of Azerbaijan and fumigating the area of Nagorno-Karabakh. Vugar Eyyubov, Public domain, via Wikimedia Commons.*

discrimination that characterizes all the categories of rights violations analyzed in this report.

### 3. Ethnic Hatred in Historical Context

Hate speech and discrimination against Armenians in Azerbaijan is not new, and has worsened during and following the 2020 war. As many of our older interviewees recalled from their own lives, pervasive hate speech and discrimination in Azerbaijan has been a major driver of violence against ethnic Armenians at least since the 1980s.

Past tensions and conflicts between the State of Azerbaijan and ethnic Armenians lend to this historical ethnic hatred within Azerbaijani society. The Armenian majority of the Nagorno-Karabakh Autonomous Oblast declared independence from Azerbaijan in 1991 as an expression of national self-determination. This declaration came after massacres of ethnic Armenians and forced displacement from Azerbaijan. These events culminated in the first Nagorno-Karabakh War in the early 1990s.<sup>20</sup> Armenians have been accused of committing atrocity crimes against Azerbaijanis during this war. Reporting from that time period indicates that all sides committed grave violations of international human rights and humanitarian law.<sup>21</sup> In the three decades of “frozen conflict” that followed the end of the first war, the minimum conditions necessary to initiate truth and reconciliation or a transitional justice process have not been in place.

In 1915, the Ottoman Empire killed and expelled 1.5 million Armenians from what is now eastern Turkey. These events are widely recognized as the Armenian Genocide. Turkey

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<sup>20</sup> Robert Kushen and Aryeh Neier, *Conflict in the Soviet Union: Black January in Azerbaidzhan, A Helsinki Watch/Memorial Report* (New York: Moscow: Human Rights Watch; Inter-Republic Memorial Society, 1991).

<sup>21</sup> Holly Cartner, “Response to Armenian Government Letter on the town of Khojaly, Nagorno-Karabakh,” Human Rights Watch, March 23, 1997, <https://www.hrw.org/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh>.

and Azerbaijan, who identify as “brothers and sisters in line with the understanding ‘one nation, two states’,”<sup>22</sup> do not recognize those events as genocide.<sup>23</sup>

Other historical events likewise influence many Azerbaijanis’ perception of ethnic Armenians. Azerbaijanis frequently recall human rights abuses perpetrated by Armenians during the first Nagorno-Karabakh War, including the killings of civilians in Khojaly and forced displacement from Nagorno-Karabakh and Armenia, as well as the occupation of Azerbaijani territory outside the former Nagorno-Karabakh Autonomous Oblast by Armenian forces.<sup>24</sup>

The desire for revenge is manifested as much in action as in words. Several witnesses and victims described to the University Network how Azerbaijani forces treated Armenians captured during the 2020 war notably worse if they were elderly due to their presumed participation in the first Nagorno-Karabakh War. This conclusion is consistent with Amnesty International’s findings in its report *Last to Flee: Older People’s Experience of War Crimes and Displacement in the Nagorno-Karabakh Conflict*.<sup>25</sup>

Returned Armenian prisoners of war also described to University Network researchers how prison guards frequently brought up the Khojaly massacre from the first war. More recently, Azerbaijan has charged a 68-year-old Armenian detained when crossing the Azerbaijani checkpoint in an International Committee of the Red Cross medical convoy

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<sup>22</sup> Recep Tayyip Erdoğan, “President Erdoğan: “Turkish nation stands by its Azeri brothers and sisters with all its means as it has always been,” transcript of speech, September 27, 2020, <http://wt.iletisim.gov.tr/english/haberler/detay/president-erdogan-turkish-nation-stands-by-its-azeri-brothers-and-sisters-with-all-its-means-as-it-has-always-been/>.

<sup>23</sup> Today, Turkey is Azerbaijan’s ally and actively participated in military operations during the 2020 Nagorno-Karabakh War, including in the provision of weapons, training, and the direct engagement of Turkish troops in combat, according to several testimonies from returned prisoners of war who reported seeing the Turkish flag on the uniforms of their captors in interviews with the University Network. Moreover, Turkey exerts influence over Nagorno-Karabakh and its Armenian population through its close political, economic and military ties with Azerbaijan, as well as through the Russian-Turkish monitoring center created as part of the November 2020 ceasefire agreement.

<sup>24</sup> Carter, “Response to Armenian Government Letter on the Town of Khojaly, Nagorno-Karabakh.

<sup>25</sup> Amnesty International, *Armenia: Last to flee: Older people’s experience of war crimes and displacement in the Nagorno-Karabakh conflict* (London, May 17, 2022), <https://www.amnesty.org/en/documents/eur54/5214/2022/en/>.

last June with war crimes he allegedly committed in 1991 during the first Nagorno-Karabakh War in the Khojaly district.<sup>26</sup>

The cumulative political and social impacts of systemic anti-Armenian sentiment can be observed in moments prior to the 2020 war. In 2004, Azerbaijani Ramil Safarov murdered an Armenian, Gurgen Margaryan, at a NATO Partnership for Peace course in Hungary by bludgeoning him to death with an ax. Safarov received a life sentence in Hungary, but was subsequently extradited to Azerbaijan and pardoned. Revenge was apparently a key motivating factor behind the murder, with Safarov's parents reportedly detailing atrocities committed by Armenians against their relatives to the Institute for War and Peace Reporting following the murder: "Two of his cousins died from the bullets of Armenian aggressors – Ildirim Khudiev and Jabbar Yusifov. . . . What kind of attitude do you have to that?"<sup>27</sup>

The actions of President Aliyev after Safarov's extradition demonstrate tolerance for violence against people of Armenian ethnicity and politicization of revenge at the highest level of government.<sup>28</sup> According to the facts laid out in the decision on a case brought to the European Court of Human Rights, "Upon his arrival in Azerbaijan, [Safarov] was informed that he had received a presidential pardon and was released. He was also promoted to the rank of major at a public ceremony, granted a flat and paid eight years of salary arrears."<sup>29</sup> Amnesty International USA noted that Azerbaijan's actions after Safarov's extradition suggest that "[Margaryan's] brutal murder based on his ethnicity was, retroactively, a state-sponsored hate crime."<sup>30</sup>

<sup>26</sup> "Detained in Azerbaijan Vagif Khachatryan to appear in court soon," *News.az*, August 18, 2023, <https://news.az/news/detained-in-azerbaijan-vagif-khachatryan-to-appear-in-court-soon>.

<sup>27</sup> Marina Grigorian, "Murder Case Judgement Reverberates Around Caucasus | Institute for War and Peace Reporting," *Institute for War and Peace Reporting*, April 20, 2006, <https://iwpr.net/global-voices/murder-case-judgement-reverberates-around-caucasus>.

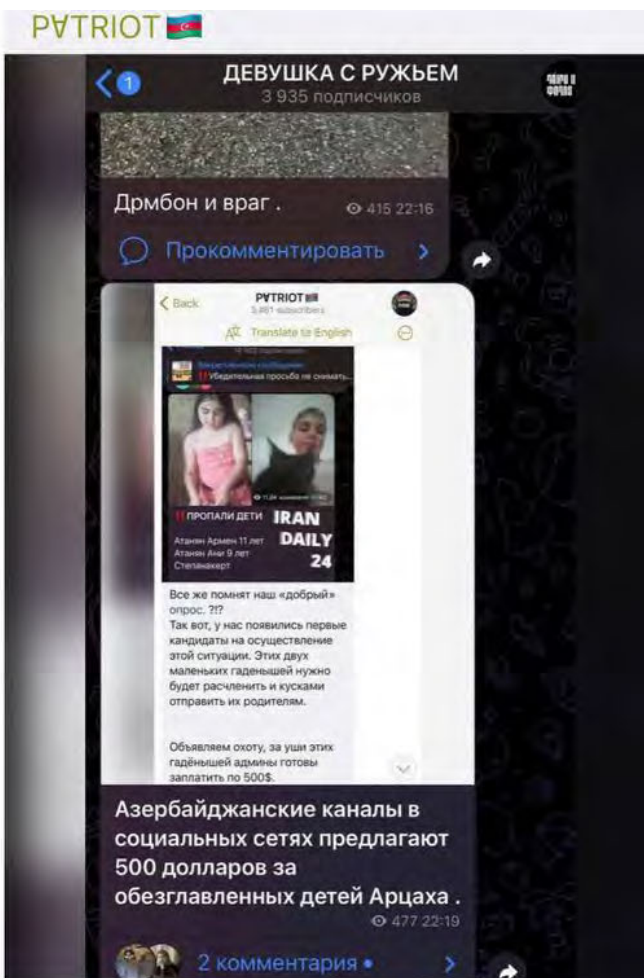
<sup>28</sup> Ilham Aliyev, "Order of the President of the Republic of Azerbaijan on pardoning of R.S.Safarov," August 31, 2012, <https://president.az/en/articles/view/5596>.

<sup>29</sup> Registrar of the European Court of Human Rights, "Azerbaijan violated the Convention by releasing an extradited officer who had murdered an Armenian soldier during training in Hungary," May 26, 2020, available at: <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-6704672-8927091&filename=Judgment+Makuchyan+and+Minasyan+v.+Azerbaijan+and+Hungary+-+violation+of+the+Convention+by+Azerbaijan+after+pardon+and+release+for+an+officer+convicted+of+murdering>.

<sup>30</sup> Amnesty International, "Prisoner Without Conscience Pardoned and Promoted," accessed December 2023, <https://www.amnestyusa.org/updates/prisoner-without-conscience-pardoned-and-promoted/>.

## 4. Ethnic Hatred during and after the 2020 War

During and following the 2020 war, Azerbaijani forces clearly exhibited ethnic hatred in perpetrating other atrocity crimes against Armenians.



Тупая ты овца, ты чё в глаза долбишься???

Не за головы, а за уши!!!!

Поднимаю до 600\$ 1.8K 2:41 PM

*Telegram post encourages Azerbaijanis to hunt down and dismember missing Armenian children, offers \$600 for ears.*

Azerbaijani forces filmed and/or photographed the bodies of civilians and combatants who had been extrajudicially killed or killed in action, including bodies that had been mutilated. The content of these publications included 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, and placing severed heads onto the bodies of animals, among other forms of humiliation. (See Chapter 4: Unlawful Killings and Mutilation of the Deceased).

Families of prisoners of war have described receiving video messages of their loved ones being forced to dance naked while in captivity. Videos of detainees being forced to repeat "Karabakh is Azerbaijan" and insult Armenian Prime Minister Nikol Pashinyan abound (see Chapter 2: Torture). Humiliation has also taken the form of displaying victims in a state of helplessness. In one widely circulated video of the decapitation of an elderly man in Hadrut, the victim can be heard saying, "For the sake of Allah, I beg you," to the Azerbaijani soldier who is holding him down as he takes his life (see Chapter 4: Unlawful Killings). In another video, an elderly and

disabled man captured in Shushi (Shusha in Azeri) is encircled by Azerbaijani soldiers, who restrain him while taunting and kicking him.<sup>31</sup>

Subsequent to the killings, Azerbaijani authorities unjustifiably held onto the bodies of the victims for months before handing them over to Armenian authorities, prolonging and deepening the emotional suffering of victims' families. During that time, stickers, memes and emojis surfaced, displaying the victims in degrading scenes staged for the apparent purpose of being filmed and shared with their loved ones. They were often sent by perpetrators to family members through their social media feeds and messages. The latter practice occurred in the case of soldiers killed in combat as well (see Chapter 4: Unlawful Killings). Most recently, Armenians from Nagorno-Karabakh received threatening, discriminatory, and degrading messages on social media in the days leading up to September 2023's mass exodus (see Chapter 8: The Last Voices from Artsakh).

## IV. Conclusion and Calls to Action

The Azerbaijani government has fomented hatred against ethnic Armenians through genocidal hate speech. It has also promoted discrimination in state programs and projects. This hate speech and discrimination against Armenians in Azerbaijan is not new (it has been a major driver of violence since the 1980s), but it has worsened during and following the 2020 war. Consistent with the overarching pattern of ethnic discrimination that characterizes all the categories of rights violations analyzed in this report, ethnic hatred has driven most of the egregious violations perpetrated against ethnic Armenians in Nagorno-Karabakh, in detention centers in Azerbaijan, and in the parts of Armenia that Azerbaijan forces have attacked and occupied over the past three years.

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<sup>31</sup> Azeri War Crimes, "Disabled 80-year-old Armenian man humiliated and kicked by Azerbaijani soldiers," November 25, 2020, <https://azeriwarcrimes.org/2020/11/25/disabled-80-year-old-armenian-man-humiliated-and-kicked-by-azerbaijani-soldiers/>.

## **To the international community:**

1. States should publish a collective statement, possibly through a UN General Assembly Resolution, recognizing and condemning pervasive, state-sponsored anti-Armenian hatred in Azerbaijan, and call upon Azerbaijani leadership to dismantle systemic hatred.
2. Through the International Criminal Court and the International Court of Justice, states should promote and support the prosecution of the Azerbaijani State and specific state forces for encouraging, enabling, and perpetrating hate crimes.
3. States should take measures to deter Azerbaijani officials from inciting ethnic hatred, calling for violence, and advocating discriminatory measures against Armenians, including by putting an end to state practices that perpetuate and reward discrimination.

## **To the private sector:**

Social media companies should design and implement effective policies to curb speech inciting violence against Armenians on their platforms.

# CHAPTER 6: DESTRUCTION OF CULTURAL HERITAGE

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# I. Introduction

Azerbaijan's abuses pose an existential threat not only to Armenian people, but also to evidence of their historical presence, culture, and society in and beyond Nagorno-Karabakh. To this end, Azerbaijan has carried out a multi-pronged attack on Armenian cultural heritage that has involved destruction, erasure and revisionism, and obstructing access to cultural sites.

1. *Destruction.* Azerbaijani forces have destroyed Armenian churches, cemeteries, museums, and monuments during the 2020 war and afterwards as they took control of additional territory.
2. *Erasure and revisionism.* As a matter of state policy, Azerbaijan has imposed revisionist history of Armenian cultural monuments that have come under their control by erasing Armenian writing and markings from structures. Meanwhile, high-level officials have publicly expounded revisionist discourse. The revisionism has extended to a successful campaign to rename and publish false historical data about Armenian churches on Google Maps, including sites known to and visited by our team.
3. *Obstructing access.* Intimidation by Azerbaijani forces near border communities has effectively blocked residents and pilgrims from reaching places of worship.

Academic researchers with Monument Watch, a project out of Yerevan State University that has monitored over 200 monuments in Nagorno-Karabakh, call this multi-pronged assault on Armenian culture and history in Nagorno-Karabakh “an occupation of heritage.”<sup>1</sup> There have been over 180 attacks amidst this occupation after the 44-Day War as of July 2023, according to Monument Watch researchers. “Azerbaijan is trying to destroy and change identity,” warned Haykuhi Muradyan, lecturer in cultural studies at Yerevan State University and one of the lead investigators behind Monument Watch, said in an interview with the University Network for Human Rights (University Network or UNHR).<sup>2</sup>

<sup>1</sup> Monument Watch researchers, interview with UNHR, Yerevan, July 31, 2023.

<sup>2</sup> Ibid.



*Ghazanchetsot Church in Shushi following aerial bombing, October 8, 2020. Photo by Areg Balayan. Used with permission.*

These actions have prompted international observers and civil society representatives to express grave concerns about the preservation of Armenian ties to historical and religious sites now under Azerbaijani control. In December 2021, the International Court of Justice (ICJ) instructed Azerbaijan to “take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artifacts.”<sup>3</sup> Azerbaijan did not comply with this decision: Two years and four months after the ICJ ruling, the European Parliament passed a resolution stating that the “elimination of the traces of Armenian cultural heritage in the Nagorno-Karabakh region is being achieved not only by damaging and destroying it, but also through the falsification of history and attempts to present it as so-called Caucasian Albanian.”<sup>4</sup> Further, the resolution strongly condemned “Azerbaijan’s continued policy of erasing and denying the Armenian cultural heritage in and around

<sup>3</sup> *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021, I.C.J. Reports 2021, 361, <https://www.icj-cij.org/sites/default/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>.*

<sup>4</sup> European Parliament, “Joint motion for a resolution on the destruction of cultural heritage in Nagorno-Karabakh I RC-B9-0146/2022,” March 9, 2022, [https://www.europarl.europa.eu/doceo/document/RC-9-2022-0146\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-9-2022-0146_EN.html).

Nagorno-Karabakh” and recognized that the “erasure of the Armenian cultural heritage is part of a wider pattern of a systematic, state-level policy of Armenophobia, historical revisionism and hatred towards Armenians promoted by the Azerbaijani authorities.”<sup>5</sup>



*Vardan, a forcibly displaced person from Shushi, Nagorno-Karabakh, describes to UNHR researchers the route he took to salvage Armenian artifacts from his museum during the 2020 war. (March 2022)*

## **Vardan, Keeper of Armenian Cultural Heritage**

University Network Researchers sat down with Vardan Asatryan, father, husband, and keeper of history and culture in Nagorno-Karabakh. He holds two masters degrees – one in political science and one in economics – but his true passion lies in preserving the stories of Armenian history and culture in the Nagorno-Karabakh region for future generations of Armenians.

With financial help from the Armenian diaspora, Vardan curated a museum in the town of Shushi (Shusha in Azeri) in Nagorno-Karabakh that told the history of Armenian cultural heritage in the region through art, carpets, and artifacts, some dating as far back as 2000 years. Today, much of his collection has been seized by Azerbaijani forces, feeding a growing fear that the artifacts and the thousands of years of historical connection between Armenians and Nagorno-Karabakh will be lost forever.

Vardan is eager to explain how carpets tell a story, many times a religious one. The designs of the carpets are not random, but have a beginning and an end, a top and a bottom, and – as Vardan likes to say – are “the original pixelated images.” With the displacement of people like Vardan, there are fewer people who can safeguard this history and these stories.

<sup>5</sup> Ibid.

Like many other Armenians from the Nagorno-Karabakh region, Vardan is currently living in Yerevan, forcibly displaced from his home in the final days of the 44-Day War. Vardan's museum was located in a civilian area. After a few days of intense shelling, with one artillery round landing in the front yard of one of his museums, Vardan resigned himself to the fact that Shushi would be lost to Azerbaijani forces. With the help of a friend and two soldiers who happened to be passing by, they rescued 50 paintings from his collection to immediately send out of Nagorno-Karabakh. To stay undetected by Azerbaijani drones, the vehicles transporting the items drove in the middle of the night without headlights for approximately thirty kilometers before crossing into safety at the Armenian border.

Vardan did not have time to rescue items from the second building, including 99 ceramics, 120 carpets, 50 bronze artifacts, and pieces from a midcentury exhibit. Azerbaijani troops posted videos online of them capturing and ransacking what was left of his museum, and President Ilham Aliyev called Vardan out by name, accusing him of being a thief and "stealing" Azerbaijani culture. After showing our researchers that video, Vardan reflected, "How could I leave my artifacts there – what would happen to them? They would pillage my museum like they did the second building. They would claim it as theirs. . . . If I had left them there, us as a culture, you would say goodbye to us. The history of our culture weaved into the carpets would disappear."<sup>6</sup>



*Artisanal market in Yerevan, Armenia. (March 2023)*

<sup>6</sup> Vardan, interview with UNHR, Yerevan, March 2022.



