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VIA EMAIL: URGENT-ACTION@OHCHR.ORG, HRC-SR-TORTURE@UN.ORG

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Dr. Alice Edwards
UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or
Punishment
OHCHR-UNOG
8-14 Avenue de la Paix 1211
Genève 10, Switzerland

**REQUEST FOR URGENT APPEAL: Torture and Cruel, Inhuman or Degrading
Treatment or Punishment – Ruben Vardanyan, Political Prisoner Detained in Azerbaijan**

Dear Dr. Edwards,

We are writing to request urgent action on behalf of our client, Ruben Vardanyan, a political prisoner who has been detained in Azerbaijan for nearly nine months. Mr. Vardanyan is an influential Armenian business leader, social entrepreneur, and philanthropist who also served Nagorno-Karabakh's Minister of State. On September 27, 2023, in the wake of Azerbaijan's ethnic cleansing¹ of Nagorno-Karabakh – which forcibly displaced some 120,000 people to Armenia – Mr. Vardanyan was arrested as he attempted, together with the remaining civilian population, to cross the border into Armenia through the Lachin corridor. That same day, he was remanded to pretrial detention and he has been detained on baseless alleged criminal charges ever since. His detention is part of a larger campaign against the leadership of Nagorno-Karabakh – within a week of his arrest, five other former civilian leaders of the region were arrested, including three of its former Presidents. And Azerbaijan's Prosecutor General has made clear this is just the beginning, as criminal investigations have been opened against a total of 300 former Nagorno-Karabakh officials.² Mr. Vardanyan, like many other political prisoners in Azerbaijan – and like many other Armenian detainees in Azerbaijan – has been subjected to torture and cruel, inhuman, or degrading treatment and, due to his background and profile, is at immediate risk of further mistreatment.

¹ Azerbaijan's military attack on Nagorno-Karabakh in September 2023 has been recognized as an ethnic cleansing by the European Parliament, the Parliamentary Assembly for the Council of Europe, the French Senate, members of the U.S. Congress, civil society, and other experts – including Oscar Arias, former President of Costa Rica and Nobel Peace Prize Laureate; Mary Robinson, former UN High Commissioner for Human Rights and President of Ireland; and Elisha Wiesel, Chair of the Board of the Elie Wiesel Foundation.

² *UN Team in Nagorno-Karabakh, a First in 30 Years, as Ethnic Armenians Flee*, AL JAZEERA, Oct. 1, 2023, available at <https://www.aljazeera.com/news/2023/10/1/un-team-in-nagorno-karabakh-a-first-in-30-years-as-ethnic-armenians-flee>.

I. MODEL QUESTIONNAIRE³

A. Identity of the person(s) subjected to torture

- 1. Family Name:** Vardanyan
- 2. First and other names:** Ruben
- 3. Sex:** Male
- 4. Birth date or age:** May 25, 1968
- 5. Nationality:** Armenian
- 6. Occupation:** Business leader, social entrepreneur, and philanthropist
- 7. Identity card number (if applicable):** Passport No. AU0319012 (Armenia)
- 8. Activities (trade union, political, religious, humanitarian/ solidarity, press, etc.):** Mr. Vardanyan is an influential Armenian business leader, social entrepreneur, and philanthropist who has been an outspoken advocate for the rights of the ethnic Armenian population living in Nagorno-Karabakh, including their right to self-determination. For many years, he has criticized and called attention to Azerbaijan's attacks against and repression of this population. From November 4, 2022, to February 23, 2023, he also served as the Minister of State (the equivalent of a Prime Minister) in the Government of Nagorno-Karabakh.
- 9. Residential and/or work address:** Mr. Vardanyan is currently detained at the Pre-trial Detention facility of the State Security Service in Baku.

B. Circumstances surrounding torture

- 1. Date and place of arrest and subsequent torture:** Mr. Vardanyan was arrested on September 27, 2023, in the wake of Azerbaijan's ethnic cleansing of Nagorno-Karabakh, as he attempted, together with the remaining civilian population, to cross the border into Armenia through the Lachin corridor. Since then, he has been held in the Pre-trial Detention facility of the State Security Service of the Republic of Azerbaijan, which is where his mistreatment has been carried out.
- 2. Identity of force(s) carrying out the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other):** Mr. Vardanyan was arrested by Azerbaijan's State Border Service. Since his arrest, he has been detained by the State Security Service, and it is the members of the State Security Service that have perpetrated the torture and cruel, inhuman, or degrading treatment.
- 3. Were any person, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?** Mr. Vardanyan received visits from his lawyer after his arrest. More generally, his communication with the outside world has been sporadic – sometimes he has been allowed to call family members (who are not in Azerbaijan), and other times, he has not. Of particular concern, during a hunger strike he conducted from April 5–25, 2024, Mr. Vardanyan was not allowed to see his attorney and, from April 5–20, he was not allowed any contact with the outside world at all.

³ The Model Questionnaire is included as the Appendix to Juan E. Méndez, REPORT OF THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: ADDENDUM, U.N. Doc. A/HRC/16/52/Add.1, Mar. 1, 2011.

4. **Describe the methods of torture used:** During the hunger strike, Mr. Vardanyan was placed in a punishment cell, which he was never allowed to leave for the duration of the hunger strike. The lights in the cell were kept on around the clock, which led to severe sleep deprivation and exhaustion. In addition, he was forced to stand for extended periods of time and was deprived of drinking water for over two full days. Moreover, he was not allowed to bathe or change clothes; he was not given any toilet paper; he was not allowed to have any books or paper; and there were no bedsheets (so he had to sleep on a dirty mattress). Of particular concern, Mr. Vardanyan's lawyer was not allowed to visit him during the hunger strike and his communication with the outside world (for example, through phone calls with family) was cut off from April 5–20. On June 11, 2024, U.S. Senator Ed Markey condemned Mr. Vardanyan's mistreatment on the floor of the U.S. Senate, stating: "Widespread reporting, including from Human Rights Watch, the International Federation of Human Rights, and the United States Department of State, call attention to the terrible treatment of political prisoners by Azerbaijan. Former State Minister Ruben Vardanyan alone has faced punitive extended stays in solitary confinement, poor prison conditions, denial of water and clean clothing, and orders that require him to stay for hours on end. He was also cut off from his lawyer and family for weeks."⁴
5. **What injuries were sustained as a result of the torture?** The prolonged sleep deprivation, lack of educational/entertainment materials, refusal to let him leave the cell at any time, and incommunicado detention left lasting psychological wounds from which he has yet to fully recover.
6. **What was believed to be the purpose of the torture?** It is believed that the purpose of the torture was to punish Mr. Vardanyan for conducting the hunger strike, which brought media attention to his detention and the detention of the other Armenian political prisoners in Azerbaijan and therefore on Azerbaijan's ethnic cleansing of Nagorno-Karabakh. It is also believed that the torture was intended to punish Mr. Vardanyan for his role in the Government of Nagorno-Karabakh and his outspoken advocacy for its people.
7. **Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or Government doctor?** Mr. Vardanyan had requested a medical exam by an independent private clinic during his hunger strike, but this was denied. Instead, after the hunger strike, he was brought for a medical exam in the state prison medical facility, which was conducted by a Government doctor. Notably, this contradicts what the Government of Azerbaijan told the UN Committee Against Torture just a few weeks ago – on April 24, 2024, the Committee asked Azerbaijan's delegation, "How would the State party guarantee detainees' right to an examination by an independent doctor?" to which Azerbaijan replied, "Detainees' requests for private doctors were honoured by the State party."⁵

⁴ Speech by U.S. Senator Ed Markey, June 11, 2024, available at <https://www.congress.gov/congress/?chamber=senate&date=2024-06-11> (timestamp 1:32:16).

⁵ *In Dialogue with Azerbaijan, Experts of the Committee against Torture Welcome Human Rights Training for State Officials, Ask about Reported Widespread Torture and Ill Treatment in Detention and Efforts to Improve Prison Conditions*, OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, Apr. 24, 2024, available at

After the conclusion of his hunger strike, an independent doctor, though not one of his choosing, was allowed to see him in prison.

8. **Was appropriate treatment received for injuries sustained as a result of the torture?** No – Mr. Vardanyan has received no treatment at all.
9. **Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture? Were any medical reports or certificates issued? If so, what did the reports reveal?** The torture and ill-treatment inflicted on Mr. Vardanyan (sleep deprivation, stress positions, etc.) did not leave lasting physical injuries that would be detectable in a routine medical examination. A report from the State Security Service Medical Department, from a check up on May 11, found “no clinically significant pathology” – but given that it is the State Security Service itself which tortured him, that medical report is hardly trustworthy or neutral.
10. **If the victim died in custody, was an autopsy or forensic examination performed and which were the results?** Not applicable.

C. Remedial action: Were any domestic remedies pursued by the victim or his/her family or representatives (complaints with the forces responsible, the judiciary, political organs, etc.)? If so, what was the result? Mr. Vardanyan requested a visit by the Commissioner for Human Rights (Ombudsman) but the visit never occurred.