*Horse near Gandzasar monastery, Nagorno-Karabakh. (2019)*

## II. International Legal Framework for Attacks on Cultural Heritage

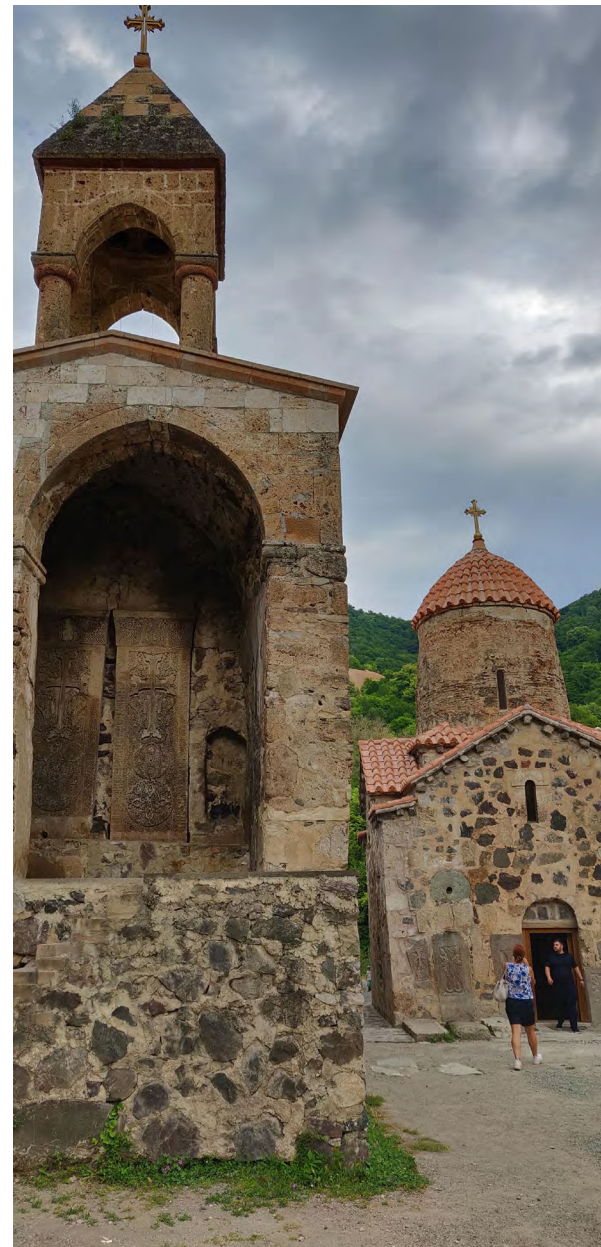
According to the Convention Concerning the Protection of the World Cultural and Natural Heritage (“World Heritage Convention”), cultural heritage refers to monuments, buildings, and sites that are of “outstanding universal value” from a historic, artistic, scientific aesthetic, ethnological, or anthropological perspective.<sup>7</sup> Cultural heritage may also be intangible. According to the Special Rapporteur in the field of cultural rights, “traditions, customs and practices, vernacular or other languages, forms of artistic expression and folklore” are also forms of cultural heritage.<sup>8</sup>

<sup>7</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), Convention Concerning the Protection of the World Cultural and Natural Heritage, art. 1, November 16, 1972, The United Nations, available at: <https://whc.unesco.org/archive/convention-en.pdf>. [hereinafter World Heritage Convention].

<sup>8</sup> UN Human Rights Council, Report of the Special Rapporteur in the field of cultural rights, February 3, 2016, A/HRC/31/59, available at: <https://digitallibrary.un.org/record/831612?ln=en>.

Various international legal instruments contain obligations requiring States to protect cultural heritage. Azerbaijan and Armenia are State Parties to the World Heritage Convention, which imposes duties on signatories to protect cultural heritage found within their territory and others. Signatories are bound “to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage.”<sup>9</sup> Furthermore, State Parties cannot take “deliberate measures which might damage directly or indirectly the cultural and natural heritage . . . situated on the territory of other States Parties to this Convention.”<sup>10</sup>

Azerbaijan is further bound by the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, to which Azerbaijan is a Party. Article 4 of the Convention states that Parties must “undertake to respect cultural property” and refrain from any uses “likely to expose it to destruction or damage in the event of armed conflict.” State Parties must also “undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property.”<sup>11</sup> The Convention also imposes an obligation to safeguard property during peacetime.<sup>12</sup> The Second Protocol to the Convention (1999) adds additional obligations on States to “do everything feasible to verify that the objectives to



*Dadivank Monastery in Nagorno-Karabakh. (2019)*

<sup>9</sup> World Heritage Convention, art. 5.

<sup>10</sup> World Heritage Convention, art. 6.

<sup>11</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 4, May 14, 1954, The Hague, available at: [https://en.unesco.org/sites/default/files/1954\\_Convention\\_EN\\_2020.pdf](https://en.unesco.org/sites/default/files/1954_Convention_EN_2020.pdf).

<sup>12</sup> Ibid, art. 3.

be attacked are not cultural property” and “take all feasible precautions in the choice of means and methods of attack” so as to avoid damage to cultural property.<sup>13</sup>

Customary international law provides further guidance and protections regarding cultural heritage.<sup>14</sup> The International Committee of the Red Cross has identified several rules of customary law that protect cultural property: Rule 10 states that civilian objects, including places of worship, are “protected against attack,” while Rules 38, 40, 147



*Askeran Fortress in Nagorno-Karabakh. (2019)*

<sup>13</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, art. 7, March 26, 1999, The Hague, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000130696>.

<sup>14</sup> See Perez Leon Acevedo, Juan Pablo and Alves Pinto, Thiago Felipe, Enforcing Freedom of Religion or Belief in Cases Involving Attacks Against Buildings Dedicated to Religion: The Al Mahdi Case at the International Criminal Court (January 6, 2020). Berkeley Journal of International Law (BJIL), Vol. 37, November 3, 2020, available at: <https://ssrn.com/abstract=3519600>.

provide further protections for cultural property.<sup>15</sup> Rule 156 explains how attacks on cultural or religious property can be considered a war crime.<sup>16</sup>

Finally, though human rights treaties do not articulate an explicit right to cultural heritage, several provisions within these instruments bestow negative and positive obligations on States regarding cultural heritage. Article 27(1) of the Universal Declaration of Human Rights,<sup>17</sup> Article 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights,<sup>18</sup> Article 13(c) of the Convention on the Elimination of All Forms of Discrimination against Women,<sup>19</sup> and Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>20</sup> codify the right to participate in cultural life (or in the case of ICERD, the right to participate in cultural activities). Freedom of religion or thought, enshrined in Article 18 of the International Covenant on Civil and Political Rights<sup>21</sup> and Article 9 of the European Convention on Human Rights,<sup>22</sup> provide safeguards to spaces

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<sup>15</sup> International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law*, rule 10, 38, 40, 147, 2005, Volume I: Rules, available at: <https://www.refworld.org/docid/5305e3de4.html> [accessed December 19, 2023].

<sup>16</sup> *Ibid*, rule 156.

<sup>17</sup> UN General Assembly, The Universal Declaration of Human Rights, art. 27, December 10, 1948, United Nations, available at: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english> [hereinafter UDHR].

<sup>18</sup> UN General Assembly, International Covenant on Economic, Social and Cultural Rights, art. 15, December 16, 1966, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

<sup>19</sup> UN General Assembly, Convention on the Elimination of All Forms of Discrimination against Women, art. 13, December 18, 1979, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> [hereinafter CEDAW].

<sup>20</sup> UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, art. 5, December 21, 1965, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial> [hereinafter ICERD].

<sup>21</sup> UN General Assembly, International Covenant on Civil and Political Rights, art. 18, December 16, 1966, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>22</sup> Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms, art. 9, 1950, *Council of Europe Treaty Series 005*, Council of Europe, available at: [https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG).

dedicated to religion. In Resolution 33/20, the Human Rights Council recognizes that the right to cultural life includes “the ability to access and enjoy cultural heritage.”<sup>23</sup>

## III. Key Findings

### 1. Destruction

Recent upticks in destruction of cultural heritage only build on Azerbaijan’s history of antagonism toward Armenian culture. Between 1997 and 2011, a staggering 98% of Armenian cultural heritage sites in the Azerbaijani region of Nakhchivan were completely destroyed, according to Cornell University’s Caucasus Heritage Watch (CHW), a research initiative led by archaeologists at Cornell and Purdue Universities that uses satellite imagery to monitor and document endangered and damaged heritage sites.<sup>24</sup> Azerbaijan’s attacks on Armenian cultural heritage have intensified during and since the 44-Day War. Numerous sites in Nagorno-Karabakh, including cemeteries, churches, and the ancient city of Tigranakert, have been continually threatened, damaged, or destroyed by Azerbaijani forces during and after the conflict.<sup>25</sup> This phenomenon has been widely documented by international and Armenian research institutions; a UNHR review of numerous sources found documentation of at least 40 cultural sites in Nagorno-Karabakh that had been damaged, destroyed, or desecrated, wholly or in part, some on multiple different occasions, since the region came under Azerbaijani control. Another several dozen sites have been threatened or identified as being at risk of similar destruction.<sup>26</sup>

<sup>23</sup> UN Human Rights Council, Resolution on Cultural Rights and the Protection of Cultural Heritage, A/HRC/RES/33/20, October 6, 2016, The United Nations, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/227/55/PDF/G1622755.pdf?OpenElement>.

<sup>24</sup> Caucasus Heritage Watch, *Silent Erasure: A Satellite Investigation of the Destruction of Armenian Cultural Heritage in Nakhchivan, Azerbaijan* (May 1, 2023), <https://storymaps.arcgis.com/stories/48703f664f2f467b8f4f42008d8c75da>.

<sup>25</sup> Simon Maghakyan, “Cultural erasure may spark next Nagorno-Karabakh war,” *Asia Times*, November 16, 2020, <https://asiatimes.com/2020/11/cultural-erasure-may-spark-next-nagorno-karabakh-war/>.

<sup>26</sup> Monument Watch, “Alerts,” accessed December 19, 2023, <https://monumentwatch.org/en/alerts/>; Lori Khatchadourian, Ian Lindsay, and Adam T. Smith, and Husik Ghulyan, *Caucasus Heritage Watch Report #6* (December 2023), <https://indd.adobe.com/view/0da94550-19a5-4b85-a682-9666a644bb79>.



*Ruins in Tigranakert, Nagorno-Karabakh. (2019)*

A stark example of sweeping destruction of cultural heritage is the city of Hadrut, also host to some of the most gruesome displays of executions of civilians during the 2020 Nagorno-Karabakh War (see Chapter 4: Unlawful Killings and Mutilation of the Deceased). After emptying the town of its Armenian inhabitants, Azerbaijani forces took to destroying Armenian religious and cultural structures. According to Monument Watch's monitoring of Hadrut, satellite images show that between May and June 2021, nearly the entire Armenian Genocide Memorial Complex in Azokh village was destroyed, and the memorial itself was missing.<sup>27</sup> In addition, videos posted on Telegram showed the memorials to the victims of the first Nagorno-Karabakh War and World War II covered in graffiti.<sup>28</sup>

There are dozens of other examples of destruction of cultural heritage in Nagorno-Karabakh.<sup>29</sup> The destruction extends to Armenia as well, where UNHR researchers saw

<sup>27</sup> Monument Watch, "Destruction of the Memorial Complex in Azokh Village of Hadrut," August 28, 2021, <https://monumentwatch.org/en/alerts/destruction-of-the-memorial-complex-in-azokh-village-of-hadrut/>.

<sup>28</sup> Monument Watch, "Memorial Dedicated to the Victims of World War II and the First Artsakh War Was Desecrated in Azokh Village," May 11, 2022, <https://monumentwatch.org/en/alerts/memorial-dedicated-to-the-victims-of-world-war-ii-and-the-first-artsakh-war-was-desecrated-in-azokh-village/>.

<sup>29</sup> See <https://caucasusheritage.cornell.edu/> and [monumentwatch.org](https://monumentwatch.org).



*Engraving from Gandzasar monastery,  
Nagorno-Karabakh. (2019)*

a cemetery in Jermuk, which we visited in March 2023, destroyed by shelling from Azerbaijani's assault on Armenia in September 2022.

The Parliamentary Assembly of the Council of Europe (PACE) has expressed concern for the state of Armenian heritage sites. In a resolution on "Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict" adopted on September 27, 2021, PACE stated, "The long running conflict has had a catastrophic impact on the cultural heritage and property of the region, for which both Armenia and Azerbaijan have a responsibility."<sup>30</sup> PACE condemned "the damage deliberately caused to cultural heritage during the six-week war, and what appears to be the deliberate shelling of the Gazanchi Church, the St. Holy Saviour/Ghazanchetsots Cathedral in Shushi (Shusha in Azeri), as well as the destruction or damage of other churches and cemeteries during and after the conflict."<sup>31</sup>

Concern for the state of Armenian heritage in Azerbaijani-controlled areas has been voiced by other international observers. The United States Department of State's Office of International Religious Freedom Report for 2021 echoed the concerns highlighted by PACE. Additionally, it shared that the US Ambassador to Azerbaijan "advocated at the highest levels of

<sup>30</sup> Parliamentary Assembly of Europe, "Res. 2391 - Resolution - Adopted text: Humanitarian consequences of the conflict between Armenia and Azerbaijan," 2021, <https://pace.coe.int/en/files/29483/html>.

<sup>31</sup> Ibid.

government for the protection of religious and cultural sites in the territories newly returned to Azerbaijani control after the 2020 fighting.”<sup>32</sup>

## 2. Erasure and Revisionism

Azerbaijani officials have invoked the concepts of “Western Azerbaijan” and “Caucasian Albania” to deny the historical existence of autochthonous Armenians in Nagorno-Karabakh and present-day Armenia, as well as to overwrite evidence of the presence of Armenian culture and societies in Nagorno-Karabakh and Armenia.

As a matter of state policy, Azerbaijan erased Armenian writing and markings from Armenian cultural monuments and churches that have come under their control after the 44-Day War in 2020. In February 2022, Azerbaijan’s Minister of Culture had announced



*Gandzasar monastery, Nagorno-Karabakh. (2019)*

<sup>32</sup> U.S. Department of State, Office of International Religious Freedom, *Azerbaijan 2021 International Religious Freedom Report* (June 2, 2022), <https://www.state.gov/wp-content/uploads/2022/04/AZERBAIJAN-2021-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

plans to establish a working group which would be responsible for removing “the so-called traces written by Armenians on Albanian religious temples.”<sup>33</sup>

Such policies threaten “not just physical destruction,” a Monument Watch researcher told UNHR, but also erasure and revisionism. “Aliyev speaks of how Armenians have ‘destroyed the Albanian heritage’,” the researcher continued. “It is threatening when the leader of the contrary side speaks about Albanian culture [to deprive] Armenian identity of this heritage.”<sup>34</sup>

According to authors of the 2023 book *Caucasian Albania*,<sup>35</sup>

The “Albanianising” approach, first put forward by the Soviet-Azerbaijani historian Ziya Bunyatov in the 1950s and 60s, has now acquired new topicality by being instrumentalised in abnegating the Armenian background of the disputed territory of Karabakh. . . . To shed light on this debate, which seems to have been fought mostly on the backs of the Armenians with their long-lasting presence, historically irrefutable, in the disputed region of Karabakh, we deemed it overdue to counter the (definitely not harmless) myths on Caucasian Albania that are swirling around today, with scientifically sound and proven facts.<sup>36</sup>

The “Albanianizing approach” has had observers from Armenia on high alert since the end of the 44-Day War. On September 21, 2021, the day after Azerbaijan’s decisive assault and takeover of Nagorno-Karabakh, the Center for Truth and Justice issued an “Urgent Call to Protect Amaras Monastery from Cultural Erasure” as Azerbaijani forces took over the land where it stands. By October 6, Azerbaijani television was broadcasting a program claiming the Gandzasar, Amaras and Dadivank

<sup>33</sup> Anar Karimov, “Working group set up to restore Armenianized Albanian temples,” *Report News Agency*, February 3, 2022, <https://report.az/en/cultural-policy/working-group-set-up-to-restore-armenianized-temples-of-ancient-albania/>; Peter Liakhov and Ani Avetisyan, “The battle over Christian monuments in Nagorno-Karabakh,” *OC Media*, February 10, 2022, <https://oc-media.org/features/the-battle-over-christian-monuments-in-nagorno-karabakh/>.

<sup>34</sup> Monument Watch, interview.

<sup>35</sup> A project funded by the European Research Council that aimed to present “an overview of the current state of research on the Caucasian ‘Albanians’ in an objective, scientifically sound manner . . . not necessarily intended to reveal new scientific findings but rather to summarise approved knowledge” (“Caucasian Albania: An International Handbook,” in *Caucasian Albania* (De Gruyter Mouton, 2023), <https://doi.org/10.1515/9783110794687>).

<sup>36</sup> “Caucasian Albania,” v–vi.

monasteries as “prime examples of Caucasian Albanian architecture.”<sup>37</sup> The consequences of these claims can be far-reaching, Monument Watch warns: “The promotion of de-Armenianization narratives may potentially lead to the distortion of the authentic architecture of these monasteries, risking the erasure of hundreds of Armenian inscriptions, crosses, and cross compositions.”<sup>38</sup>

Revisionism and erasure of evidence of the presence of Armenian society and culture in Nagorno-Karabakh have permeated the digital sphere as well. For example, UNHR researchers traveled to Aghavno, a village in Nagorno-Karabakh located at the entrance to the Lachin Corridor, in March of 2022. A resident of the village, while giving a tour of the village church, described how he witnessed its construction, roughly 20 years prior. Azerbaijani forces took control of Aghavno village several months after UNHR’s visit. The 20-year old structure is now labeled “Ancient Albanian Church” on Google Maps. This is far from an isolated case. In January 2022, Monument Watch warned that Google might remove Armenian toponyms from its Maps platform, result of concerted efforts by Azerbaijani officials to persuade Google to “reject the Armenian names of the territories of Karabakh under the control of Azerbaijan, presenting the ‘official’ Azerbaijani list of geographical names.”<sup>39</sup>



*Ruins in Tigranakert, Nagorno-Karabakh. (2019)*

<sup>37</sup> Monument Watch, “Azerbaijan’s Dangerous Statements and Initiatives,” October 7, 2023, <https://monumentwatch.org/en/alerts/azerbaijans-dangerous-statements-and-initiatives/>.

<sup>38</sup> Ibid.

<sup>39</sup> Monument Watch, “Google May Remove the Armenian Toponyms of Artsakh from Its Maps at Request of Azerbaijan,” January 20, 2022, <https://monumentwatch.org/en/alerts/google-may-remove-the-armenian-toponyms-of-artsakh-from-its-maps-at-request-of-azerbaijan/>.