D. Information concerning the author of the present report

1. **Family Name:** Genser
2. **First Name:** Jared
3. **Relationship to victim:** International Counsel
4. **Organization represented, if any:** Perseus Strategies
5. **Present full address:** 1802 Vernon St. NW #1046, Washington, D.C. 20009, USA

II. BACKGROUND ON TORTURE OF POLITICAL PRISONERS IN AZERBAIJAN

In a 1999 report, Human Rights Watch noted that “[a] plethora of testimony from victims, their relations, and attorneys points to a systematized pattern of physical abuse and torture of those detained on suspicion of politically motivated crimes.”⁶ Unfortunately, in the 25 years since, little has changed. In 2016, the UN Human Rights Committee said that it “remains concerned about consistent reports of torture and ill-treatment, including of journalists, human rights defenders and youth activists,”⁷ and in 2024, it asked the Government to “comment on

<https://www.ohchr.org/en/news/2024/04/examen-de-lazerbaidjan-au-comite-contre-la-torture-les-allegations-associees-au>.

⁶ AZERBAIJAN: IMPUNITY FOR TORTURE, HUMAN RIGHTS WATCH, Aug. 1999, available at https://www.hrw.org/reports/1999/azerbaijan/Azer0799.htm#P41_615.

⁷ *Concluding Observations on the Fourth Periodic Report of Azerbaijan*, HUMAN RIGHTS COMMITTEE, U.N. Doc. CCPR/C/AZE/CO/4, Nov. 16, 2016, at ¶ 18.

reports of torture and ill-treatment, including of journalists, human rights defenders and activists, that have reportedly led to death in several cases.”⁸

The UN Committee Against Torture has similarly recognized this long-standing issue. In 2015, the Committee stated that it was “deeply concerned about consistent and numerous allegations that a number of human rights defenders have been arbitrarily deprived of their liberty, [and] subjected to ill-treatment.”⁹ And in its Concluding Observations on Azerbaijan in May 2024, the Committee expressed concern about both the frequency and severity of torture in Azerbaijan:

The Committee is alarmed by widespread and persistent reports of the routine use of torture and ill-treatment in the State party [D]etained individuals appear to be frequently beaten by law enforcement officials with the aim of extracting confessions. In more harrowing cases, allegations include the use of electric shocks, beatings on the soles of the feet (falaka), binding with ropes in contorted positions, simulated suffocation, extraction of fingernails, and sexual violence as a means of torture.¹⁰

The Committee expressed specific concern about the torture and ill-treatment of human rights defenders and journalists¹¹ and also “high-level statements which appear to support the excessive use of force by law enforcement and promote impunity.”¹²

Unfortunately, Azerbaijan’s torture of political prisoners shows no signs of abating. The following are just some of the currently detained political prisoners¹³ who have been subjected to torture or ill-treatment:

- Abbas Huseynov, a member of the Muslim Unity Movement, was “tortured and held in inhuman prison conditions in the Gobustan prison [U]pon arrival in the prison, he was handcuffed, dragged along the floor and kept in the scorching sun. When he complained, he was beaten with a truncheon and placed in a punishment cell, which was filthy and unsanitary with vermin coming from the toilet and bed sheets that were black from dirt. [He] further reported having allegedly been beaten in the stomach and face by a prison officer, being tied to an iron post for three hours in the sun, and repeatedly placed in the punishment cell. When he complained about the prison conditions to the prison director, this official allegedly replied that ‘this is Gobustan, a place where rights

⁸ *List of Issues Prior to Submission of the Fifth Periodic Report of Azerbaijan*, HUMAN RIGHTS COMMITTEE, U.N. Doc. CCPR/C/AZE/QPR/5, May 16, 2024, at ¶ 13.

⁹ *Concluding Observations on the Fourth Periodic Report of Azerbaijan*, COMMITTEE AGAINST TORTURE, U.N. Doc. CAT/C/AZE/CO/4, Jan. 27, 2016, at ¶ 10.

¹⁰ *Concluding Observations on the Fifth Periodic Report of Azerbaijan*, COMMITTEE AGAINST TORTURE, U.N. Doc. CAT/C/AZE/CO/5-Advance Unedited Version, May 10, 2024, at ¶ 16.

¹¹ *Id.*, at ¶ 20.

¹² *Id.*, at ¶ 16.