Azerbaijan's policy of historical revisionism has extended beyond Nagorno-Karabakh to present-day Armenia. Its promotion of the concept of "Western Azerbaijan" since the end of the 44-Day War reveals an agenda for similar revisionist attack on the essential relationship between Armenian ethnic identity and the lands within what is



Gandzasar monastery, Nagorno-Karabakh. (2019)

today the Republic of Armenia. In remarks published on the official webpage of the President of Azerbaijan, Ilham Aliyev has stated, "Armenia was never present in this region before. Present-day Armenia is our land."<sup>40</sup> The Azerbaijani head of state's messaging about Azerbaijan's historical right to present-day Armenia includes statements referencing Azerbaijani historical and religious monuments and draws parallels with Nagorno-Karabakh: "Western Azerbaijan is our historical land. . . . Unfortunately, as they did in Karabakh, the Armenians razed all our historical and religious monuments in Western Azerbaijan to the ground. They wanted to erase the historical heritage of the Azerbaijani people, but they failed."<sup>41</sup>

Aliyev gave the above-cited speech in December 2022 in a meeting with an organization called "Community of Western Azerbaijan," which, until recently, was called the Azerbaijani Refugee Union. Since then, there has been much activity on the subject of "Western Azerbaijan," among it, the decision of the presidency of the Academy of Sciences of Azerbaijan to open three new departments: "History of Western Azerbaijan" at the Bakikhanov Institute of History, "Western Azerbaijan Folklore" at the Folklore Institute, and "Western Azerbaijan Toponymy" at the

<sup>40</sup> Ilham Aliyev, "Speech by Ilham Aliyev at the meeting with a group of intellectuals from Western Azerbaijan," transcript of speech, December 24, 2022, <https://president.az/en/articles/view/58470>.

<sup>41</sup> Ibid.

Nasimi Institute of Linguistics.<sup>42</sup> Moreover, Azerbaijan has begun to embed the idea of Western Azerbaijan abroad, organizing events like the “Return to Western Azerbaijan at the International Level” conference in Tbilisi in December 2023.<sup>43</sup> These actions, and the international community’s receptiveness to them, constitute a serious threat to the preservation of the essential historical and cultural connection between Armenian identity and Armenia.

These revisionist narratives are highly connected to incitement to hatred; in fact, they are even more pernicious, since the destruction caused by rhetoric is less obvious and visible as physical attacks on churches, museums, artifacts, and otherwise. Such profound revisionism threatens to gradually sever the historical association between Armenian culture and the lands and structures that have fallen under Azerbaijani control. Together with obstructing access to Armenian cultural heritage (see below),



*View of Vank in Nagorno-Karabakh. (2019)*

<sup>42</sup> Monument Watch, “Աղբրեջանի Հանրապետության Ագրեսիվ Քաղաքականության Հերթական Դրսևորումը [Another Aggressive Policy of the Republic of Azerbaijan],” January 17, 2023, <https://monumentwatch.org/hy/alerts/աղբրեջանի-հանրապետության-ագրեսիվ-քա/>.

<sup>43</sup> Nagif Hamzayev (@hamzanagif), “Return to Western Azerbaijan at the International Level - Georgia Forum,” Twitter, December 18, 2023, <https://twitter.com/hamzanagif/status/1736704120025751695>.

destruction, erasure and revisionism trigger a chain reaction that could lead to erasure of collective cultural memory. Thus, Azerbaijan's assaults on the physical representations of Armenian culture and historical presence also threaten Nagorno-Karabakh and Armenia's intangible cultural property, or the traditions and living expressions inherited from ancestors and passed on to descendants.<sup>44</sup>

### 3. Obstruction of Access



*UNHR researcher interviewing a resident of Aghavno village. (March 2022)*

Another concerning trend in Azerbaijan's practices related to Armenian cultural heritage in Nagorno-Karabakh has been the obstruction of access to residents and pilgrims. In its 2021 report on international religious freedom, the U.S. Department of State cited reports by media and the Armenian Apostolic Church that "no Armenian pilgrims had been permitted visits to any religious site in Azerbaijani-controlled territory (where no Russian forces were present)" since May 2021.<sup>45</sup> One example of sites to which access has been totally or severely restricted is the medieval Dadivank Monastery in the district of Kalbajar (Karvachar in Armenian). According to the Armenian Apostolic Church, Azerbaijan had denied access to groups of pilgrims with Russian escorts to visit the monastery on two separate occasions in February and April 2021.<sup>46</sup> The State Department report elaborated, "Azerbaijani

<sup>44</sup> "UNESCO - What Is Intangible Cultural Heritage?," UNESCO, accessed December 19, 2023, <https://ich.unesco.org/en/what-is-intangible-heritage-00003>.

<sup>45</sup> U.S. Department of State, *2021 Report*, 14.

<sup>46</sup> *Ibid.*



*View of Vank in Nagorno-Karabakh. (2019)*

authorities cited COVID-19, flooding, and road damage as reasons for denying access to groups of pilgrims who were ready with Russian peacekeeper escorts to visit the monastery.”<sup>47</sup>

Azerbaijan’s blockade of the Lachin Corridor, beginning in December 2022 and intensifying through the September 2023 takeover, had further exacerbated Nagorno-Karabakh Armenians’ lack of access to their heritage and cultural sites. Due to the “impossibility of free movement,” Nagorno-Karabakh residents were denied “the right to freely participate in the cultural life of Armenians of Artsakh, their natural right to live in accordance with their ideas and cultural practices.”<sup>48</sup> In an interview with Monument Watch researchers in July 2023, they explained how cultural sites in border areas “are under the target of Azerbaijani forces; it’s difficult to use that heritage; the role of that heritage in community life has decreased because of the situation on the border.” Muradyan also recounted how the humanitarian crisis within Nagorno-Karabakh had

<sup>47</sup> Ibid.

<sup>48</sup> Monument Watch, “The Fundamental Cultural Rights of Armenians of Artsakh Were Violated Because of the Closure of the Berdzor (Lachin) Corridor, Resulting Humanitarian Crisis,” December 26, 2022, <https://monumentwatch.org/en/alerts/the-fundamental-cultural-rights-of-armenians-of-artsakh-were-violated-because-of-the-closure-of-the-berdzor-lachin-corridor-resulting-humanitarian-crisis/>.

become so dire that their Stepanakert-based colleague on the project “cannot go to the border sites because of blockade (and) lack of fuel, so it is difficult to do the monitoring of border monuments as well.”<sup>49</sup>

## IV. Conclusion and Calls to Action

Azerbaijan has destroyed Armenian churches, cemeteries, museums, and monuments during the 2020 war and afterwards as they took control of additional territory. Intimidation by Azerbaijani forces near border communities has effectively blocked residents and pilgrims from reaching places of worship. As a matter of policy, Azerbaijan has imposed revisionist history of Armenian cultural monuments that have come under their control by erasing Armenian writing and markings from structures. Meanwhile, high-level officials have publicly expounded revisionist discourse. The revisionism has extended to a successful campaign to rename and publish false historical data about Armenian churches on Google Maps, including sites known to and visited by UNHR researchers.

These violations relate to others by Azerbaijan described in this report. As evidenced above, Azerbaijani officials’ incitement to hatred against Armenians promoted, or was used as a justification for the destruction of cultural and religious buildings as well as the destruction of Armenian local history in Nagorno-Karabakh. The villainization of Armenians through the dangerous revisionist narratives of Caucasian Albania and Western Azerbaijan in turn serves to further fuel that ethnic hatred. Additionally, destruction, revision and erasure, and obstructed access to Armenian cultural sites have all exacerbated and been exacerbated by Azerbaijan forcing out the populations of Nagorno-Karabakh and border communities through bombardment, isolation, gruesome displays of violence, and constant intimidation. The assaults on Armenian cultural heritage demonstrates are but one element of a broader campaign to totally empty the region of Armenian people, history, and culture alike.

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<sup>49</sup> Monument Watch, interview.

## **To the international community:**

1. States should promote and support UNESCO efforts to protect cultural heritage, including by conducting visits or permanent monitoring of Armenian cultural heritage sites in Azerbaijani-controlled territory.
2. States should exert pressure on Azerbaijan to take immediate measures to prevent continued destruction of Armenian cultural heritage and rectify all damage that has already occurred.
3. The UN Special Rapporteur in the field of cultural rights and the UN Special Rapporteur on the Rights of Indigenous Peoples should investigate the threats of erasure of Armenian cultural heritage in Azerbaijani-controlled territory, including by conducting site visits and consulting with experts.

## **To Alphabet Inc. (Google):**

1. Conduct a review of the naming and description of cultural sites that have been introduced on social media and web mapping platforms since September 27, 2020. Correct inaccurate naming and descriptions.
2. Going forward, conduct robust, independent fact-checking and consult with experts in the cultural history of the region prior to assigning names and descriptions to cultural sites in and around Nagorno-Karabakh, in particular in those areas that have recently been taken over by Azerbaijan.



*Ghazanchetsot Cathedral in Shushi after shelling, October 16, 2020.  
Photo by Areg Balayan. Used with permission.*

# CHAPTER 7: FORCED DISPLACEMENT

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# I. Introduction

From the beginning of the 2020 war and beyond its end, Azerbaijan deployed a series of mutually reinforcing measures that made life in Nagorno-Karabakh impossible for its 150,000 inhabitants. These three years of violent and increasingly untenable circumstances created the underlying conditions for the liquidation of nearly all the enclave's ethnic Armenian residents in September 2023.

However, even before this most recent mass dispossession from Nagorno-Karabakh, several waves of forced displacement had already taken place. Tens of thousands of ethnic Armenians had fled the areas of Nagorno-Karabakh that were overtaken by Azerbaijani forces during the 44-Day War or were later forced to leave under the

terms of the November 9, 2020 ceasefire agreement. Subsequently, Azerbaijani forces continued to intimidate residents of border communities following the war, causing further forced displacement within and out of Nagorno-Karabakh in the years leading up to Azerbaijan's decisive takeover of the region in September 2023.

The incrementality of forced displacement, and the six primary modes by which it was carried out since the beginning of the 2020 war, are described in greater detail below, using evidence from The University Network for Human Rights (UNHR or University Network)'s fact-finding and interviews as well as secondary source research.



*Abandoned children's play structure in Sotk, Gegharkunik province of Armenia. (March 2022)*

## II. International Legal Framework for Forced Displacement

Forced displacement is the coerced removal or relocation of a person or persons from their home or region.<sup>1</sup> Displaced people can be refugees: people “who [are] unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”<sup>2</sup> Or they can be internally displaced persons: people “who have been forced or obliged to flee or to leave their homes or places of habitual residence . . . to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”<sup>3</sup>

Humanitarian law, human rights law, and customary international law provide safeguards against forced displacement. Article 49 of the Fourth Geneva Convention prohibits “[i]ndividual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not.”<sup>4</sup> Several human rights treaties, including the Universal Declaration of Human Rights,<sup>5</sup> the International Covenant on Civil and Political Rights,<sup>6</sup>

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<sup>1</sup> United Nations High Commissioner for Refugees (UNHCR), Handbook for the Protection of Internally Displaced Persons: Part V: Protection Risks: Prevention, Mitigation and Response. Action Sheet 1 - Forced and Unlawful Displacement, 2007, The United Nations, available at: <https://www.unhcr.org/media/handbook-protection-internally-displaced-persons-part-v-protection-risks-prevention-4>.

<sup>2</sup> United Nations High Commissioner for Refugees (UNHCR), Convention and Protocol Relating to the Status of Refugees, December 2010, The United Nations, available at: <https://www.unhcr.org/us/media/convention-and-protocol-relating-status-refugees>.

<sup>3</sup> UN Commission on Human Rights, Addendum: Guiding Principles on Internal Displacement, February 11, 1998, E/CN.4/1998/53/Add.2, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>.

<sup>4</sup> International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), August 12, 1949, 75 UNTS 287, available at: [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf).

<sup>5</sup> UN General Assembly, The Universal Declaration of Human Rights, art. 13, December 10, 1948, United Nations, available at: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english> [hereinafter UDHR].

<sup>6</sup> UN General Assembly, International Covenant on Civil and Political Rights, art. 12, December 16, 1966, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>7</sup> and the Convention on the Elimination of All Forms of Discrimination against Women<sup>8</sup> impart obligations on States regarding freedom of movement that protect against the involuntary displacement of people. The Rome Statute provides further protections, stating that forced displacement or transfers can be considered crimes against humanity (Article 7.2)<sup>9</sup> or war crimes (Article 8.2).<sup>10</sup> The International Criminal Court has clarified that displacement does not require that people be physically forced from a location. Threat of force alone based on “fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person” is sufficient to be considered forced displacement for crimes against humanity purposes.<sup>11</sup>

The United Nations Guiding Principles on Internal Displacement provide further guidance. Though the Principles are not binding, they “restate and compile human rights and humanitarian law relevant to internally displaced persons,” serving as the blueprints on the matter.<sup>12</sup> The Principles state, “Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence,”<sup>13</sup> and they place a particular importance on protecting

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<sup>7</sup> UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, art. 5, December 21, 1965, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial> [hereinafter ICERD].

<sup>8</sup> UN General Assembly, Convention on the Elimination of All Forms of Discrimination against Women, art. 15, December 1979, United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> [hereinafter CEDAW].

<sup>9</sup> UN General Assembly, Rome Statute of the International Criminal Court, art. 7, July 17, 1998, International Criminal Court, available at: <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf> [hereinafter Rome Statute].

<sup>10</sup> Ibid, art. 8.

<sup>11</sup> International Criminal Court (ICC), Elements of Crimes, Footnote 12, 2013, The Hague, available at: <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>.

<sup>12</sup> UN High Commissioner for Refugees (UNHCR), Guiding Principles on Internal Displacement, July 22, 1998, ADM 1.1, PRL 12.1, PR00/98/109, available at: <https://www.unhcr.org/us/media/guiding-principles-internal-displacement>.

<sup>13</sup> Ibid, Principle 6.

“indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.”<sup>14</sup>

## III. Key Findings

The University Network has classified the primary mechanisms of forced displacement employed by Azerbaijani state forces into six categories: physical attacks, intimidation, attacks on sources of livelihood, lethal restrictions on freedom of movement, disruption of energy infrastructure, and endangerment of food security.

### 1. Physical Attacks

Many of those who fled Nagorno-Karabakh and/or border areas following the 2020 war's end (prior to the September-October 2023 mass exodus) did not do so as refugees of since-ended violence; rather, they were escaping due to ongoing and armed aggression against their communities in violation of the terms of the November 9, 2020 ceasefire agreement.

One of the principal forms of violence that drove many from their homes was Azerbaijan's use of intense and persistent shelling. For instance, in Khramort, a village on the eastern border of Nagorno-Karabakh



*Wall damaged in Azerbaijan's September 2022 attacks in Sotk, Gegharkunik province of Armenia. (March 2022)*

<sup>14</sup> UN High Commissioner for Refugees (UNHCR), Guiding Principles on Internal Displacement, Principle 9, 1998, ADM 1.1, PRL 12.1, PR00/98/109, available at: <https://www.unhcr.org/us/media/guiding-principles-internal-displacement>.

close to the frontline, residents claimed that the shelling that occurred at the onset of the war still continued when our team interviewed them in March 2022, just one day after they fled to Stepanakert. Susana, an epidemiologist who lived in the village with her daughter and grandchildren, had already been displaced earlier in the war from Hadrut, the location of some of the most brutal killings of civilians during the 2020 war (see Chapter 4: Unlawful Killings). In Khramort in 2022, she explained how relentless shelling had impeded simple day-to-day activities and caused many to flee. “There is no way to continue living in Artsakh. They are violating human rights in every possible way from every possible side,” she said.<sup>15</sup>

Melik,<sup>16</sup> a resident in the Armenian border village of Sotk, described the near constant shelling during Azerbaijan’s attacks of September 13 and 14, 2022. “Every minute,



*UNHR Researchers examine shrapnel in Sotk, Gegharkunik province of Armenia.*

every hour you can hear their aggression.”<sup>17</sup> Samvel,<sup>18</sup>

another resident, told UNHR, “There were hundreds of bombs and you couldn’t tell if they were going to hit you or hit next to you. You just try to save who you can.”<sup>19</sup> David,<sup>20</sup> a schoolteacher, experienced the shock of nearly walking into the path of an explosive. At home with his wife, parents, and small children, he said they were already sleeping “when we woke up to a very loud noise. My father and I ran

<sup>15</sup> Susana Petrosyan, interview with UNHR, Stepanakert, March 25, 2022.

<sup>16</sup> Name has been changed for privacy and security reasons.

<sup>17</sup> Melik, interview with UNHR, Sotk, March 14, 2023.

<sup>18</sup> Name has been changed for privacy and security reasons.

<sup>19</sup> Samvel, interview with UNHR, Sotk, March 14, 2023.

<sup>20</sup> Name has been changed for privacy and security reasons.

outside. A bomb fell right in front of us when we stepped outside. The wave from the explosion broke our windows. We ran inside to get our children to the basement and prayed that we wouldn't be shot."<sup>21</sup>

David mourned the impact the shellings have had on his children. "The worst is for the kids. My older son is three years old. [During the attack] he was just holding on to me tightly. He wouldn't cry or make noise because he kind of understood what was happening. This is a curse on them."<sup>22</sup> On the trauma of the shellings, Artur,<sup>23</sup> a fellow resident of Sotk added, "If you haven't seen it with your own eyes, it is hard to tell you. You have to see it, to feel it. We were being shelled from three different sides. It was chaos, the kids were crying. It felt like something out of a movie. We had to grab our children. They were clinging to our legs."<sup>24</sup>

The residents of Sotk were convinced that their homes were a target, and that the goal of the shelling was to make them want to leave. Melik reflected,

If it was only one or two houses, it may not have been deliberate, but over 90 percent of houses were damaged. Therefore, it was deliberate. Two days in a row, they were shelling houses. They just want everyone to leave the village. If they wanted to target military posts they would have targeted those directly, but we had so many missile strikes in the village that it was clear that they were aiming here.<sup>25</sup>



*Door damaged in Azerbaijan's September 2022 attacks in Sotk, Gegharkunik province of Armenia. (March 2022)*

<sup>21</sup> David, interview with UNHR, Sotk, March 14, 2023.

<sup>22</sup> Ibid.

<sup>23</sup> Name has been changed for privacy and security reasons.

<sup>24</sup> Artur, interview with UNHR, Sotk, March 14, 2023.

<sup>25</sup> Melik, interview.

The consequences of the shelling have been clear. Samvel said, “My friends and a few other people I know have stayed, but most left. Around 95 percent. Many have not returned even after renovations. Everyone is moving to Yerevan.”<sup>26</sup>

The activities of the International Committee for the Red Cross (ICRC) demonstrate an awareness that civilians in Armenian border communities are in danger of continued Azerbaijani attacks. Most telling is the ICRC’s program to build “passive protective measures” in a number of border areas. These measures are physical structures, such as walls, that can offer refuge in case of artillery fire or shelling on residential areas. An ICRC spokesperson elaborated in an interview with UNHR researchers,

We are also building safe rooms in basements in border schools so, in case of shooting or shelling, students can take refuge for a couple hours. . . . Protection ensures that there are protected walls in case of stray bullets. The walls are usually built in front of the schools. Walls help ensure that in the daily routine, there are passive measures.<sup>27</sup>

The ICRC had built 130 saferooms when UNHR interviewed them in March 2022, mostly in the Tavush region of Armenia, where “shootings are pretty close to the border.”<sup>28</sup>

The repeated shelling by Azerbaijani forces have wrought lasting psychological and physical impacts on vulnerable families in Jermuk. Communities were shocked upon witnessing attacks on Armenian land when the shelling commenced. One mother noted, “I never imagined such a thing like this could happen in Armenia or Jermuk. . . . Even with the border 12 kilometers away, we couldn’t imagine we would ever be under attack.”<sup>29</sup>

These Armenian communities faced an increased military presence, harrowing sounds of shelling, and the sight of their town filled with shrapnel and shell casing. “Seeing the damage from the shelling on my way home, I just turned around to go back to the village in tears,” one interviewee said. “Seeing the great green forest covered in

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<sup>26</sup> Samvel, interview with UNHR.