¹³ The Institute for Peace and Democracy maintains an updated list of political prisoners in Azerbaijan. Their most recent list is dated March 18, 2024. See LIST OF POLITICAL PRISONERS ON 18 MARCH 2024: 288 PERSONS, UNION FOR THE FREEDOM FOR POLITICAL PRISONERS OF AZERBAIJAN, available at <https://web.archive.org/web/20240328180410/https://www.ipd-az.org/wp-content/uploads/2024/03/List-of-political-prisoners-in-Azerb-18-03-24.pdf>.

end.’ Huseynov was then allegedly pushed down on the floor and beaten on his head with a club According to his lawyer, Huseynov had injuries on his back, legs and knees and had difficulties walking and sitting as a result of this incident.”¹⁴

- Dr. Gubad Ibadoglu, Head of the Azerbaijan Democracy and Prosperity Movement, has been detained since July 23, 2023, though he was recently moved to house arrest.¹⁵ During his detention, he has been denied medical examinations and treatment, as well as needed medications.¹⁶
- Blogger Rashad Ramazanov, who was arrested on May 20, 2022, “stated that he was tortured at the 14th police department after he was detained, demanding a confession,” and his lawyer confirmed there were “signs of severe torture.”¹⁷ An official response that the SIZO-1 detention facility sent to the court further confirmed that “when Ramazanov was admitted to this institution he had bodily injuries in the form of bruises on both thighs, nose, forehead.”¹⁸ His lawyer’s appeals to relevant agencies demanding an investigation yielded no result; “[i]nstead, his lawyer was himself detained and warned to stop making statements about torture and ill-treatment of his [client] and was subsequently dismissed from the Bar of Lawyers.”¹⁹
- Mail Karimov and Suleyman Alakbarov, both members of the Muslim Unity Movement, “were reportedly tortured while attending a court hearing The two men claimed they were taken to an undisclosed location, physically beaten, threatened with rape, and filmed stating they would never attend future court proceedings.”²⁰
- Ulvi Hasanli, the director of an online media outlet, was arrested on November 20, 2023, and “told journalists that when he was detained, he was punched in the eye. Later, he was taken to the Baku City Police Department, where he was subjected to inhumane

¹⁴ CONTRIBUTION TO THE LIST OF ISSUES PRIOR TO THE SUBMISSION OF THE PERIODIC REPORT OF AZERBAIJAN, INSTITUTE FOR PEACE AND DEMOCRACY (IPD) ET AL., Jan. 2018, at 4, *available at* https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FICS%2FAZE%2F30118&Lang=en.

¹⁵ *Azerbaijani Economist and Critic Gubad Ibadoglu Shifted to House Arrest Amid Health Concerns*, CAUCASUS WATCH, Apr. 24, 2024, *available at* <https://caucasuswatch.de/en/news/azerbaijani-economist-and-critic-gubad-ibadoglu-shifted-to-house-arrest-amid-health-concerns.html>.

¹⁶ URGENT ACTION: JAILED ACADEMIC’S HEALTH DETERIORATES, AMNESTY INTERNATIONAL, Dec. 12, 2023, *available at* <https://www.amnesty.org/en/documents/eur55/7530/2023/en/> (“According to his family, while his blood sugar levels and general health conditions have sharply worsened, he has not had appropriate medical examinations to determine the causes and the correct treatment plan. He is also not given some of the medication he was regularly taking before his arrest, while other medications are given on an irregular schedule which increases his risk of a stroke and of developing further heart disease and other life-threatening conditions.”).

¹⁷ *Blogger Rashad Ramazanov Claims of Torture at Police*, INSTITUTE FOR REPORTERS’ FREEDOM AND SAFETY, May 27, 2022, *available at* <https://www.irfs.org/news-feed/blogger-rashad-ramazanov-claims-of-torture-at-police/>.

¹⁸ *Tortures of Blogger Rashad Ramazanov Confirmed During Trial – Lawyer*, INSTITUTE FOR REPORTERS’ FREEDOM AND SAFETY, May 5, 2023, *available at* <https://www.irfs.org/news-feed/tortures-of-blogger-rashad-ramazanov-confirmed-during-trial-lawyer/>.

¹⁹ CONTRIBUTION TO THE LIST OF ISSUES, *supra* note 14, at 7.

²⁰ *2022 Country Reports on Human Rights Practices: Azerbaijan*, U.S. DEPARTMENT OF STATE, Mar. 20, 2023, *available at* <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/azerbaijan/>.

treatment and torture. He said that he was punched and kicked.”²¹ His tormentors “demanded [that he] explain why [they] wrote about corruption.”²²