<sup>27</sup> Zara Amatuni, International Committee of the Red Cross, interview with UNHR, Yerevan, March 21, 2023 [hereinafter: ICRC interview, March 2023].

<sup>28</sup> Ibid.

<sup>29</sup> Mother of two boys, interview with UNHR, Jermuk, March 16, 2023. Names have been omitted to protect privacy and/or security.

smoke and the craters from the shells made me believe that I would not come back to Jermuk.”<sup>30</sup> Another mother noted, “We live in fear and hope none of the shelling hits.”<sup>31</sup>

Even after bombs stopped falling, the psychological harm inflicted by the trauma of the shellings impedes civilians from reconstructing a sense of normalcy. In the village of Sotk, school teacher David noted, “I would say the biggest challenge among our students is the fear. For one to two months, education was mostly online, and it was challenging. The sense of fear is still here. Even though we have returned to our normal education, there is still fear.”<sup>32</sup>

The September 2022 attacks also led to a noticeable exodus from border villages in the Vardenis Municipality of Armenia. The village head of Kut, one area University Network visited in March 2023, described how the attacks pushed residents out of the village: “Right now, there are 33 families in Kut, 100-plus people. Before the September 2022 attacks, there were 52 families living in Kut. [During the attacks] ten houses were damaged, the municipal building was damaged, and the community health center.”<sup>33</sup> According to the village head, Azerbaijani forces attacked Kut on September 13 and 14 from positions they had taken subsequent to the transfer of Kalbajar (Karvachar in Armenian) region to Azerbaijan under the terms of the November 9, 2020 ceasefire agreement. This is a crucial observation because it illustrates the incremental territorial encroachment mentioned above: Azerbaijani armed forces moved beyond the positions they held at



*Wall damaged in Azerbaijan's September 2022 attacks in Sotk, Gegharkunik province of Armenia. (March 2022)*

<sup>30</sup> Mother of two boys, interview.

<sup>31</sup> Mother #2, interview with UNHR, Jermuk, March 16, 2023. Names have been omitted to protect privacy and/or security.

<sup>32</sup> David, interview.

<sup>33</sup> Kut Village Head, interview with UNHR, Kut, March 14, 2023.

the conclusion of the 44-Day War in stages, ultimately arriving at a position from which it was possible to carry out the September 2022 attack on Kut and other communities in Armenia.

## 2. Intimidation

Azerbaijan's intimidation of border communities, which coerced many to leave their homes, took a number of forms in the wartime and postwar periods. These included threats of further military action and physical attacks, Azerbaijani government surveillance, and arbitrary detention of Armenian civilians or troops inside Nagorno-Karabakh and undisputed Armenian territory, as well as at border crossings.



*Gate damaged in Azerbaijan's September 2022 attacks in Sotk, Gegharkunik province of Armenia.*

A resident of Nagorno-Karabakh named Vahram, who at the time of his interview with UNHR in March 2023 was stuck in Goris along with his family, had a threatening encounter with Azerbaijani forces while driving back to Nagorno-Karabakh with his family at the end of December, after the 44-Day War had ended. As they drove by the Azerbaijani military position in Shushi (Shusha in Azeri), which is separated from the main road by a wire fence, Azerbaijani soldiers shouted, “We will kill you.” Vahram described how his children saw and heard the threat, and how he tried to convince the children that it was a joke and that they should not give it any attention. Vahram also described how “the Azeris made a sign to kill the kids,” by dragging a finger across their throats, mimicking it being cut, as he and the children drove past.<sup>34</sup>

Evidence suggests these threats were not made by individuals acting of their own accord, but rather in

<sup>34</sup> Vahram, interview with UNHR, Goris, March 17, 2023.

adherence to an underlying policy. Several people from different areas in Nagorno-Karabakh with whom we spoke discussed the use of loudspeakers to broadcast harassing messages pressuring residents to abandon their villages. Susana's daughter Tamara remembered an especially intimidating and effective announcement from March 2022: "Leave the land. You are currently in Azerbaijani territory. This is not your land, we do not take responsibility for you, we don't guarantee your safety. If you love your children, abandon this territory."<sup>35</sup> The Human Rights Defender of the Republic of Nagorno-Karabakh documented what appears to be the same recording of threats by Azerbaijani forces over loudspeakers beginning February 24, 2022:

You are in the territory of the Republic of Azerbaijan. Any action carried out here is regulated by the laws of Azerbaijan. Everything you do without official permission is illegal. The agricultural work you are currently carrying out is illegal. Do not prepare for war, do not try to create a border in our territory. If you want to stay and live here, obey the laws of Azerbaijan. Taking into account your safety, we demand to stop the work and leave the area immediately, otherwise FORCE WILL BE APPLIED on you, the responsibility for the losses will fall on you. Do not endanger the lives of your family members. Leave the area, leave the area.<sup>36</sup>

Azerbaijani media reported that Azerbaijani forces used the same loudspeakers to play the azan, the call for Muslim prayer, throughout Khramort village, "in commemoration of the Khojaly massacre."<sup>37</sup>

The use of loudspeakers to threaten and intimidate residents was also documented in other villages in Nagorno-Karabakh, including Karmir Shuka and Taghavard in the Martuni region, and Khnapat, Nakhichanik, and Parukh in the Askeran region.<sup>38</sup> These messages caused residents immense psychological harm and prevented them from engaging in their normal daily activities. The Human Rights Defender of the Republic of Nagorno-Karabakh described the lasting effect these threats have on those who

<sup>35</sup> Petrosyan, interview with UNHR.

<sup>36</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on Violations of the Rights of Artsakh People by Azerbaijan in February - March* (Nagorno-Karabakh, March 8, 2023), <https://artsakhombuds.am/en/document/910> (emphasis in original).

<sup>37</sup> Caliber.Az, "30th anniversary of the Khojaly genocide. Azan sounds in Pirlar and Khanabad." Facebook video, February 6, 2022, <https://www.facebook.com/watch/?v=5129718323745410&ref=sharing>.

<sup>38</sup> Freedom, "Azerbaijanis have been 'calling' the people of Khramort to leave the village with loudspeakers for 3 days." YouTube, February 26, 2022, 4:03, <https://www.youtube.com/watch?v=JyFmLHsKkUs>; Human Rights Defender of the Republic of Artsakh, *Interim Report on Violations of the Rights of Artsakh People by Azerbaijan*.

remain: "Parents do not send their children to kindergarten or school due to security concerns, which violates the right of children in the community to receive a proper education. Under these threats, agricultural work is not carried out, which is the main means of livelihood of the rural population."<sup>39</sup>

Drones were another source of intimidation in border communities. In Kut, a village in the Syunik province of Armenia, one resident described observing how close Azerbaijan's drones hovered during the September 2022 attacks: "After the war, we always saw drones. Not before the ceasefire. . . . On the 13th, the drones were lower in the sky to provide visibility for them."<sup>40</sup> Residents of Sotk were also personally familiar with Azerbaijan's use of what they described as investigative drones launched from their positions within eyesight of the building block where UNHR was conducting interviews.

Abductions by Azerbaijani forces in border areas became increasingly more frequent throughout the postwar period, not only in Nagorno-Karabakh, but in Armenia as well. On some occasions, Armenians unknowingly crossed into territory that had fallen under Azerbaijani control. In others, Azerbaijani forces crossed into territory under Armenian control and attacked, threatened or abducted Armenian civilians. (See Chapter 1: Arbitrary Detention.) Below are examples of just some of these abductions, which have been exhaustively documented primarily by the Human Rights Defenders of Nagorno-Karabakh and Armenia:

- On November 23, 2021, in the Martuni region of Nagorno-Karabakh, local authorities reported that a 21-year-old Armenian got lost and accidentally ended up in Azerbaijani-controlled territory. His release three days later seemed to result from negotiations conducted with Russian forces.<sup>41</sup>

<sup>39</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on Violations of the Rights of Artsakh People by Azerbaijan*, 17.

<sup>40</sup> Tigran, interview with UNHR, Kut, March 14, 2023. Name has been changed for privacy and security reasons.

<sup>41</sup> "Release," Ministry of Defense of the Republic of Armenia, November 26, 2021, <https://mil.am/hy/news/10146>; "The National Security Service of the Republic of Artsakh is taking measures to return the citizen of Artsakh who came under the control of the Azerbaijani armed forces as a result of getting lost," Artsakh Republic National Security Service, <https://www.nssartsakh.am/hy/news/arcaxi-hanrapetuty-an-azgayin-anvtanguty-an-carayutyun-mijocner-e-jernarkum-molorvelu-ardyunkum-adrbejani-zinvac-uzeri-verahskoguty-an-tak-haytnvac-arcaxcun-veradarjnelu-uggutyamb>.

- On July 19, 2021, in the village of Togh in the Syunik region of Armenia, an Armenian man crossed the invisible demarcation line into Azerbaijani-controlled territory while plowing with his harvester. After the man returned to his own land, Azerbaijani soldiers trespassed into Armenian territory and detained the man and his harvester. The commander of the Russian forces, the commander of the army corps of the Armed Forces of Armenia, and representatives of Azerbaijan engaged in five hours of negotiations to have the man and his equipment returned.<sup>42</sup>
- On July 22, 2021, a resident of the Aygestan village of the Askeran district lost his way in the area of the Khramort municipality and crossed into an area controlled by Azerbaijan. After hours of mediation by the Russian forces, Azerbaijani officials eventually returned the man.<sup>43</sup>
- Around July 26, 2021, the staff of the Human Rights Defender of the Republic of Nagorno-Karabakh received an alert regarding the arbitrary detention of Artak, a 32-year-old resident of Machkalashen community in the Martuni Region of Nagorno-Karabakh. The cattleman was captured by Azerbaijani soldiers after inadvertently crossing into Azerbaijani-controlled territory while searching for a lost cow. The municipal authorities appealed to the Russian forces in an effort to have the man returned safely. Following significant mediation, Azerbaijan eventually released the man.<sup>44</sup>

A common theme in these abductions is the targeting of agricultural work and animal husbandry, which in turn immediately harms sources of livelihood and food security. University Network researchers spoke with those directly targeted and affected by such

<sup>42</sup> Susan Badalyan, "A tractor driver from the village of Togh 'violated' the border by 10 meters and caused 5-hour trilateral negotiations," *Радио Азатутюн*, July 19, 2021, <https://rus.azatutyun.am/a/31367199.html>.

<sup>43</sup> "Artsakh's citizen who was lost and entered the territory under Azerbaijani control has been returned." *Armenpress*, July 22, 2021, <https://armenpress.am/eng/news/1058864>.

<sup>44</sup> Gegham Stepanyan, "Մարդու իրավունքների պաշտպանի աշխատակազմ ստացվել է ահազանգ Մարտունու շրջանի Մաճկալաշեն համայնքի բնակիչներից մեկի գերեվարման վերաբերյալ," Facebook, July 26, 2021, <https://www.facebook.com/gegham.stepanian/posts/3904332026362849>.

attacks in Armenian border communities and with ethnic Armenians recently forcibly displaced from Nagorno-Karabakh. We share some of those accounts below.

### 3. Attacks on Sources of Livelihood

Attacks on sources of livelihood were a common theme in accounts of intimidation against residents of border communities in Armenia and Nagorno-Karabakh. University Network researchers documented reports of Azerbaijani attacks on farmers and cattle raisers, including detention, death threats, opening fire on workers, and stealing cattle. These attacks were described by residents of border villages not far from Stepanakert in Nagorno-Karabakh, as well as in Kut and Sotq in the Vardenis region of Armenia, and Nerkin Khndzoresq in the Syunik region of Armenia. The more permanent fact-finding efforts on the ground (in particular, documentation by the Human Rights Defenders of Armenia and Nagorno-Karabakh) have registered countless more incidents of attacks on agricultural workers and assets. As a result of the frequency and widespread nature of attacks on agricultural work, many have simply stopped working the land, or drastically reduced the area of land that they cultivate or in which they allow their animals to graze.

The inability to provide for themselves and their families as a consequence of Azerbaijan's armed attacks, seizure of farmland and pastures, intimidation, and living under siege, has undoubtedly been a significant contributor to the suffering of the inhabitants of Nagorno-Karabakh since the end of the 44-Day War.

The blockade of the Lachin Corridor has been a significant cause of disruption in sources of livelihood. According to analysis conducted by the Human Rights Defender of the Republic of Nagorno-Karabakh, in the first six months of the blockade, Nagorno-Karabakh saw a cessation of over 85 percent of production and 100 percent of exports.<sup>45</sup> As a result, the construction of critical infrastructure, including roads, water pipelines,

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<sup>45</sup> Human Rights Defender of the Republic of Artsakh, *Report on the Violations of Individual and Collective Human Rights as a Result of Azerbaijan's Blockade of Artsakh (100 Days)* (Nagorno-Karabakh, June 12, 2023), <https://artsakhombuds.am/en/document/1028>, 37.



*Nerkin Khndzoresk, a village in Armenia roughly one kilometer (0.5 miles) from Azerbaijani military positions. (March 2022)*

irrigation systems, apartment buildings , and industrial facilities, came to a complete halt.<sup>46</sup> As of June 12, 2023, an estimated 11,000 people – over 60 percent of Nagorno-Karabakh’s private sector workforce – had lost their jobs or other sources of income.<sup>47</sup>

Even before the blockade, the Human Rights Defender of the Republic of Nagorno-Karabakh has documented detailed accounts of the use of high caliber weapons, including grenade launchers and firearms, on agricultural lands and equipment and near administrative and residential areas in Khramort and other border villages, prompting the evacuation of women and children as well as the cessation of all agricultural activity. Over a period of five days in March 2022, shelling from Azerbaijan pushed Armenian residents in seven different communities from two of the easternmost regions of Nagorno-Karabakh to cease agricultural work and thus sacrifice their only source of livelihood, as well as to abandon their homes.<sup>48</sup> In a report published that same month, the Human Rights Defender stated that “Russian peacekeepers are unable to provide security guarantees for civilians engaged in agricultural work.”<sup>49</sup>

A year later, when University Network researchers returned to Armenia to conduct additional fact finding, we found that Azerbaijani forces had attacked Armenia as well,

<sup>46</sup> Ibid.

<sup>47</sup> Ibid, 21.

<sup>48</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on Violations of the Rights of Artsakh People by Azerbaijan*, 17.

<sup>49</sup> Ibid.

particularly in border villages of the Vardenis and Syunik regions, using the same tactics: shelling of administrative and civilian structures, firing on agricultural and grazing lands, as well as killing or theft of livestock.

Agriculture and animal husbandry are among the primary sources of livelihood in Armenia. According to the Food and Agricultural Organization, agriculture is the main source of economic activity in rural areas in Armenia, and livestock breeding represents almost 40 percent of Armenia's gross agricultural product.<sup>50</sup> The importance of agricultural work and animal husbandry for communities like Kut cannot be overstated. The constant threat of attack on livestock and cattlemen has put an enormous strain on families living there.

Hayk is a 31-year-old father of five small children – two boys and three girls. At the time of his interview with University Network, one of the children was just one month old. He narrated the events leading to the day that all of his cattle were stolen by Azerbaijani forces:

On June 5th, 2021 I took the cattle down to the stream to drink. When they heard the shots one group of the cows ran away. One of the shots hit my horse's leg. I hid in the trees. I saw three Azerbaijani soldiers come down from the heights and push the remaining cows across the stream over to their side.<sup>51</sup>

In a separate conversation with University Network, Kut's village head provided additional context: "When this was happening, other villagers heard the shots being fired. They tried to reach Hayk but the Armenian soldiers stationed nearby wouldn't let them through. They explained that it would be too dangerous and could cause an escalation."<sup>52</sup>

Hayk concluded, "I thought there was some way I could get the animals and bring them back. But after they were taken across, I realized it would be impossible."<sup>53</sup> The impact of Azerbaijan's attacks on cattle-raising in Kut began before Hayk lost his herd.

<sup>50</sup> "Armenia at a glance," Food and Agriculture Organization of the United Nations, accessed December 2023, <https://www.fao.org/armenia/fao-in-armenia/armenia-at-a-glance/ru/>.

<sup>51</sup> Hayk, interview with UNHR, Kut, March 14, 2023.

<sup>52</sup> Kut Village Head, interview.

<sup>53</sup> Hayk, interview.

The village head explained, “There are pastures that were taken on May 12, 2021. The situation in the pastures is awful. Most are now under Azerbaijani control, and the parts that are under their ‘eye’ are dangerous.”<sup>54</sup>

Beyond targeted abductions, shooting, and theft, the Azerbaijani military has reportedly set fires to the pastures close to the border, depriving the Armenian residents of border areas of their means of subsistence and threatening their food security. According to the Armenian Human Rights Defender’s report, on August 29, 2021, in a number of villages in the Gegharqunik region (where Kut is located), “270 hectares of pastures and 150 hectares of grasslands have been burnt in 4 villages.”<sup>55</sup> On September 4, 2021, also in Gegharqunik on the road from Norabak to Azat, “about 40 hectares of pastures have been burned down, [including] the grass from which the villagers used as animal feed.”<sup>56</sup>

Zoya, a mother of two boys, described to UNHR researchers how being deprived of access to farmland and pastures has impacted families in Kornidzor, a village in the Goris Municipality of Armenia within eyesight of Azerbaijani military positions: “In the village in general, our lives have changed. All of the fields have been taken, so there are no jobs with agriculture and crops. Because there are no jobs, people leave the village. They used to take care of livestock and the fields.”<sup>57</sup>

In the communities that depend on livestock, farming and pastoral land for subsistence, alternative sources of income and prospects for economic growth in general are scarce, not least because of the proximity of these villages to Azerbaijani military positions. Zoya described how life in the villages on the Armenia-Azerbaijan border is characterized by constant fear and uncertainty about the future: “We go to bed worried about the

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<sup>54</sup> Kut Village Head, interview.

<sup>55</sup> Human Rights Defender of the Republic of Armenia, “270 hectares of pastures and 150 hectares of grasslands have been burnt in 4 villages as a result of the fires set by the Azerbaijani servicemen,” September 1, 2021, [https://ombuds.am/en\\_us/site/VideoGalleryView/588](https://ombuds.am/en_us/site/VideoGalleryView/588).

<sup>56</sup> “Ombudsman: Azerbaijanis burned section of road from Norabak village to Azat, *Armenia News*, September 5, 2021, <https://news.am/eng/news/661292.html>.