- Taleh Bagirzade, Chairman of the Muslim Unity Movement, has “testified that he was beaten and tortured [for] more than 30 days” to pressure him to testify against Ali Karimli, leader of the opposition Popular Front Party of Azerbaijan, and Jamil Hasanli, chairman of the National Council of Democratic Forces.²³ Bagirzade’s lawyer stated that “[d]uring his arrest, Bagirzade was allegedly hit in his face, his head was smashed to the ground, and police verbally abused him. He was subsequently taken to the offices of the Main Organised Crime Department in Baku where he was forced to lay on the ground and was severely beaten, resulting in open wounds and the loss of blood. During his continued detention on the premises of the Organised Crime Department, Bagirzade was allegedly repeatedly tortured and pressured to confess and testify against those arrested together with him. Among others, he allegedly regularly had his head covered with a sack, while a police officer sat on his shoulder and others hit his legs until they swell[ed] to an unrecognizable shape.”²⁴ His lawyer filed a complaint about the torture, but no investigation was opened and “the dates for hearings in Bagirzade’s case were repeatedly postponed until the wounds on his body had healed. Bagirzade withdrew his complaint on 23 February 2016 because of repeated threats and ill-treatment.”²⁵
- Niyamaddin Ahmadov, a member of the Popular Front Party of Azerbaijan, was arrested on April 16, 2020 and was “tortured in order to force him to testify against the leader of the party” (though he refused to do so).²⁶ His torture included being beaten and tazed.²⁷
- Shahin Hajiyevev, a member of the Popular Front Party of Azerbaijan, was arrested on January 26, 2022. While in police custody, “he was tortured and forced to make a ‘confession’.”²⁸ A report issued at the detention center confirmed that “there were injuries on Shahin Hajiyevev’s calf and the knee area.”²⁹
- Civil society activist Ruslan Vahabov was arrested on September 22, 2023. “[T]he police brutally assaulted [him] at the police station and then grabbed him by the hair and dragged him across the floor, telling him ‘We will now show you what we have achieved in Karabakh within 24 hours’” (Vahabov had criticized Azerbaijan’s military attack

²¹ *Abzas Media's Executive Director and Editor-in-chief Detained, Newsroom Raided*, SAFETY OF JOURNALISTS PLATFORM, Nov. 21, 2023, available at <https://fom.coe.int/en/alerte/detail/107640263>.

²² LIST OF POLITICAL PRISONERS ON 18 MARCH 2024, *supra* note 13, at 7.

²³ *Id.*, at 43.

²⁴ CONTRIBUTION TO THE LIST OF ISSUES, *supra* note 14, at 3.

²⁵ *Id.*, at 3–4.

²⁶ *Court of Appeal Upholds Verdict Against Niyameddin Ahmedov*, INSTITUTE FOR REPORTERS’ FREEDOM AND SAFETY, Mar. 2, 2022, available at <https://www.irfs.org/news-feed/court-of-appeal-upholds-verdict-against-niyameddin-ahmedov/>.

²⁷ LIST OF POLITICAL PRISONERS ON 18 MARCH 2024, *supra* note 13, at 20.

²⁸ *Even Having Evidence and Witnesses Confirming Innocence Will Not Help the Opposition Member at Trial*, INSTITUTE FOR PEACE AND DEMOCRACY, accessed June 11, 2024, available at <https://www.ipd-az.org/author/admin/page/14/>.

²⁹ *Id.*

against Nagorno-Karabakh).³⁰ “Unable to withstand the torture, [he] incriminated himself.”³¹

- Activist İlhamiz Quliyev was arrested on December 4, 2023, disappeared for three hours, and beaten.³²
- Malik Rzayev, a member of the Musavat Party, was arrested and brought to the police station, where “he was beaten by about 7-8 policemen.”³³ After being to a separate office, “he was again subjected to beatings” and forced to confess that he had purchased drugs.³⁴ He was also threatened with rape using an object.³⁵
- Samir Babayev, a member of the Muslim Unity Movement, stated that police officers “arrested and started beating him while he was still in the car.”³⁶ At the police station, they beat him more – “[s]everal people were relentlessly kicking [him] on [his] head and body” – to pressure him to confess.³⁷ After he refused, “they started beating [his] head against the wall.”³⁸
- Mirtofiq Huseynov, a member of the Muslim Unity Movement, “was brutally tortured in the police station” in an attempt to get an incriminating statement from him.³⁹
- Subhi Aliyev was “handed a bag with drugs” by law enforcement and told to admit that it was his.⁴⁰ When he refused, “he was beaten” and “suffered from bruises on his abdomen and a swelling in the area of his ribs.”⁴¹ “Unable to withstand the torture,” he falsely confessed that the drugs were his in a video recording.⁴²
- Jeyhun Babashov, a member of the Muslim Unity Movement, was “constantly subjected . . . to torture” by police in an attempt to get him to plead guilty to drug possession.⁴³ When this did not work, the police “slipped the drugs into his hands” and recorded him possessing them.⁴⁴ When the trial began, Babashov told the court what had happened; after the hearing concluded, he was “subjected . . . to brutal beatings for many hours.”⁴⁵

³⁰ LIST OF POLITICAL PRISONERS ON 18 MARCH 2024, *supra* note 13, at 28.

³¹ *Id.*

³² *Id.*, at 30–31.