<sup>57</sup> Zoya, interview with UNHR, Kornidzor, July 2023.

next day. We are surrounded by Azerbaijan on almost all sides. There are many military checkpoints; from here we can see the Azerbaijani trenches and checkpoints.”<sup>58</sup>

Agriculture and livestock have not been the only sources of livelihood targeted by Azerbaijani forces. Tourism has also been impacted by Azerbaijani forces' attacks. When UNHR researchers visited Jermuk in March 2022, we sidestepped the remnants of a cluster munition peeking out of the snow as our host, the owner of a popular ski-lodge and renowned cable-car, pointed out deep gashes in the trees and missing chunks from the side of the wall of the ski-rental building and cafe. When asked by UNHR researchers if he had ever imagined something like this happening to the lodge, he had to pause and pull himself together before responding, “No, never.” As we observed the stalled cable cars in the gorge above us, he recalled, “on the afternoon of September 12th [the day before Azerbaijan attacked], there were 240 people on those cable cars. Even though they completed essential repairs to the cable car after two months, he estimated that tourism to the lodge had dropped around 80 percent since the attacks.”<sup>59</sup>

## 4. Lethal Restrictions on Freedom of Movement

Azerbaijan's obstruction of freedom of movement along the Lachin Corridor has gradually increased since the end of the 44-Day War. Based on information gathered by the University Network through conversations with individuals and organizations familiar with the process of transiting the Lachin corridor, there are strong indications that Azerbaijan played a decisive role in denying foreigners, including journalists and human rights ombudspeople, access to Nagorno-Karabakh as early as December 2021. A year later, freedom of movement was dramatically restricted even further, as the Azerbaijani government supported – if not directly facilitated – protests by its citizens that blocked the corridor. The protests were eventually replaced by the creation of the formal border checkpoint, followed by the installation of a concrete barrier, ultimately reaching a state of complete prohibition of all movement of people, goods, services

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<sup>58</sup> Ibid.

<sup>59</sup> Cable Car Operator, interview with UNHR, Jermuk, March 16, 2023.

and humanitarian aid, including ICRC medical transport vehicles. In a recent report explaining the crisis on the Lachin Corridor, International Crisis Group wrote:

Baku appears to view the checkpoint as a way of asserting control of territory that legally belongs to Azerbaijan but remains out of its hands under the armistice terms, and which Baku now refers to as the 'former Nagorno-Karabakh Autonomous Oblast.' Indeed, **a mid-level Azerbaijani official characterised the move to Crisis Group as a 'reclamation of sovereignty'** (emphasis added by University Network). Another Azerbaijani official told Crisis Group that Baku **will use the new checkpoint to 'observe, control and influence' Nagorno-Karabakh** (emphasis added by University Network).<sup>60</sup>

The consequences of the blockade, which commenced on December 12, 2022, have been profound, beginning with a 198-fold reduction in human mobility through the Lachin Corridor.<sup>61</sup> Civilian travel through the Lachin checkpoint only took place as part of an ICRC transport, and after passing an onerous multi-party approval process described later in this section. Between December 2022 and March 2023, the ICRC had conducted 35 medical evacuations for 205 patients in need of medical care, and had facilitated the transfer of 422 people for family reunifications.<sup>62</sup>

As a result of the virtual prohibition on travel into and out of Nagorno-Karabakh, its residents experienced persistent and wide-ranging violations of economic and social rights, culminating in grave threats to and



*Abandoned children's bikes in Sotk, Gegharkunik province of Armenia. (March 2022)*

<sup>60</sup> International Crisis Group, "New Troubles in Nagorno-Karabakh: Understanding the Lachin Corridor Crisis," May 22, 2023, <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/new-troubles-nagorno-karabakh-understanding-lachin-corridor-crisis>.

<sup>61</sup> Human Rights Ombudsman of the Republic of Artsakh, *Report on the Violations of Individual and Collective Human Rights as a Result of Azerbaijan's Blockade of Artsakh*, 5.

<sup>62</sup> ICRC interview, March 2023.

violations of the right to life. A representative of the ICRC described to the University Network how, as result of Azerbaijan's blockade of the Lachin Corridor, violations of the right to food and an adequate standard of living would culminate to undermine the right to health of the residents of Nagorno-Karabakh. The humanitarian support provided by the ICRC was not sufficient to meet the needs of the entire population impacted by the blockade. In March 2023, an ICRC representative told UNHR,

We are trying to rebuild contingency stocks. We realize there are certain pressing needs that we are partially somehow able to mitigate, but we can not claim that we are covering them in full. These restrictions on basic goods and services necessary for an adequate standard of living threaten to create medical emergencies which will need to be treated in Armenia.<sup>63</sup>

The Human Rights Defender of the Republic of Nagorno-Karabakh conducted systematic, in-field documentation of the human rights impacts of the blockade. They published their findings periodically in comprehensive reports alerting the international community to the perilous effects on the health of vulnerable groups, particularly infants, women and young girls, persons with disabilities, and the elderly. UNHR was later able to collect firsthand testimonies of life under the blockade in late September 2023, immediately after the majority of ethnic Armenians from Nagorno-Karabakh had arrived in Goris, Armenia.

The health impacts of the dramatic reduction in food and medicine supplies were severe. In June 2023, the Human Rights Defender of the Republic of Nagorno-Karabakh had warned that lack of sustenance and medication had resulted in an increase in morbidity, including a 61 percent rise in coronary heart disease, a 38 percent increase in cerebral palsy, and a 12.2 percent surge in childbirth complications, in comparison to the same period the previous year.<sup>64</sup> A refugee from Nagorno-Karabakh who spoke with UNHR researchers in Goris described how drastically the public health situation had deteriorated:

The conditions were unbearable, and it kept getting worse. . . . If someone was in a very grave condition, I would go there to help, thinking whatever happens, happens.

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<sup>63</sup> Ibid.

<sup>64</sup> Human Rights Ombudsman of the Republic of Artsakh, *Report on the Violations of Individual and Collective Human Rights as a Result of Azerbaijan's Blockade of Artsakh*, 12.

I would transfer people to the hospital, but many people died in Stepanakert. Pregnant women suffered from malnutrition, leading to miscarriages.<sup>65</sup>

According to a statement from the Nagorno-Karabakh Ministry of Health, the eight-month blockade exacerbated stress and hunger levels, resulting in anemia in over 90 percent of pregnant women and a tripling of early-stage miscarriage rates.<sup>66</sup>

For the hundreds of newborns born under the blockade, the periodic acute shortages of infant formula were a source of significant stress. One family said in an interview with the Human Right Defender of the Republic of Nagorno-Karabakh that the stress of the formula shortage was compounded by finding themselves on the Armenian side of the blockade for six months while their newborn remained in Nagorno-Karabakh: Twenty-three-year-old Mariam from Stepanakert told the Human Rights Defender,

I couldn't even imagine in my worst nightmare that I will be separated from my baby for such a long time. Every time I call my mother and she shows me my son, I can't hold my tears and I start to cry my heart out. . . . My mother has a chronic disease, she is not able to go and queue for food for hours, nor she is able to go and search for the necessary infant formula for Sevak all over Stepanakert. I will not forgive myself if something bad happens to my baby.<sup>67</sup>

For 9,000 individuals with disabilities, being cut off from rehabilitation centers (located in Armenia) led to deterioration of their physical and mental health. The elderly were also disproportionately affected by the loss of access to medicine and treatment for chronic illnesses and access to nutritious food. Among the Human Rights Defender's particularly distressing findings was the deep mental health harm caused by stress and isolation on the elderly, for whom, compounded by their physical ailments, "every new day of the blockade [was] a life-and-death struggle."<sup>68</sup>

<sup>65</sup> P-0026, interview with UNHR, Goris, September 30, 2023.

<sup>66</sup> Lucy Martirosyan and Siranush Sargsyan, "Nagorno-Karabakh blockade: Mothers tell of life in a humanitarian crisis," *Open Democracy*, August 22, 2023, <https://www.opendemocracy.net/en/5050/mothers-nagorno-karabakh-artsakh-armenia-azerbaijan-children/>; Mark Dovich, "Miscarriages surge in Karabakh amid widespread food shortages," *CivilNet*, July 20, 2023, <https://www.civilnet.am/en/news/745150/miscarriages-surge-in-karabakh-amid-widespread-food-shortages/>.

<sup>67</sup> Human Rights Defender of the Republic of Artsakh, *Report on the Violations of Individual and Collective Human Rights as a Result of Azerbaijan's Blockade of Artsakh*, quoting from interview with Mariam, 9.

<sup>68</sup> *Ibid*, 33.

## 5. Disruption of Energy Infrastructure

Throughout 2022, Azerbaijan's adopted a series of measures that led to increasingly more critical disruption of Nagorno-Karabakh's energy infrastructure. It began in March 2022, when the flow of gas from Armenia to Nagorno-Karabakh came to a sudden halt, apparently resulting from an explosion in a portion of the pipeline passing through Shushi in Azerbaijani-controlled territory.<sup>69</sup> Then, in September 2022, Azerbaijan acquired control of electricity cables traversing the Lachin Corridor.<sup>70</sup> On January 9, 2023, one month into what became the 10-month blockade of the Lachin Corridor, local power-grid operator ArtsakhEnergo reported that the only cable transporting electric power from Armenia to Nagorno-Karabakh was damaged, again in Azerbaijani-controlled territory.<sup>71</sup>

### A Severed Gas Pipeline

On March 8, 2022, Nagorno-Karabakh's main gas pipeline from Armenia was damaged, leaving residents without hot water or heating. The initial incident and Azerbaijani officials' subsequent refusal to receive a repair team are indicative of Azerbaijan's intentional obstruction of the proper functioning of basic utilities. The case also demonstrates Azerbaijan's abuse of its disproportionate control over vital infrastructure in Nagorno-Karabakh to exert material and psychological pressure on residents.

The head of the Office of the Human Rights Defender of the Republic of Nagorno-Karabakh Gegham Stepanyan released this statement in response to the incident:

As a result of the investigations carried out by the staff of the Artsakh Human

<sup>69</sup> Human Rights Defender of the Republic of Artsakh. *Interim Report on Violations of the Rights of Artsakh People by Azerbaijan*, 11-12.

<sup>70</sup> Ani Avetisyan, "Weaponizing Energy: Nagorno-Karabakh's Energy Supplies Under Siege," *EVN Report*, February 9, 2023, <https://evnreport.com/spotlight-karabakh/weaponizing-energy-nagorno-karabaks-energy-supplies-under-siege/>.

<sup>71</sup> Artak Khulian, "Azerbaijan Accused Of Blocking Power Supply To Karabakh." Ազատություն [Azatutyun], January 11, 2023, <https://www.azatutyun.am/a/32219156.html>.

Rights Defender and discussions with the law enforcement bodies, it turned out that the gas pipeline was damaged in the area under the control of the Azerbaijani Armed Forces. The specialists of 'Artsakhgaz' CJSC and representatives of law enforcement bodies of Artsakh cannot clearly state whether the accident took place due to technical reasons or as a result of the actions of the Azerbaijani side, the reason is that the Azerbaijani side obstructs the access of representatives of law enforcement bodies and specialists of gas supply company to the place of accident.<sup>72</sup>

Azerbaijan's refusal to allow officials and technical experts to explore the damaged area and its failure to restore the pipeline until Russia got involved on March 19<sup>73</sup> – 11 days after the initial damage was reported – lends support to the claim that the damage to the pipeline was intentional.

The controversy did not end there. Two days after the pipeline was purportedly fixed, the flow of gas stopped again. Officials in Nagorno-Karabakh said, "We have sufficient ground to state that during the repair work of the gas pipeline that exploded on 8 March, the Azerbaijani side installed a valve through which it stopped the gas supply hours ago."<sup>74</sup> The International Crisis Group independently reported on the incidents:

De facto authorities allege that Azerbaijanis engineered an explosion to stop supplies during extremely cold weather. Azerbaijani authorities rejected Russian peacekeeper requests to provide access for repair crews from Armenian-controlled territory. Although the Russians patched the pipeline themselves, no gas flowed for eleven days – and then returned for only two days before another break in service until 29 March.<sup>75</sup>

The University Network witnessed the evidence of the gas shortage firsthand. During our drive to Nagorno-Karabakh on March 24, 2022, we stopped at a gas station in Goris, about 35 kilometers (nearly 22 miles) from the entry point to the Lachin Corridor. We saw a line of individuals carrying small gas canisters, filling them at the gas station

<sup>72</sup> Ibid.

<sup>73</sup> International Crisis Group, "Nagorno-Karabakh: Seeking a Path to Peace in the Ukraine War's Shadow," April 22, 2022, <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/nagorno-karabakh-seeking-path-peace-ukraine>.

<sup>74</sup> "Due to Direct Interference of Azerbaijani Side, Gas Supply to Artsakh Is Stopped Again," *Armenia News*, March 21, 2021, <https://news.am/eng/news/692589.html>.

<sup>75</sup> International Crisis Group, "Nagorno-Karabakh: Seeking a Path to Peace in the Ukraine War's Shadow," April 22, 2022, <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/nagorno-karabakh-seeking-path-peace-ukraine>.

to transport them back to Nagorno-Karabakh. (Again, this was eight months before the blockade of the Lachin Corridor began).

Azerbaijani media coverage of the damaged pipeline is sparse. The Azerbaijani Ministry of Foreign Affairs released a statement denying the allegations of intentional harm: “As for the technical problems in the gas pipelines in the region due to severe weather conditions for several days, Armenia intends to use the situation as a tool for political manipulation.”<sup>76</sup>

Though Russian forces and various state-associated organizations purportedly conducted investigations into the event, severe disruptions in the gas supply to Nagorno-Karabakh continued through the mass forced exodus in September 2023. According to the Nagorno-Karabakh Human Rights Defender,

On December 13-16, 2022, at around 6:00 pm, in severe winter conditions, the Azerbaijani authorities cut off the supply of natural gas from Armenia to Artsakh, depriving the Artsakh civilian population of the basic necessities necessary for safeguarding its livelihood. The gas supply to the entire territory of Artsakh was cut off again by Azerbaijan on January 18, 2023, at around 01:00 pm, leaving the majority of Artsakh’s households still without access to heating and hot water in the dead of winter.<sup>77</sup>

In conjunction with the blockade of the Lachin Corridor that began in December 2022, the severing of the pipeline was an energy crisis in the making.

The disruption in the flow of power to Nagorno-Karabakh caused widespread harm on numerous aspects of daily life: regular six-hour rolling blackouts as well as emergency blackouts; shortages of hot water for cooking, cleaning and personal hygiene; increasing reliance on wooden stoves for heating causing respiratory health impacts; periodic

<sup>76</sup> “No:139/22, Statement by the Press Service Department of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the groundless allegation of the Armenian Foreign Ministry regarding the situation in the region,” accessed March 20, 2023, <https://www.mfa.gov.az/en/news/xin.gov.az>.

<sup>77</sup> Human Rights Defender of the Republic of Artsakh, *Interim Report on the Violations of Human Rights of Artsakh People as a Result of the Deliberate Disruption of Critical Infrastructure in the Midst of the Blockade of Artsakh by Azerbaijan Since December 12, 2022* (Nagorno-Karabakh, January 23, 2023), <https://artsakhombuds.am/en/document/987>.

internet and cellphone network blackouts increasing isolation and insecurity; and periodic school closures leading to mental health and behavioral impacts on children and families.<sup>78</sup>

A refugee from Nagorno-Karabakh who spoke with UNHR in Goris described how these impacts manifested in his daily life:

There was no water, and electricity was only available for four hours a day. The electrical circuit couldn't handle the voltage from the heaters in the winter, so only the strong ones could take cold showers. Others could only wash their children once a month when they could heat water on a stove. The conditions were unbearable, and it kept getting worse.<sup>79</sup>

Together, the events described above drastically increased the enclave's reliance on scarce internal water resources to generate hydroelectric power. As early as January 2023, the Human Rights Defender of the Republic of Nagorno-Karabakh warned, "[L]ocal production of electricity is carried out mostly through the Sarsang Hydro-Power Plant, where water in the Sarsang reservoir is used in large volumes to generate electricity. Continuing use of the reservoir in these volumes will deplete capacity quickly, and longer rolling blackouts will need to be imposed."<sup>80</sup>

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<sup>78</sup> Human Rights Defender of the Republic of Artsakh, *Report on the Violations of Individual and Collective Human Rights as a Result of Azerbaijan's Blockade of Artsakh*.

<sup>79</sup> P-0026, interview with UNHR, Goris.

<sup>80</sup> Human Rights Ombudsman Of The Republic Of Artsakh, *Interim Report on the Violations of Human Rights of Artsakh People as a Result of the Deliberate Disruption of Critical Infrastructure*.

## Depleting Critical Water Sources

*Independent analysis of satellite imagery of Sarsang Reservoir was conducted for this report by a team at the Department of Earth & Environmental Science at Wesleyan University.*

During 2023, satellite data showed a noticeable decline in the water level of the Sarsang Reservoir. This decline was especially precipitous in the reservoir's southwestern half, which drained altogether for several weeks, though the reservoir in its entirety was affected. The reservoir was most strongly affected during the late spring and summer of 2023. The stress on its water levels was severe enough that effects continued into the fall of 2023. These changes were significant and visible to the naked eye via publicly-available satellite imagery (Sentinel-2).

In February 2019, the reservoir's water levels were relatively similar to those in February 2023. There was slight difference in the drainage towards the south of the reservoir.



Feb. 2019



Feb. 2023

In April 2019, the reservoir level was lower than in February 2019, most likely due to the change in seasons. In April 2023, however, the drainage was much more significant, especially in the southwestern portion of the reservoir. Additionally, the water level of the upper west part of the shoreline was significantly lower than in the same month in 2019.



*April 2019*



*April 2023*

The Sarsang reservoir's water levels were significantly different in May 2023 when compared visually to May 2019. The impact to reservoir water levels was drastic across the reservoir as a whole, with almost the entire southwestern half of the reservoir fully drained.



*May 2019*



*May 2023*

## 6. Endangerment of Food Security

Limited access to food became an existential threat to Nagorno-Karabakh residents months before the September 2023 assault. Azerbaijan's blockade essentially halted the import of food products and fuel (needed to transport food internally), rendering the population of Nagorno-Karabakh far more reliant on internal and local food production than it had been before the blockade. In parallel, Azerbaijani forces' attacks on farming and agricultural lands (see "Attacks on Sources of Livelihood" above), combined with a shortage of fertilizers and pesticides resulting from the blockade, caused a reduction in local food production, putting the population of Nagorno-Karabakh on a path to starvation.<sup>81</sup>

The ICRC described fruit, vegetables, and bread as "increasingly scarce and costly" and said many important food items, including dairy, cereal, and chicken, were no longer available in Nagorno-Karabakh as of late July.<sup>82</sup> In its February assessment of the blockade, the International Court of Justice acknowledged evidence of food shortages and found that restricting Nagorno-Karabakh's access to humanitarian supplies, including food, "may have a serious detrimental impact on the health and lives of individuals."<sup>83</sup>

Many of the people who spoke with UNHR researchers after fleeing to Armenia in September 2023 shared their personal stories of living on the brink of starvation during the blockade. A middle-aged woman from Martuni told us,

We were thirsty, tired, going to sleep hungry. We have been living, starving, and malnourished. After June 15, life was much worse. We had rations before June 15, but after June 15 we used pig fat to make coffee. There was no flour. We were already at death's door. Most of our food was going to keep the soldiers sustained. People were selling their jewelry and personal things to buy food.<sup>84</sup>

<sup>81</sup> Artak Khulian, "Azerbaijani Troops Accused Of Shooting At Karabakh Farmers." Ազատության Ռադիոկայան [Azatutyun Radio], March 21, 2023, <https://www.azatutyun.am/a/32333072.html>.

<sup>82</sup> International Committee of the Red Cross, "Azerbaijan/Armenia: Sides must reach 'humanitarian consensus' to ease suffering," July 25, 2023, <https://www.icrc.org/en/document/azerbaijan-armenia-sides-must-reach-humanitarian-consensus-to-ease-suffering>.

<sup>83</sup> International Court of Justice, "Summary of the Order of 22 February 2023," <https://www.icj-cij.org/node/202558>.

<sup>84</sup> P0035, interview with UNHR, Artashat, October 15, 2023.

## ***"We spent the last nine months in hunger."***

A middle-aged mother of two from the Askeran region described the lengths she and others took to feed their families:

We spent the last nine months in hunger. . . . People would look for bran. . . . They would grind it and mix it with some flour and eat. That's what one would feed to pigs normally. People would cook crepes on a bonfire made from that black substance and feed it to their children so that they don't remain hungry. People looked for any sort of food, exchanged and shared whatever they could find in their gardens. Everything was very expensive – tomatoes cost 3000 drams (about \$8). To get a loaf of bread, we had to walk one and a half kilometers, register in the queue and get a number. There were even people who got killed in the queues. One child died in that way while two women were fighting for their place in the bread queue, in Stepanakert. After one round of bread queuing, we would go home and return to the queues in three hours for a new attempt. I would do three attempts and get one loaf of bread, best case; often, we'd go home empty-handed. One person would get a loaf of bread and share it between ten people. There was no flour. None of the neighbors had flour to share with others. When we were told that the authorities were distributing salt or flour, by the time we would make it to the distribution point, the food would already be gone.<sup>85</sup>

In August, the former chief prosecutor at the International Criminal Court issued a report asserting that the blockade of food and other essential supplies should be considered "genocide by starvation."<sup>86</sup> Following increasing international pressure on Azerbaijan to lift the blockade, the Azerbaijani government announced that it would facilitate passage of humanitarian aid through the Aghdam district of Azerbaijan into Nagorno-Karabakh, and would open the Lachin Corridor for humanitarian aid 24 hours later. On September 12, 2023, a single Russian ICRC vehicle traversed this road and entered Nagorno-Karabakh.

<sup>85</sup> P0012, interview with UNHR, Goris, September 29, 2023.

<sup>86</sup> Center for Truth and Justice, "Former International Criminal Court prosecutor, Luis Moreno Ocampo, issued report stating the blockade of Nagorno-Karabakh is 'Genocide'," Center for Truth and Justice, August 8, 2023, <https://www.cftjustice.org/former-international-criminal-court-prosecutor-luis-moreno-ocampo-issued-report-stating-the-blockade-of-nagorno-karabakh-is-genocide/>.

The Aghdam road deal was dangerous. Fully within undisputed Azerbaijani territory, this route and entry point into the portion of Nagorno-Karabakh populated by ethnic Armenians is impermeable to international scrutiny. However, after nine months under siege and three years of sustained attacks on sources of local food production, the population of Nagorno-Karabakh and their de facto authorities were cornered by the threat of imminent starvation. Humanitarian aid, no matter which road brought it, offered temporary relief. But even partial reliance on the Aghdam road foreshadowed not only Nagorno-Karabakh's complete dependency on Azerbaijan-approved aid, but, more profoundly, the consolidation of Azerbaijan's genocidal project of subjugating and ultimately emptying Nagorno-Karabakh of ethnic Armenians. That project reached completion exactly one week after the lone aid truck entered Nagorno-Karabakh through the Aghdam road.

Armenian organizations analyzed and spoke out about these dangers, but the international community did not react. Instead, high-level officials from the United States and Europe encouraged the Aghdam road deal. Samantha Power, Administrator of the United States Agency for International Development, expressed, "It is essential that the Aghdam and Lachin routes be reopened immediately;"<sup>87</sup> the High Representative of the European Union for Foreign Affairs said, "The Lachin Corridor must be reopened now. Other roads, such as Aghdam, can be part of the solution, but not an alternative."<sup>88</sup> US Acting Assistant Secretary of State for European Affairs Yuri Kim "welcomed the news that one shipment carrying approximately 20 tons of humanitarian supplies passed through the Aghdam route into Nagorno-Karabakh."<sup>89</sup>

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<sup>87</sup> Samantha Power (@PowerUSAID), "The Humanitarian Situation in Nagorno-Karabakh Is Rapidly Deteriorating. It's Essential That the Lachin and Aghdam Routes Be Reopened Immediately so Lifesaving Assistance Can Reach the People of NK.," Twitter, September 10, 2023, <https://twitter.com/PowerUSAID/status/1700917236771291627>.

<sup>88</sup> Josep Borrell Fontelles (@JosepBorrellF), "In a Call with Foreign Minister @Bayramov\_Jeyhun, I Reiterated My Concerns Regarding the Humanitarian Situation Facing Karabakh Armenians. The Lachin Corridor Must Be Re-Opened Now. Other Roads, Such as Aghdam, Can Be Opened as Part of the Solution, but Not an Alternative," Twitter, September 9, 2023, <https://twitter.com/JosepBorrellF/status/1700548396375847096>.

<sup>89</sup> U.S. Congress, Senate, Foreign Relations Committee, "Statement of Yuri Kim, Acting Assistant Secretary of State for European Affairs Before the Senate Foreign Relations Committee," September 14, 2023, [https://www.foreign.senate.gov/imo/media/doc/6667fb89-a975-4fab-d8b8-e8875312e37e/091423\\_Kim\\_Testimony.pdf](https://www.foreign.senate.gov/imo/media/doc/6667fb89-a975-4fab-d8b8-e8875312e37e/091423_Kim_Testimony.pdf).

Ultimately, the collapse of food security in Nagorno-Karabakh, followed by Azerbaijan's imposition of "reintegration" (see Chapter 8: The Last Voices from Artsakh) of the ethnic Armenian population into the Azerbaijani state, was one of the decisive factors contributing to making life in Nagorno-Karabakh intolerable for its ethnic Armenian population.

Notably, the threat to food security has spread to border communities in Armenia. For example, there have been instances in which physical attacks have also destroyed existing food stores, exacerbating the need for new harvests and imports. Melik, a resident of the border village of Sotk told UNHR, "Eight meters from my house a missile fell, but there are more severe cases than mine. The roof, door, windows and yard were all damaged. Whatever we had harvested, we collected during this period, it was all destroyed."<sup>90</sup>

## IV. Conclusion and Calls to Action

In the wartime and postwar period, Azerbaijani forces used a range of abusive tactics resulting in the forced displacement of ethnic Armenians. Azerbaijan deployed these tactics incrementally, steadily building toward total control of land, movement, and resources within, into, and out of Nagorno-Karabakh. These tactics included: physical attacks; intimidation through threat of further attacks, surveillance and arbitrary detention of Armenian civilians or troops in Nagorno-Karabakh, in Armenia, and at border crossings; complete control over who and what was allowed to enter and exit Nagorno-Karabakh, including humanitarian aid, through siege and blockade; selective and arbitrary cessation or blockage of essential services (gas, electricity); deliberate attacks on sources of livelihood – namely agricultural lands and livestock, as well as tourism assets; and endangerment of food security. Azerbaijan's violations of international laws and norms prohibiting forced displacement are related to its myriad other violations of human rights enumerated in this report. Each mutually contributed

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<sup>90</sup> Melik, interview.

to and were exacerbated by the six mechanisms of forced displacement, creating an environment that was ultimately unlivable for the Armenian residents of Nagorno-Karabakh.

## **To the international community:**

1. States and intergovernmental organizations should adopt serious measures to improve security of residents of border communities in Armenia as well as for ethnic Armenians who may choose to return to Nagorno-Karabakh through international guarantees, such as the establishment of a robust United Nations-mandated multinational presence in Nagorno-Karabakh and an expanded EU monitoring mission.
2. States should promote and support efforts to prosecute those responsible for atrocity crimes perpetrated against Armenians by Azerbaijani state forces through the International Criminal Court and the International Court of Justice.

## **To Azerbaijan:**

1. Cease all attacks, threats, and further encroachment on Armenia.
2. Respect all individual and collective human rights of ethnic Armenian residents of Nagorno-Karabakh who wish to return to their home.

## **To Armenia:**

Ensure that neither the process nor the outcome of peace talks with Azerbaijan undermine the people of Nagorno-Karabakh's right to self-determination or right of return.

Explore avenues for providing Nagorno-Karabakh Armenians with a status in Armenia that provides for security, stability, material well-being and meaningful political participation, and avoid, intentionally or inadvertently, measures that contribute to the deterioration of collective indigenous identity tied to Nagorno-Karabakh, as well as prospects for exercising the right of return.

## **To Azerbaijan, Armenia, and the international community:**

Support the creation of a robust international accountability mechanism for the abuses of the past four years (and beyond). This mechanism might take the form of a vigorous Truth and Reconciliation Commission (as in South Africa following the transition from Apartheid to democratic rule), or an international criminal tribunal such as the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), or the Special Court for Sierra Leone.



Drawing by a student in an Armenian border village. (March 2023)

## CHAPTER 8: THE LAST VOICES FROM ARTSAKH

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“And like that, with empty stomachs, the war started.”

- A displaced woman who fled Martuni, Nagorno-Karabakh, in an interview with UNHR researchers on October 15, 2023.

## Summary of Events: September 19 - October 3, 2023

Azerbaijan’s grave human rights abuses against ethnic Armenians and the international community’s acquiescence formed the backdrop to Azerbaijan’s assault on September 19, 2023 that ultimately led to the ethnic cleansing of Nagorno-Karabakh’s Armenian population. The University Network for Human Rights (UNHR or University Network) was on the border as events unfolded; there and in subsequent weeks, we interviewed over 60 people who fled from Nagorno-Karabakh to Armenia.

Between September 19 and 20, 2023, Azerbaijan launched a 24-hour military operation against Nagorno-Karabakh. Azerbaijani military forces initiated both a ground offensive and aerial bombing of the region, seizing nearly one hundred local military posts in the process.<sup>1</sup> Officials reported that 200 people died in the attack and 400 were wounded;<sup>2</sup> at least ten civilian deaths were reported, including five children, as a result of the operation.<sup>3</sup> Within a day, the Azerbaijani military advanced within two kilometers

<sup>1</sup> International Crisis Group, “Responding to the Humanitarian Catastrophe in Nagorno-Karabakh,” September 29, 2023, <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/responding-humanitarian-catastrophe-nagorno>.

<sup>2</sup> Human Rights Defender of the Republic of Artsakh (@ArtsakhOmbuds), “As of 21:30, September 20, According to the Information Collected by the Office of the Human Rights Defender, There Are at Least 200 Deaths and More than 400 Wounded Persons. The Number of Injured People among the Civilian Population Exceeds 40 Persons, among Whom 13 Are...,” Twitter, September 20, 2023, <https://twitter.com/ArtsakhOmbuds/status/1704551860999242216>.

<sup>3</sup> Ibid.

of Stepanakert, the region's capital, while simultaneously engaging in heavy shelling of the city.<sup>4</sup>

A joint statement by the European Parliament denounced the offensive, accusing Azerbaijan of undermining ongoing peace negotiations.<sup>5</sup> Meanwhile, Genocide Watch published a "Stage 9: Extermination" alert for the region, explaining that the Azerbaijani government's objective was to "drive all Armenians out of Artsakh through war and genocide."<sup>6</sup> Russian officials claimed that Azerbaijan waited until "minutes" before the impending operation to notify Russian forces,<sup>7</sup> and Vladimir Putin later defended his country's peacekeeping operation, claiming, "They are doing everything possible to protect the civilian population."<sup>8</sup>



*People displaced from Nagorno-Karabakh with the few possessions they could bring in Goris. (September 2023)*

<sup>4</sup> Federica Marsi, "Azerbaijan-Armenia Tensions Updates: Azeri Attack in Nagorno-Karabakh," *Al Jazeera*, September 19, 2023, <https://www.aljazeera.com/news/liveblog/2023/9/19/nagorno-karabakh-live-azerbaijan-launches-new-anti-terror-operation>; International Crisis Group, "Responding to the Humanitarian Catastrophe in Nagorno-Karabakh."

<sup>5</sup> European Parliament, "Joint Statement on Azerbaijan's Attack on Nagorno-Karabakh," September 19, 2023, <https://www.europarl.europa.eu/delegations/en/joint-statement-on-azerbaijan-s-attack-o-product-details/20230919DPU37422>.

<sup>6</sup> Genocide Watch, "Genocide Alert: Artsakh Surrenders to Azerbaijan," September 21, 2023, <https://www.genocidewatch.com/single-post/genocide-alert-azerbaijan-attacks-artsakh>.

<sup>7</sup> International Crisis Group, "Responding to the Humanitarian Catastrophe in Nagorno-Karabakh," September 29, 2023, <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/responding-humanitarian-catastrophe-nagorno>.

<sup>8</sup> Vladimir Putin, "Conversation with Member of the Political Bureau of the Chinese Communist Party Central Committee Wang Yi," transcript of speech, September 21, 2023, <http://en.kremlin.ru/events/president/news/72306>.



*A displaced person holds a bag of documents, including his passport. (September 2023)*

Azerbaijani officials declared they would continue the assault on Nagorno-Karabakh "until the end"<sup>9</sup> unless the authorities of the de facto Nagorno-Karabakh Republic "raised the white flag in surrender."<sup>10</sup> Twenty four hours later, both governments announced a ceasefire that would begin at 1 p.m. on September 20.<sup>11</sup> Among the terms of the ceasefire was the requirement that the Nagorno-Karabakh Defense Forces disband.<sup>12</sup> A week later, the President of the Republic of Artsakh signed a decree that would "dissolve all state institutions and organizations under their departmental authority by January 1, 2024."<sup>13</sup> The terms of this cessation of hostilities also included Azerbaijan's

"integration" of the residents of Nagorno-Karabakh, or "forced assimilation," as an employee of the Office of Human Right Defender of Artsakh termed it in an interview with UNHR researchers.<sup>14</sup> Azerbaijan reportedly continued to drop bombs on Stepanakert and its suburbs following the ceasefire.<sup>15</sup>

<sup>9</sup> Marsi, "Azerbaijan-Armenia Tensions Updates."

<sup>10</sup> "Official Baku Declares Readiness for Meeting with Representatives of Karabakh's Armenian Origin [sic] Residents in Yevlakh," APA, January 17, 2016, <https://apa.az/social/official-baku-declares-readiness-for-meeting-with-representatives-of-karabakhs-armenian-orign-residents-in-yevlakh-412179?locale=en>.

<sup>11</sup> Արցախի Տեղեկատվական շտաբ [NKR InfoCenter], "Հաղորդագրություն," Facebook, September 20, 2023, <https://www.facebook.com/100069203860119/posts/620962410220549/>

<sup>12</sup> Ibid.

<sup>13</sup> Արցախի Տեղեկատվական շտաբ [NKR InfoCenter], Facebook, September 28, 2023, <https://www.facebook.com/ArtsakhInformation/posts/pfbid02187AgVgU7iFzwjyH9wtiDRzKhWgp8CYKWezgABZnUGsrdXLHjV5dGyfB3xvqbNh1l>.

<sup>14</sup> Ibid.

<sup>15</sup> "In Stepanakert Explosions Can Still Be Heard and Smoke Can Be Seen – Davit Torosyan," Armenia News, December 11, 2023, <https://news.am/eng/news/782062.html>.

As Azerbaijan continued its military assault – and as residents faced the dissolution of their state institutions – nearly the entire population of ethnic Armenians fled the region. Following a 10-month blockade of the Lachin corridor, Azerbaijan opened the border crossing, enabling the mass exodus to Armenia.<sup>16</sup> Over 100,600 people fled Nagorno-Karabakh in the span of a week.<sup>17</sup>

In this chapter, we reconstruct the events of September 19 through October 3, 2023 through excerpts from interviews with more than 60 forcibly displaced ethnic Armenians who experienced them firsthand.

## Attack

On September 19, Azerbaijani forces initiated a bombing campaign in Nagorno-Karabakh, hitting civilian infrastructure and homes. Nagorno-Karabakh leadership reported that 200 people were killed in the offensive, including at least ten civilians and five children, and that 400 were wounded.<sup>18</sup> Azerbaijani presidential envoy Elchin Amirbekov insisted that the army only targeted military posts.<sup>19</sup> Accounts from witnesses, however, paint a very different picture of the widespread civilian destruction. “They bombed everywhere: toward the school laboratory, buildings, streets, the flag, etc. Everywhere. They surrounded us,” said a woman from Shushi region.<sup>20</sup> Videos posted

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<sup>16</sup> Gaiane Yenokian, “Exasperated Residents Flee Nagorno-Karabakh after Azerbaijan Seizes Control of Breakaway Region,” *AP News*, September 26, 2023, <https://apnews.com/article/armenia-azerbaijan-nagorno-karabakh-refugees-b85baf08adf0dbe64b19a50cc94f81a6>.

<sup>17</sup> “Details Presented Regarding the One-Time Support of 100,000 AMD Provided by the Armenian Government to Forcibly Displaced Persons from Nagorno Karabakh,” *The Government of the Republic of Armenia*, October 2, 2023, <https://www.gov.am/en/news/item/10374/>.

<sup>18</sup> Human Rights Defender of the Republic of Artsakh (@ArtsakhOmbuds), “As of 21:30, September 20, According to the Information Collected by the Office of the Human Rights Defender, There Are at Least 200 Deaths and More than 400 Wounded Persons. The Number of Injured People among the Civilian Population Exceeds 40 Persons, among Whom 13 Are....” *Twitter*, September 20, 2023, <https://twitter.com/ArtsakhOmbuds/status/1704551860999242216>

<sup>19</sup> Grigor Atanesian, Tural Ahmedzade, and Siranush Sargsyan, “‘They Bombed Everywhere’: Survivors Recount Karabakh Attack,” *BBC*, September 27, 2023, <https://www.bbc.com/news/world-europe-66925791>.

<sup>20</sup> P-0031, interview with CFTJ, Goris, September 29, 2023.

on Telegram showed Azerbaijani soldiers firing at what appear to be civilian homes.<sup>21</sup> Maria, recalling the tragic events of September 19, described how Azerbaijani bombs struck her family member's home in Martakert: "My relative with a child in her arms, a 9-year-old, was hit and killed by a shell. The nine-year-old child in the arms of grandma . . . they were laying together. The shell killed them both."<sup>22</sup> A couple from Askeran witnessed the assault on civilian infrastructure, noting the destruction of five homes, one of which housed an 11-person family. "We could see fire in the air from the strike. We saw it all," they said.<sup>23</sup>



*Helicopters bring burn victims to Yerevan from the Berkadzor fuel depot fire. (September 2023)*

Civilians were killed by bombings as well as direct shooting by Azerbaijani forces. When asked about other civilian victims, Maria responded, "Out of the people I know, at least 20 people died during the 19th and 20th of this month. . . . Many. So many. It's not one or two to just give their names. There are many."<sup>24</sup> Marine, a woman who fled her village of Drmbon, recounted the horrors of escaping gunfire: "We saw very awful things, we barely managed to escape the shootings, it was bad, very bad."<sup>25</sup>

During the initial hours of the offensive, many sought refuge in basements and underground bunkers, seeking safety from the shelling.<sup>26</sup> The Ombudsman of Nagorno-Karabakh highlighted the distressing situation, reporting that approximately 10,000

<sup>21</sup> Bellingcat Investigation Team, "As Azerbaijan Consolidates Control, Armenians Flee Nagorno-Karabakh," *Bellingcat*, September 28, 2023, <https://www.bellingcat.com/news/2023/09/28/azerbaijan-consolidates-control-armenians-flee-nagorno-karabakh/>.