³³ *Yet, Another Political Activist Is Deported From Germany and Convicted*, INSTITUTE FOR PEACE AND DEMOCRACY, accessed June 11, 2024, available at <https://www.ipd-az.org/another-political-activist-deported-from-germany-and-convicted/>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ LIST OF POLITICAL PRISONERS ON 18 MARCH 2024, *supra* note 13, at 53.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*, at 54.

⁴⁰ *Id.*, at 55.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*, at 62.

⁴⁴ *Id.*

⁴⁵ *Id.*

Babashov's son visited a few days later and found that Babashov's arm was broken and "his whole body was covered with bruises."⁴⁶ A few weeks later, as a result of those injuries, "he suffered a hematoma in his brain, lost consciousness and was connected to an artificial respiration machine."⁴⁷ His lawyer reported that, "[i]n spite of the treatment he has received, he still has problems with his lungs and blood circulation in the brain."⁴⁸

- Agaali Yahyayev, a member of the Board of the Muslim Unity Movement, was detained by police and pressured to confess to possessing and selling drugs.⁴⁹ When he refused, they punched his body and hit his legs with a truncheon, which caused them to swell.⁵⁰ When he still continued to refuse to confess, "they threatened to rape him with a baseball bat" and he relented, confessing to baseless drug charges.⁵¹

III. BACKGROUND ON TORTURE OF ARMENIAN DETAINEES IN AZERBAIJAN

There is extensive public documentation that ethnic Armenians (and particularly former residents of Nagorno-Karabakh) detained in Azerbaijan have been subjected to brutal acts of torture.⁵² Such detainees have been subjected to "systematic acts of violence,"⁵³ including "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."⁵⁴ As the Center for Truth and Justice has explained, "[w]hile torture in Azerbaijan is generally characterized by 'casual' violence at the hand of law enforcement . . . the torture of ethnic Armenians detained by Azerbaijan is perpetrated in a systematic fashion, is markedly more severe than other reported instances of torture involving non-Armenians, and is characterized by an added element of psychological torture, particularly through ethnically-charged abuse, not present in other

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*, at 116.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² See, e.g., WRITTEN INFORMATION FOR THE EXAMINATION OF THE PERIODIC REPORT OF AZERBAIJAN: 79TH SESSION OF THE COMMITTEE AGAINST TORTURE, UNIVERSITY NETWORK FOR HUMAN RIGHTS, Mar. 18, 2024, *available at* https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=1cJsGKycgclvjImzvK3XZLVvRvaV0ES+LpAHAfuvYIUOyRBbVa4KXvNE289Ql3QR14Xe1QvqDoZep0iNv+nWQg==; AZERBAIJAN'S SERIOUS AND PERSISTENT BREACHES OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT: SHADOW REPORT TO THE FIFTH PERIODIC REPORT OF AZERBAIJAN, CENTER FOR TRUTH & JUSTICE, Mar. 7, 2024, *available at* https://www.cftjustice.org/wp-content/uploads/2024/03/2024_CAT_Report.pdf; HUMAN RIGHTS VIOLATIONS DURING THE 44-DAY WAR IN ARTSAKH: FACT-FINDING REPORT, OPEN SOCIETY FOUNDATIONS ARMENIA ET AL., 2022, at 103–129 (torture of POWs), 129–140 (captivity, torture, and ill-treatment of civilians), *available at* https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf; and AD HOC PUBLIC REPORT: RESPONSIBILITY OF AZERBAIJAN FOR TORTURE AND INHUMAN TREATMENT OF ARMENIAN CAPTIVES: EVIDENCE-BASED ANALYSIS (THE 2020 NAGORNO KARABAKH WAR), THE HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA, Sept. 2021, *available at* <https://www.ombuds.am/images/files/8f33e8ccaac978faac7f4cf10442f835.pdf>.

⁵³ AZERBAIJAN'S SERIOUS AND PERSISTENT BREACHES OF THE CONVENTION AGAINST TORTURE, *supra* note 52, at ¶ 14.

⁵⁴ WRITTEN INFORMATION FOR THE EXAMINATION OF THE PERIODIC REPORT OF AZERBAIJAN, *supra* note 52, at 2.

instances of torture in Azerbaijan.”⁵⁵ For example, regarding the latter, detained Armenians were forced to repeat “Karabakh is Azerbaijan,” memorize degrading poems and songs in Azerbaijani, and crawl around on their hands and knees like dogs.⁵⁶ One detainee reported that “racial slurs and demeaning comments were constantly used by jailers and interrogators.”⁵⁷

Azerbaijan’s State Security Service – the agency that is currently detaining Mr. Vardanyan – has been particularly involved in the torture of ethnic Armenians. A 2024 report by the University Network for Human Rights, based on over 150 interviews conducted between March 2022 and November 2023, noted that the detention of Armenian prisoners in State Security Service facilities “has tended to last longer and involve a harsher degree of torture than in other sites.”⁵⁸ The Center for Truth and Justice has similarly reported that a “majority of the torture” inflicted on Armenians detained in the context of the Nagorno-Karabakh hostilities “appears to have been committed at the hands of the State Security Service.”⁵⁹

Notably, in its May 2024 Concluding Observations on Azerbaijan, the UN Committee Against Torture stated that it was “deeply concerned by reports of severe and grave violations of international humanitarian law and human rights law committed by Azerbaijani . . . forces against . . . persons of Armenian ethnic or national origin, including extrajudicial killings [and] torture and other ill-treatment.”⁶⁰ The Committee further expressed “its deep concern . . . regarding the continued detention of what [Azerbaijan] describes as 23 individuals in connection with terrorism and related offences”⁶¹ – which includes Mr. Vardanyan.

IV. INTERNATIONAL LEGAL ANALYSIS

Article 7 of the ICCPR prohibits torture and ill-treatment,⁶² and the Universal Declaration of Human Rights (“Universal Declaration”) similarly states that “[n]o one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.”⁶³ The prohibition against torture and other ill-treatment is absolute and non-derogable.⁶⁴ Thus, there is no set of circumstances that can make torture or ill-treatment permissible.⁶⁵

Torture occurs when a person is subjected to:

⁵⁵ AZERBAIJAN’S SERIOUS AND PERSISTENT BREACHES OF THE CONVENTION AGAINST TORTURE, *supra* note 52, at ¶ 47; *see also*

⁵⁶ *Id.*, at ¶¶ 21–22.

⁵⁷ *Id.*, at ¶ 48.

⁵⁸ WRITTEN INFORMATION FOR THE EXAMINATION OF THE PERIODIC REPORT OF AZERBAIJAN, *supra* note 52, at 8.

⁵⁹ AZERBAIJAN’S SERIOUS AND PERSISTENT BREACHES OF THE CONVENTION AGAINST TORTURE, *supra* note 52, at ¶ 15.

⁶⁰ *Concluding Observations on the Fifth Periodic Report of Azerbaijan*, *supra* note 10, at ¶ 22.

⁶¹ *Id.*

⁶² International Covenant on Civil and Political Rights, 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976, at Art. 7.

⁶³ Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, *adopted* 1948, at Art. 5.

⁶⁴ *General Comment No. 2: Implementation of Article 2 by States Parties*, COMMITTEE AGAINST TORTURE, U.N. Doc. CAT/C/GC/2, at ¶¶ 1, 6 (stating that the prohibition against torture is a jus cogens norm of international law and that no derogation is permitted from the prohibitions on torture and ill-treatment).

⁶⁵ *Id.*

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.⁶⁶

It is indisputable that Azerbaijan's treatment of Mr. Vardanyan during his hunger strike violated the Convention Against Torture, as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules),⁶⁷ which the Committee Against Torture often cites in interpreting Article 11 (the prohibition on cruel, inhuman, or degrading treatment or punishment).

First, as mentioned, Mr. Vardanyan was moved to a punishment cell for the duration of his hunger strike, where the lights were kept on 24/7. As the Committee Against Torture has made clear, sleep deprivation is "a form of ill-treatment."⁶⁸

Second, Mr. Vardanyan was forced to stand for extended periods of time. As the Special Rapporteur on Torture has previously noted, "[t]he jurisprudence of both international and regional human rights mechanisms is unanimous in stating that such methods [including holding detainees in painful and/or stressful positions] violate the prohibition of torture and ill-treatment."⁶⁹

Third, Mr. Vardanyan was deprived of drinking water for over two full days, but the Nelson Mandela Rules provide that "[d]rinking water shall be available to every prisoner whenever he or she needs it."⁷⁰

⁶⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 U.N.T.S. 85, entered into force June 26, 1987, at Art. 1.

⁶⁷ *United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)*, G.A. Res. 70/175, U.N. Doc. A/RES/70/175, adopted Dec. 17, 2015, available at https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

⁶⁸ *Concluding Observations on the Combined Third to Fifth Periodic Reports of the United States of America*, COMMITTEE AGAINST TORTURE, U.N. Doc. CAT/C/USA/CO/3-5, Dec. 19, 2014, at ¶ 17; see also REPORT OF THE COMMITTEE AGAINST TORTURE, U.N. Doc. A/52/44, Sept. 10, 1997, at ¶ 257, available at <https://www.refworld.org/reference/annualreport/cat/1997/en/35602> (noting that "sleep deprivation for prolonged periods" violates article 16 and also constitutes torture) and *Nelson Mandela Rules*, *supra* note 67, at Rule 43(1) ("In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited: . . . (c) Placement of a prisoner in a . . . constantly lit cell . . .").