<sup>22</sup> P-0012, interview with CFTJ, Goris, September 29, 2023.

<sup>23</sup> P-0029, interview with CFTJ and UNHR, Goris, September 29, 2023.

<sup>24</sup> P-0012, interview.

<sup>25</sup> P-0032, interview with CFTJ, Goris, September 29, 2023.

<sup>26</sup> For example, P-0037, interview with UNHR, Yerevan, October 7, 2023; P-0039, interview with UNHR, Yerevan, October 14, 2023; P-0012, interview.

people were “staying in the basements without proper food, water, electricity, and all other basic conditions of living.”<sup>27</sup> One woman narrated the events of September 19: “At about 12:30, shootings began from the side of Azerbaijan. We barely managed to get the kids and go into the basements.”<sup>28</sup> Another mother, Aksana, hid in the basement with her three-year-old son, telling him that the shelling was just “thunder and lightning.”<sup>29</sup> When they emerged the next morning, they saw that a house next door had been shelled: “Some of the shrapnel fragments had hit our roof.”<sup>30</sup> In some cases, people sheltered for days during the bombing. One family described hiding in their cold basement for four days: “Constant news that the Azeris were approaching, they’re coming and hurting children, coming into the basements.”<sup>31</sup> Cramped together in the dark with children and the sick, the family had little to eat: “People had brought whatever they had. We had pig fat and cheese.”<sup>32</sup>

## Blackout

The shelling by Azerbaijan also severed vital services like electricity and cellular networks across Stepanakert and the wider region.<sup>33</sup> Amidst the blackout, reports indicated that only the ICRC office and Stepanakert hospital sustained power, thanks to external generators.<sup>34</sup> Individuals struggled with “terrible connection” in the wake of the attack,

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<sup>27</sup> Human Rights Defender of the Republic of Artsakh (@ArtsakhOmbuds, “A Humanitarian Collapse in Artsakh. More than 10,000 Evacuated People Are Currently Staying in the Basements without Proper Food, Water, Electricity, and All Other Basic Conditions of Living. Azerbaijan Is Committing a Genocide in Artsakh in Real Time with the Tacit Consent Of... <https://t.co/FU1EtnX43f>,” Twitter, September 21, 2023, <https://twitter.com/ArtsakhOmbuds/status/1704860971792052224>.

<sup>28</sup> P-0012, interview.

<sup>29</sup> P-0037, interview.

<sup>30</sup> P-0037, interview.

<sup>31</sup> P-0039, interview.

<sup>32</sup> P-0037, interview.

<sup>33</sup> Human Rights Defender of the Republic of Artsakh (@ArtsakhOmbuds), “The Operation of the Vital Infrastructure Has Been Obstructed by the Terrorist Attack of Azerbaijan, Depriving the Entire Population of the Access to Electricity, Internet and Mobile Connection for 35 Hours Already. People Are Not Able to Cook, Heat or Charge Their Gadgets, While...,” Twitter, September 20, 2023, <https://twitter.com/ArtsakhOmbuds/status/1704582950061301809>.

<sup>34</sup> Rasmus Canbäck, “Part 5: The Invisible War Crimes,” *Blankspot*, October 4, 2023, <https://blankspot.se/part-5-the-invisible-war-crimes/>.

which made communication nearly impossible: “We barely would reach a person after trying ten times, then it would get cut after exchanging not even two words.”<sup>35</sup> Aksana recounted, “We couldn’t call anyone, tell anyone where we were. We didn’t know if our relatives were alive or well.”<sup>36</sup> For many, the breakdown in communication also delayed news of Azerbaijan’s assault. In some cases, villagers living near the border heard of the invasion mere minutes before Azerbaijani forces arrived. Former Armenia Ombudsman Arman Tatoyan cited Martakert as a stark example: as a result of the disrupted communication between the frontlines and civilians, Martakert’s residents had less than an hour to gather their belongings and escape.<sup>37</sup>

## Flight



*A displaced family arriving in Goris after a many hour journey with all they could bring tied onto and packed into their car. (September 2023)*

As Azerbaijani forces advanced into Nagorno-Karabakh’s villages, residents fled as quickly as possible. Two sisters detailed their escape on September 19 upon hearing that Azerbaijani soldiers had entered their village: “There was no other choice. We weren’t able to take clothes, grabbed only our documents and ran away. . . . There were kids whose parents were lost, so we took those kids with us. There were cars carrying 50 to 60 children.”<sup>38</sup>

<sup>35</sup> P-0001, interview with UNHR, Goris, September 26, 2023.

<sup>36</sup> P-0037, interview.

<sup>37</sup> “‘They Isolated Them, as If You Put People in a Big Room, Forcing Them to Go to This and That Corner.’ Tatoyan Presented Exceptional Facts from Azerbaijan’s Attack,” Aravot, October 21, 2023, <https://en.aravot.am/2023/10/21/335585/>.

<sup>38</sup> P-0027, interview with UNHR, Goris, September 29, 2023.

In Kalbajar district, the onslaught of bombs prompted three terrified children to sprint home from school. Their families faced immediate evacuation to Khojali and eventually to Stepanakert, where they slept on a hard university floor for four days. “We got out with cars, any type of car . . . trucks, grass trucks. The mayor evacuated everyone with whatever he could.”<sup>39</sup>



*The car of a recently displaced family from Nagorno-Karabakh crammed to the brim, in Goris. (September 2023)*

As news of the Azerbaijani offensive spread, people frantically crammed into vehicles, desperate to escape by any means possible. One middle-aged father described piling civilians onto his tractor to evacuate them from his village. He vividly recounted, “I was going to elderly ladies and men and seating them in my tractor, 30, 40 people. [My tractor] is two meters long and one meter wide. People were sitting on top of each other.”<sup>40</sup>

Those fleeing from villages sought safety in the capital Stepanakert or at the Russian forces’ base located at the defunct airport. Along the route to Stepanakert, one family from the town of Martuni reported passing through three Azerbaijani checkpoints. At the first checkpoint, “[the soldiers] were wearing black clothes, black masks over their eyes, with guns with their fingers on the trigger, with a threatening presence, pointing the gun at us. They were trying to make us fearful, especially with three kids in the car.”<sup>41</sup>

Many described the excruciating moment when they commenced their escape, torn between attachment to their homeland and the necessity of survival. “Everyone wanted

<sup>39</sup> P-0013, interview with UNHR, Goris, September 29, 2023.

<sup>40</sup> P-0019, interview with CFTJ and UNHR, Goris, September 26, 2023.

<sup>41</sup> P-0035, interview with UNHR, Artashat, October 15, 2023.

to go back, to stay in their house – to get up and leave the house you’ve built and lived in for many years is the worst thing, but we understood there’s no safety or sense of security with [Azerbaijan].”<sup>42</sup>



*A group of forcibly displaced Armenians, who have just arrived in Goris with everything they could bring, take a break for a snack. (September 2023)*

But for others, the urgency of escape left no time for contemplation. As described by another forcibly displaced person: “We ran. . . . If we were a bit late to exit the checkpoint, we would have been imprisoned in the village, surrounded by Azerbaijani troops.”<sup>43</sup> For parents, the priority was to protect their children. “We didn’t think about staying, we didn’t think about anything: just that our children be healthy,” explained one mother.<sup>44</sup> The mayor of Karmir Gyugh, father to a 4-month-old and 9-month-old, described the pain of leaving home with

his family of nine: “I didn’t want to leave,” he said, “but since the kids were crying, thinking about them I left. . . . I didn’t want to resist and separate from my children. During the war my children were almost taken into captivity . . . so I left because of my kids.” Visibly distraught, the mayor concluded, “My heart is bleeding, I didn’t want to leave.”<sup>45</sup>

Many linked their plight to the long history of displacement and targeting of ethnic Armenians in the region. “If we didn’t leave, we would repeat the fate of the Armenians slaughtered in 1915 [during the genocide]. History repeated itself. . . . I call this the migration route, the same that happened with Armenians on the Deir ez-Zor (Der Zor)

<sup>42</sup> P-0035, interview.

<sup>43</sup> P-0027, interview.

<sup>44</sup> P-0003, interview with UNHR, Goris, September 26, 2023.

<sup>45</sup> P-0005, interview with CFTJ and UNHR, Goris, September 26, 2023. Der Zor was the final destination of the forced death marches of thousands of Armenians. See Peter Balakian, “Bones,” *The New York Times*, December 5, 2008, <https://www.nytimes.com/2008/12/07/magazine/07lives-t.html>.



*A pile of clothing and shoes near the tents housing displaced people in Goris' center. (September 2023)*

route.”<sup>46</sup> Ella from Martakert, highlighted the contrast with past years’ conflicts: “In 2020, it was different. We left, our brothers and our fathers stayed. But this time when they said they’re entering, that we needed to get the children out because the Azeris are close, there was no hope.”<sup>47</sup>

Not all were able to flee before Azerbaijani forces arrived, but were directed to leave by Azerbaijani armed forces when the latter entered their homes. A school janitor from Chartar told UNHR that she had fled her

village but that her neighbor stayed in the basement of her house because she was too scared to leave. On a phone call a few hours after fleeing, her neighbor told her that Azerbaijani soldiers found her in the basement and told her to get on a bus because she had to leave.<sup>48</sup> Two other women from Chartar said, “Azerbaijani forces entered our town, asked where the church was, and then went and raised their flag there. Then they told the people who stayed behind to get on your bus and leave.”<sup>49</sup>

The village head of Karmir Gyugh, a village of approximately 150 residents, recounted the harrowing circumstances that forced the entire village to flee: “We were surrounded, then the Azerbaijanis entered the village. We barely made it out, through the forests, that’s how we escaped.”<sup>50</sup> This flight resulted



*A family from Nagorno-Karabakh in Goris, Armenia (September 2023)*

<sup>46</sup> P-0027, interview.

<sup>47</sup> P-0039, interview.

<sup>48</sup> P-0040, interview with UNHR, Nor Geghi, October 21, 2023.

<sup>49</sup> P-0041, interview with UNHR, Nor Geghi, October 21, 2023.

<sup>50</sup> P-0005, interview.

in two casualties, one person reported missing, and an additional five to six individuals unaccounted for from a neighboring town. According to the village head, “These five-six people, we don’t know whether they are alive or dead, they killed them or not.”<sup>51</sup>



*A group of forcibly displaced Artsakhtsis arrive in the Goris town center, where they then receive cell phone chips and food. (September 2023)*

Some who did not or could not flee in time appear to have suffered the fate that those who escaped most feared. A month after the September 19 attacks, the Human Rights Defender of the Republic of Armenia revealed that many of the civilian bodies recuperated from Nagorno-Karabakh, including those of women and children, showed signs of torture and mutilation.<sup>52</sup>

Apart from the recent memories of the atrocities of the 2020 war and abuses under the blockade, there were newer warning signs

that horrific treatment awaited those who would fall into the hands of Azerbaijani forces.

In the days leading up to the September 19 attack, residents of Nagorno-Karabakh began receiving threatening messages via phone and social media. Mary, an employee at the Office of the Human Rights Defender of Nagorno-Karabakh, noted the surge in online harassment. In a phone interview with UNHR researchers six days before the attack, Mary told us, “Artsakh people are subjected to mobile and telephone terrors. They’re getting messages and phone calls



*A displaced couple in Kornidzor sit in a van they received from someone who had another car so that they could flee. (September 2023)*

<sup>51</sup> Ibid.

<sup>52</sup> “Bodies of Victims of Azeri Attack in Nagorno-Karabakh Have Signs of Torture and Mutilation,” *Armenpress*, October 19, 2023, <https://armenpress.am/eng/news/1122336/>.

saying Artsakh is being invaded.”<sup>53</sup> A grandmother from Stepanakert described the horror of receiving a Facebook message from an Azerbaijani man threatening her family. The message said, “You’re [says name of daughter]’s mother, right? When we come you will see what we will do to her.”<sup>54</sup>

## No Respite

For those seeking refuge in Nagorno-Karabakh’s capital, the city of Stepanakert did not offer respite; forcibly displaced people found conditions there “even worse” than in the rural villages, lacking even basic provisions like meat and eggs.<sup>55</sup> For days, people huddled together in Renaissance Square (the main square in Stepanakert) because it was guarded by Russian forces. With rumors circulating that Azerbaijani forces had already entered the suburbs of Stepanakert, many believed that the plaza offered the sole sanctuary in the city. One family described the atmosphere of fear: “Everyone stayed on the square until the buses would arrive. . . . We cooked there. . . . No one went home because we were scared.”<sup>56</sup> As buses arrived for evacuation, the city was quickly deserted: “Stepanakert was completely empty, like, you could see bundles of clothes here and there and everywhere. People were taking potatoes, anything that they had.”<sup>57</sup> After reaching Stepanakert, Marine from Drmbon recalled passing Azerbaijani soldiers in the city: “They were walking down the



*Volunteers working at aid booths in Goris prepare coffee for recent arrivals. (September 2023)*

<sup>53</sup> P-0043, phone interview with UNHR, Stepanakert, September 13, 2023.

<sup>54</sup> P-0036, interview with UNHR, Artashat, October 15, 2023.

<sup>55</sup> P-0036, interview.

<sup>56</sup> P-0013, interview.

<sup>57</sup> P-0008, interview.

street and celebrating, laughing about the fact that we were running away, that we didn't have a proper government and that no one stood beside the Armenian nation."<sup>58</sup>

While many sought refuge in the city center, thousands of people descended upon the Russian forces' base at the airport,<sup>59</sup> hoping to find safety there from the bombing and the purported Azerbaijani advance into Stepanakert's suburbs.<sup>60</sup> At the airport,



"people started bringing things from their house: chickens, pigs, cows. They were slaughtering them for people to eat because there was a lack of food and people were starving."<sup>61</sup> Conditions at the airport base quickly became unbearable: "The conditions were not hygienic. . . . Water was scarce even though firefighters had brought water. It wasn't enough for the 10,000 or 15,000 people who were there. We were barely surviving."<sup>62</sup> One man described how he brought food, "wrapped in bags so that other people wouldn't see" to young mothers "so that [they] could eat and feed the babies with milk." He explained, "I did this for Artsakh, for my people, so that the babies wouldn't die."<sup>63</sup>

An ICRC tent in Goris. (September 2023)

<sup>58</sup> P-0032, interview.

<sup>59</sup> Gabriel Gavin, "'Nobody Is Helping Us': Inside the Fall of Nagorno-Karabakh," *POLITICO* September 22, 2023, <https://www.politico.eu/article/nagorno-karabakh-armenia-azerbaijan-war-inside/>.

<sup>60</sup> Guy Faulconbridge and Andrew Osborn, "Thousands of Armenians in Karabakh mass at airport after ceasefire deal," *Reuters*, September 20, 2023, <https://www.reuters.com/world/thousands-armenians-karabakh-mass-airport-after-ceasefire-deal-2023-09-20/>.

<sup>61</sup> P-0019, interview.

<sup>62</sup> P-0019, interview.

<sup>63</sup> P-0019, interview.



*The road from Kornidzor to Goris. (September 2023)*

## Exodus

Five days after the initial September 19 attacks, Azerbaijan opened the Lachin Corridor for the first time since the imposition of the 10-month blockade. Ethnic Armenians flooded through the corridor en masse. While the first forcibly displaced people entered Armenia on September 24, others took days to cross the border.

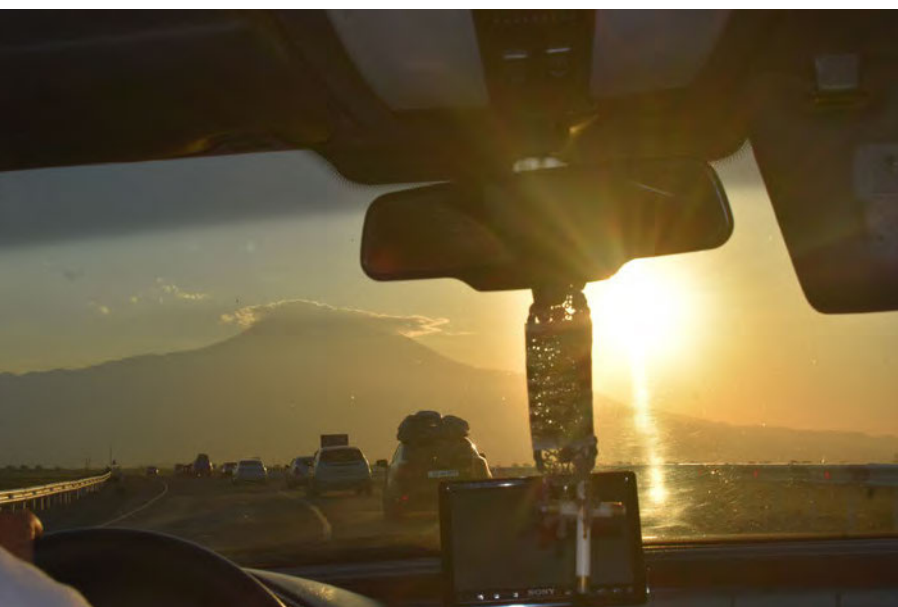
The region-wide fuel shortage, caused by the blockade, contributed to delays. “We got to Stepanakert and ran out of fuel. We had been given just enough (five liters) to make it to Stepanakert.”<sup>64</sup> Trapped in the city, people began desperate searches for fuel. “Once they found [some], they just jumped into the car without any clothes, any belongings, nothing, and left the city.”<sup>65</sup> One woman referenced how the high price

<sup>64</sup> P-0035, interview.

<sup>65</sup> P-0026, interview with CFTJ and UNHR, Goris, September 30, 2023.

of gas made her husband hesitate: “My husband asked, should we pay it and leave or stay? And I said, of course, no matter how expensive it is, we need to leave.”<sup>66</sup>

On the night of September 25, a fuel depot near Stepanakert exploded, killing over 170 people who had been waiting in line for gas on their way out of Nagorno-Karabakh.<sup>67</sup> Among those killed in the explosion was a father from Martakert whose son had died a few days prior in the September 19 attacks. His brother was also hit by the explosion and later died at the hospital.<sup>68</sup> One forcibly displaced person said about the explosion, “And then that petrol place exploded, over 100 people died. . . . They had turned into ash, children, people.”<sup>69</sup>



Road from Goris to Yerevan. (September 2023)

Over 100,000 Armenians fled through the Lachin Corridor within the first five days of its opening.<sup>70</sup> As the only operational road connecting the enclave to Armenia, the mass exodus caused a 50-mile<sup>71</sup> traffic jam visible from space.<sup>72</sup> The Armenian Health Minister testified that people spent up to 40 hours on the road

<sup>66</sup> P-0035, interview.