⁶⁹ Theo van Boven, REPORT OF THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, U.N. Doc. A/59/324, Sept. 1, 2004, at ¶ 17.

⁷⁰ *Nelson Mandela Rules*, *supra* note 67, at Rule 22(2); see also *id.*, at Rule 43(1) ("In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited: . . . (d) . . . reduction of a prisoner's diet or drinking water . . .").

Fourth, he was not allowed to leave the punishment cell for the duration of the hunger strike, but the Nelson Mandela Rules state that “[e]very prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.”⁷¹

Fifth, Mr. Vardanyan was not allowed to bathe; however, the Nelson Mandela Rules require that prisoners be allowed to “have a bath or shower . . . as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.”⁷²

Sixth, Mr. Vardanyan was not allowed to change clothes, another violation of the Nelson Mandela Rules, which state that “[a]ll clothing shall be clean and kept in proper condition” and “[u]nderclothing shall be changed and washed as often as necessary for the maintenance of hygiene.”⁷³

Seventh, he was not provided toilet paper, but prisoners “shall be provided with water and with such toilet articles as are necessary for health and cleanliness.”⁷⁴

Eighth, there were no bedsheets in his cell, so he had to sleep on a dirty mattress. Yet Rule 21 of the Nelson Mandela Rules states that “[e]very prisoner shall . . . be provided with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.”⁷⁵

Ninth, Mr. Vardanyan was not allowed to have any books or paper, but an “untried prisoner” (i.e., a person who has not been convicted) “shall be allowed to procure at his or her own expense or at the expense of a third party such books, newspapers, writing material and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.”⁷⁶ Importantly, the Nelson Mandela Rules emphasize that the “[g]eneral living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, *shall apply to all prisoners without exception.*”⁷⁷ It is particularly concerning that Mr. Vardanyan was denied access to counsel and the ability to communicate with his family for the duration of his hunger strike. As the Special Rapporteur on Torture has explained, “[a]ccess to counsel at all stages of the investigation is a fundamental safeguard against torture and ill-treatment.”⁷⁸ The Nelson

⁷¹ *Id.*, at Rule 23(1).

⁷² *Id.*, at Rule 16.

⁷³ *Id.*, at Rule 19(2).

⁷⁴ *Id.*, at Rule 18(1).

⁷⁵ *Id.*, at Rule 21.

⁷⁶ *Id.*, at Rule 117; *see also id.*, at Rule 66 (“So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and *having in his or her possession the books of religious observance and instruction of his or her denomination.*”) (emphasis added).

⁷⁷ *Id.*, at Rule 42.

⁷⁸ Juan E. Méndez, REPORT OF THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT ON HIS MISSION TO SRI LANKA, U.N. Doc. A/HRC/34/54/Add.2, Dec. 22, 2016, at ¶ 75.

Mandela Rules further state that “[p]risoners shall be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own,”⁷⁹ and that “[d]isciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order.”⁸⁰

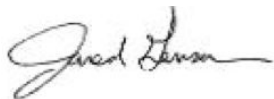
Tenth and finally, it is important to emphasize that a prisoner’s “conditions of detention cannot be considered in isolation” and that, in many cases, “it is the cumulative effect of several factors that increases the detainee’s suffering to a point that reaches the threshold of ill-treatment.”⁸¹

V. CONCLUSION

Given (1) the torture and ill-treatment that Mr. Vardanyan was recently subjected to, (2) his ethnicity, (3) his status as a former high-level official in the Government of Nagorno-Karabakh, (4) his outspoken criticism of Azerbaijan’s treatment of Nagorno-Karabakh and its people, and (5) his detention at the hands of the State Security Service (which is notorious for the torture of ethnic Armenians), Mr. Vardanyan remains at imminent risk of torture and ill-treatment.

I respectfully reiterate my request that, in accordance with your Methods of Work and urgent appeal procedure, you immediately contact the Government of Azerbaijan, urging it to protect Mr. Vardanyan’s right to physical and mental integrity.

Sincerely,



Jared Genser
International Counsel to Ruben Vardanyan

⁷⁹ *Nelson Mandela Rules*, *supra* note 67, at 61(1).

⁸⁰ *Id.*, at Rule 43(3).

⁸¹ Cordula Droege, “*In Truth the Leitmotiv*”: *The Prohibition of Torture and Other Forms of Ill-Treatment in International Humanitarian Law*, 89 INT’L REVIEW OF THE RED CROSS 515, 536 (2007), available at <https://www.icrc.org/en/doc/assets/files/other/irrc-867-droege.pdf>.