<sup>67</sup> Michael Erti, “Death Toll in Nagorno-Karabakh Fuel Depot Blast Jumps to 170,” *BBC*, September 29, 2023, <https://www.bbc.com/news/world-europe-66958338>.

<sup>68</sup> P-0037, interview.

<sup>69</sup> P-0003, interview.

<sup>70</sup> “According to the Latest Data, the Number of Forcibly Displaced People from Nagorno Karabakh is 100,490,” The Government of the Republic of Armenia, October 1, 2023, <https://www.gov.am/en/news/item/10371/>.

<sup>71</sup> Patrick Reeve, “Over 50,000 Armenians Have Now Fled from Enclave, Fearing Azerbaijan,” *ABC News*, September 27, 2023, <https://abcnews.go.com/International/50000-armenians-flee-enclave-azerbaijan-exodus-accelerates/story?id=103520706>.

<sup>72</sup> Azmi Haroun, “The Crowds of Armenians Fleeing Nagorno-Karabakh Are So Big You Can See Them from Space,” *Business Insider*, September 28, 2023, <https://www.businessinsider.com/cowds-of-armenians-fleeing-nagorno-karabakh-are-visible-from-space-2023-9>.

to Armenia, and that some died from a combination of exhaustion, malnutrition, and lack of necessary medication.<sup>73</sup>

One mother described, “We were on the road for two days. . . . Our children, hungry, thirsty. Children constantly crying, they want to leave. Stuck in the car, there’s no air to breathe.”<sup>74</sup> Another young mother, 25-year-old Aksana, said, “It was possible for us to move for ten minutes then wait for three hours, then again move for another ten minutes. There were people who would be stopped for seven or eight hours.”<sup>75</sup> On a journey that would otherwise take only two hours, one described, “It’s been two days on the roads, thirsty, hungry. Eating apples and blackberries on the roads. . . . It’s a nightmare.”<sup>76</sup> Holding up the passport of his late relative, another man described how his in-law “died on the road because of starvation” and that they had brought his body to Armenia because they hadn’t been able to stop on the way to bury him.<sup>77</sup>



*A man shows UNHR researchers his Armenian military card outside the Goris Hotel. (September 2023)*

At the border, the forcibly displaced faced further indignities. One woman described the feeling of passing the final Azerbaijani checkpoint: “They were counting us, how many men, women, children, laughing as they closed the doors. We were scared thinking they would take our men away.”<sup>78</sup> Azerbaijani soldiers stopped many cars with young Armenians, forcing them to exit their vehicles: “They were stopping them . . . hitting and bullying them, forcing them to walk this and that way, and only after

<sup>73</sup> Avet Demourian, “More than 80% of Nagorno-Karabakh’s Population Flees as Future Uncertain for Those Who Remain,” *AP News*, September 29, 2023, <https://apnews.com/article/nagorno-karabakh-azerbaijan-armenia-separatist-government-5f7b940643a3d6e63a6f3d512158e51a>.

<sup>74</sup> P-0003, interview.

<sup>75</sup> P-0037, interview.

<sup>76</sup> P-0005, interview.

<sup>77</sup> P-0021, interview with UNHR, Yerevan, September 29, 2023.

<sup>78</sup> P-0027, interview.

that letting them cross the bridge. . . . They were doing all that in order to provoke a fight, so that they could arrest those young Armenians and take them away.<sup>79</sup> The BBC reported that Azerbaijani border control enforced “rigorous checks” of Armenian civilians fleeing the region.<sup>80</sup>

The daughter of Vagif Khachatryan, who had been illegally detained by Azerbaijani forces in July 2023 (see Arbitrary Detention), reported being held up at the border: “They stopped us, recognized us. I took part in the 1990s war. They recognized my son. They took him out from the car. . . . They put Alex’s picture next to his grandfather Vagif’s picture, which read, ‘Terrorist Vagif’s criminal family.’”<sup>81</sup> Eventually, the soldiers allowed the family to pass.

## Relief and Grief



*A recent arrival from Nagorno-Karabakh waits for a bus in Goris' center. (September 2023)*

Finally safe in Goris, refugees expressed relief. “When we came to Goris, there was bread there. We hadn’t seen bread like that in eight months. Such big bread.”<sup>82</sup> Another said, “Constantly being scared, having all those feelings, very difficult lives. We can’t even believe that we have arrived. We arrived, so at least we can relax a little bit.”<sup>83</sup> In the same breath, she said, “It is the sweetest

<sup>79</sup> P-0026, interview.

<sup>80</sup> Sarah Rainsford and Antoinette Radford, “Nagorno-Karabakh: More than 40,000 Refugees Flee to Armenia,” *BBC*, September 26, 2023, <https://www.bbc.com/news/world-europe-66931178>.

<sup>81</sup> P-0001, interview.

<sup>82</sup> P-0039, interview.

<sup>83</sup> P-0003, interview.

thing to be an Artsakhtsi. Now we are mourning, we don't have a homeland."<sup>84</sup>

Others worried about being able to reunite with loved ones. "It seemed we entered another world. We were scared that our relatives didn't reach us, and they would be caught."<sup>85</sup> A town mayor described the chaos following the exodus: "Even a father can't find a son, brother cannot find a brother, many people can't find each other."<sup>86</sup> Some residents had already been uprooted from their homes multiple times over their lifetimes. Eduard described his despair upon leaving his home once again: "Berkadzor, Yeghtsahogh village, twenty-eight bombs. I've moved four times as a boy; this is my fifth war. . . . This is our last genocide. I don't want to be in Yerevan, nor Russia . . . [only] my land."<sup>87</sup>



*A UN World Food Programme vehicle in Goris. (September 2023)*

## Left Behind

Families who fled had to abandon most, if not all, of their possessions. A displaced woman remarked, "We thought that like always, like other wars, we could come back to our houses. We took nothing, but this time going back didn't work out. We left



*An abandoned pair of shoes outside the Goris Hotel. (September 2023)*

<sup>84</sup> P-0039, interview.

<sup>85</sup> P-0027, interview.

<sup>86</sup> P-0005, interview.

<sup>87</sup> P-0016, interview with UNHR, Goris, September 26, 2023.

empty-handed.”<sup>88</sup> Once soldiers entered the village of Harutyunagomer, in Martakert region, civilians reported having only thirty minutes to gather their belongings and escape: “My grandchild is one and a half years old. I wasn’t able to take anything. Only the documents and hand bags. It’s been ten days; we are wearing the same clothes.”<sup>89</sup> Speaking through tears, one 77-year-old woman described leaving her whole life behind. “Oh, don’t even ask. Two cows, 16 turkeys, 35 chickens, sheep, garden, different trees, vegetables, lots of preserved vegetables, cheese, honey. . . . We could not bring anything.”<sup>90</sup>



*An interviewee sits outside the Goris Hotel. (September 2023)*

Fleeing meant abandoning not only basic items such as clothing and food, but also objects of cultural and personal heritage.



*Families gather in Goris' center after their long journey from Nagorno-Karabakh. (September 2023)*

Anahit, from Askeran, expressed sorrow at carrying just two photographs with her, opting for her children’s clothes instead of family albums: “We said we had to leave quickly.”<sup>91</sup> Another said, “Everything. Everything. . . . We left our memories.”<sup>92</sup> One interviewee who had previously been displaced from Shushi to Stepankert journeyed to Goris empty-handed: “I was displaced by force twice. First time I was displaced from Shushi to Stepanakert, and this time I was displaced here [to Armenia].

<sup>88</sup> P-0012, interview.

<sup>89</sup> P-0027, interview.

<sup>90</sup> P-0025, interview with UNHR, Goris, September 29, 2023.

<sup>91</sup> P-0003, interview.

<sup>92</sup> P-0037, interview.

I didn't bring anything with me. I just got up and came with the clothes on my back."<sup>93</sup>

In the chaotic rush to escape, countless families were separated. Families were forced to make heartbreaking decisions as they grappled with leaving behind vulnerable relatives too sick or elderly to flee. While most of the villagers managed to escape, others didn't have the strength to leave. One woman shared that her cousin decided to stay behind rather than abandon his 98-year-old father. Her uncle, too sick to travel,

also remained in the village. She said, "I know that there were four people who were very sick in bed . . . . We have no information about what happened to them . . . no news from them, were they killed or not. . . . We know that [Azerbaijanis] have already



*A little girl, recently displaced from Nagorno-Karabakh happily shows UNHR researchers her new toy in Goris' center. Her mother says: "My 2-year-old children, missing their fatherland for the first time, say to me, 'Mom, take us home,' and you can't . . . what can you say?" (September 2023)*

robbed our entire village."<sup>94</sup> The same story played out in villages across the region. In another case, a family was forced to leave behind their 95-year-old grandmother. The mayor of Karmir Gyugh explained, "Because we had to climb through the mountains and forest to escape and we couldn't carry the grandma, I told [the son] to leave her in the house."<sup>95</sup>

In one instance, the ICRC found an 85-year-old woman who insisted on tidying her

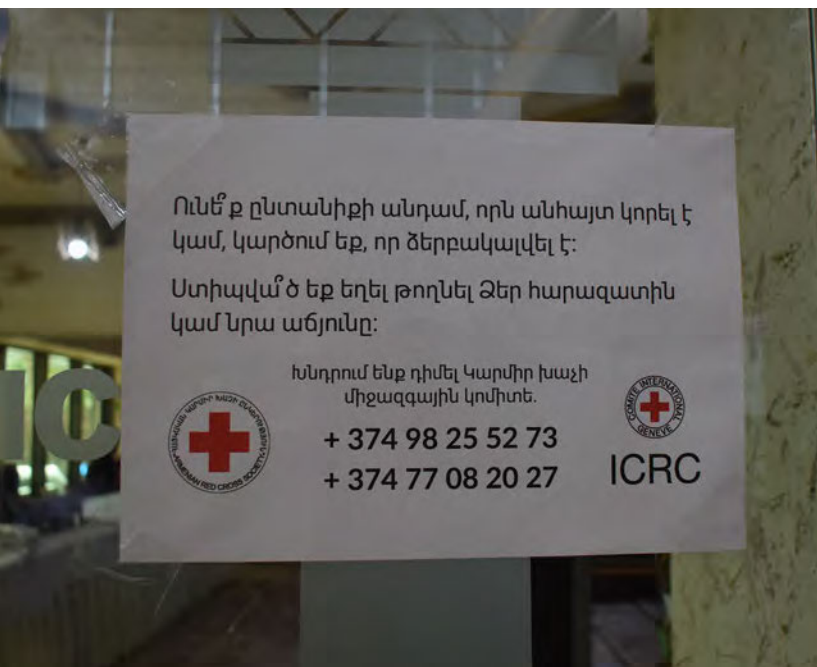


*Tents receive displaced people in Kornidzor. (September 2023)*

<sup>93</sup> P-0026, interview.

<sup>94</sup> P-0027, interview.

<sup>95</sup> P-0005, interview.



An ICRC flyer in Goris, reads "Do you have a family member who is missing or you believe was detained? Were you forced to leave a family member, or their remains, behind?" (September 2023)

clothes and fridge before leaving. She cried while explaining to the ICRC, "I hope any people coming to live in my house stay well, and never experience war."<sup>96</sup> The team also rescued a bed-ridden and malnourished cancer patient from an abandoned hospital: at that point, the patient had finished her supply of medication and had nearly run out of food and water.<sup>97</sup>

A grandmother from Martakert described the profound pain of losing loved ones: "During the war we saw a lot of loss. If you entered every Artsakhtsi home, you would be able to see that they have lost someone. That is the upsetting thing.

We left everything, but we'd rather wish that all those people we lost were here with us instead of wishing for our homes back. In this climate we'd rather lose everything we had."<sup>98</sup>

## What the Future Holds

Despite having found refuge in Armenia, the forcibly displaced are still fearful about the possibility of further attacks on Nagorno-Karabakh heritage or on Armenia itself (see Attacks on Cultural Heritage). When asked what she worried most about, 25-year old Aksana responded: "There's already an order for Tatik Papik to be destroyed. For

<sup>96</sup> "Hundreds of Most Vulnerable Left in Nagorno-Karabakh after Mass Exodus," *The Independent*, October 3, 2023, <https://www.independent.co.uk/news/world/europe/armenia-nagorno-karabakh-crisis-russia-b2423274.html>.

<sup>97</sup> Ibid.

<sup>98</sup> P-0039, interview.

me that is the saddest thing. The Gandzasar monastery, the Amaras monastery . . . that it's possible for them to be destroyed."<sup>99</sup> Describing what the monuments mean to her, she explained, "They are the symbol of Artsakh. If they are not there, then Artsakh would not exist. They are the cultural roots of Artsakh. For example, it's like the Eiffel Tower for the French."<sup>100</sup>

Recent refugees also fear a potential Azerbaijani assault on Armenia. In early October, US Secretary of State Antony Blinken alerted government officials of the risk of an Azerbaijan invasion aimed at opening a corridor to the exclave of Nakhchivan, which lies opposite a stretch of Armenian territory.<sup>101</sup> This looming threat prompted a woman from Martuni to firmly reject the option of relocating to an Armenian border village: "You know the worst thing? They're not going to stop here. They want Syunik later, and more and more, and it's not truly safe and that's why I can't live at the Azerbaijanis' mouth again. I can't live in borderline houses again, because they are not going to stop with this."<sup>102</sup>



*In the Artashat gymnasium, lined with beds for displaced Artsakhtsis, a woman from Stepanakert shows UNHR researchers the keys to her house back in Nagorno-Karabakh. She said she left it clean so that someone else can enjoy it. "I know it's impossible to open the door again . . . but let me keep it as a memory." (September 2023)*

<sup>99</sup> P-0037, interview.

<sup>100</sup> Tatik Papik, also known as "We Are Our Mountains," is a 30-foot tall sculpture carved out of volcanic rock that depicts the elders of Artsakh and their profound connection with the natural landscape.

<sup>101</sup> Eric Bazail-Eimil and Gabriel Gavin, "Blinken Warned Lawmakers Azerbaijan May Invade Armenia in Coming Weeks," *POLITICO*, October 13, 2023, <https://www.politico.com/news/2023/10/13/blinken-warned-lawmakers-azerbaijan-may-invade-armenia-in-coming-weeks-00121500>.

<sup>102</sup> P-0009, interview with UNHR, Goris, September 26, 2023.



*A man who had just arrived in Goris, Armenia holds soil he brought with him from Nagorno-Karabakh. (September 2023)*



## CONCLUSION

In March 2022, our team met Nara (name has been changed to protect privacy). She, her husband, and her daughter had been forcibly displaced from Nagorno-Karabakh when their hometown came under Azerbaijani control during the 2020 Nagorno-Karabakh War.

Nara and her family, like thousands of others since the 2020 war, and again tens of thousands more in September 2023, had been struggling to rebuild a semblance of a life in Armenia.

We met Nara in Yerevan, and began the conversation with our standard introduction. We explained that our goal was to document human rights abuses and use these findings to pressure the international community to seek accountability for the people of Nagorno-Karabakh, or Artsakh. Nara listened respectfully, then responded, “Jan, what are you talking about? What Artsakh? Artsakh is gone. Artsakh exists in name only. What international community? They don’t see us. We do not exist to them. To them, we are invisible. To them, we are no one.”<sup>1</sup>

Her remarks were sobering in that moment; they are even more poignant now, with the benefit of hindsight. Not only did she forecast, in so many words, what was to befall the remaining Armenian-populated lands of Nagorno-Karabakh the following year. She was also describing what had already become true in 2020: the Artsakh Armenians dispossessed and invisibilized, the international community silent, and what was left of Artsakh an unrecognizable potemkin village maintained to be inevitably flattened.

The forced exodus of over 100,000 ethnic Armenians from Nagorno-Karabakh within four days both runs parallel to and eclipses – in proportionate scale and pace – other mass displacements in recent years. The past decade has seen global growth of refugee populations: During the 2017 crisis in Myanmar, over 655,000 refugees were displaced

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<sup>1</sup> Forcibly displaced woman from 2020 Nagorno-Karabakh War, interview with UNHR, Yerevan, March 17, 2022.

to Bangladesh over a period of 100 days.<sup>2</sup> In Ukraine; an estimated 11 million of a total population of nearly 44 million have been displaced since Russia launched its war in February 2022.<sup>2</sup> Since April 2023, conflict in Sudan has internally displaced 5.4 million people and driven over 1.4 million people into neighboring countries.<sup>3</sup> Most recently in Gaza, 1.9 million Palestinians – more than 80 percent of the population – have been internally displaced.<sup>4</sup> While other conflicts and wars have led to higher absolute numbers of refugees, there are few historical parallels for the complete depopulation of a polity in less than a week.

The ethnic cleansing of Nagorno-Karabakh came after and despite numerous warnings. As the evidence of impending ethnic cleansing continued to mount over three years of Azerbaijani aggression and abuse in Nagorno-Karabakh and Armenia, and Armenian communities and outside observers repeatedly decried it, the international community did not act. Now, Armenian presence has been wiped out of Nagorno-Karabakh; and, if current trends and behaviors described in this report persist, the history of the people and the polity that existed there for centuries, the only remnants of Nagorno-Karabakh Armenians' existence, are next to be erased. Survivors of human rights abuses and other atrocity crimes have not been promised or delivered justice; they have little reason to believe it is forthcoming. They are left only with the feeling of betrayal and abandonment: A mother displaced from Martakert told researchers, "All nations, not only Azeris, are traitors: All nations betrayed Armenians. I cannot respect any one of them. They killed the Armenian nation, they erased Artsakh. . . . They have torn our nation in half."<sup>5</sup>

Yet many have not given up on hopes of peace and return. "I would want this war to finally be stopped, for the sake of children, for the sake of new generations. Enough.

<sup>2</sup> International Organization for Migration (IOM), *DTM Ukraine — Internal Displacement Report — General Population Survey Round 2 (24 March — 1 April 2022)* (Ukraine, April 5, 2022), <https://dtm.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-2-24-march-1-april>.

<sup>3</sup> "Sudan situation," United Nations High Commissioner for Refugees, accessed January 2024, <https://reporting.unhcr.org/operational/situations/sudan-situation>.

<sup>4</sup> Norwegian Refugee Council, "Gaza: Forced and protracted displacement of Palestinians would constitute a serious breach of international law and an atrocity crime," December 26, 2023, <https://www.nrc.no/news/2023/december/gaza-displacement/>.

<sup>5</sup> P-0032, interview with CFTJ, Goris, September 29, 2023.

It's the time to stop. There is a limit, right? Let our children live under a peaceful sky," said one displaced man from Askeran.<sup>6</sup> "I believe I will return back to my Artsakh, my homeland, where I was born, where my father and relatives are buried," said another displaced woman from Martakert.<sup>7</sup> In these hopes lies guidance for a way forward: A just resolution and sustainable peace must be premised on coming to terms with history and memory – and the responsibilities distributed therein. Where Azerbaijan is not providing the conditions for such accountability, the onus is on the international community to follow through on its most basic mandates to create them.

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<sup>6</sup> P-0004, interview with UNHR, Goris, September 27, 2023.

<sup>7</sup> P-0027, interview with UNHR, Goris, September 28, 2023.



*We Are No One: How Impunity for Three Years of Atrocities is  
Erasing Nagorno-Karabakh's Armenians*

The University Network for Human Rights