



INDIVIDUAL COMPLAINT

Request for allegation letter on the case of Vicken Euljeckjian

To the attention of: U.N. Working Group on Arbitrary Detention

Individual Complaint Prepared and Submitted by: The Center for Truth and Justice

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The Center for Truth and Justice (CFTJ) is an international human rights organization committed to documenting atrocity crimes and pursuing accountability for perpetrators. Through legal clinics overseeing the collection of direct evidence from survivors, and advocacy, CFTJ works to create and use legal records to attain accountability.

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I. Procedural elements

a. Mandate of the U.N. Working Group on Arbitrary Detention

In accordance with the most recent mandate of the U.N. Working Group on Arbitrary Detention (WGAD), clarified and extended by resolution 1997/50¹ 1 and 24/7 of 26 September 2013, the Human Rights Council has entrusted the Working Group with the following mandate:

- (a) To investigate cases of deprivation of liberty imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights (UDHR) or in the relevant international legal instruments accepted by the States concerned. This is usually done through the regular communications procedure resulting in the adoption and issuance of an Opinion of the Working Group;
- (b) To seek and receive information from Governments and intergovernmental and non-governmental organizations, and receive information from the individuals concerned, their families or their representatives;
- (c) To act on information submitted to its attention regarding alleged cases of arbitrary detention by sending urgent appeals and communications to concerned Governments to clarify and to bring to their attention these cases. This can be done either through urgent appeals, allegation letters or other letters, in accordance with the Manual of Operations of the Special Procedures;
- (d) To conduct field missions upon the invitation of Government, in order to understand better the situations prevailing in countries, as well as the underlying reasons for instances of arbitrary deprivation of liberty;
- (e) To formulate deliberations on issues of a general nature in order to assist States to prevent and guard against the practice of arbitrary deprivation of liberty and to facilitate consideration of future cases;
- (f) To present an annual report to the Human Rights Council presenting its activities, findings, conclusions and recommendations.

¹ Resolutions 1997/50, 2000/36, and 2003/31 were adopted by the UN Commission on Human Rights extending the mandate of the Working Group on Arbitrary Detention. The Human Rights Council, which “assume[d]... all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights...” pursuant to UN General Assembly Resolution 60/251, G.A. Res. 60/251, ¶ 6 (Mar. 15, 2006), has further extended the mandate through Resolution 6/4, 15/18, and 20/16.

b. Standing of CFTJ to submit an individual complaint

Pursuant to the mandate of the WGAD, the Manual of Operations², and the publication “Working with the United Nations Humans Rights Programme, a Handbook for Civil Society,³ CFTJ, an international nongovernmental human rights organization, is permitted to provide information on a specific human rights case or situation in a particular country, or a country’s laws and practice with human rights implications.

c. Grounds for the initiation of the procedure involving investigation of individual cases

c(i) The WGAD working methods

According to the methods of work of the WGAD,⁴ deprivation of liberty is arbitrary if a case falls into one of the following categories:

- a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him) (Category I);
- b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13-14 and 18-21 of the Universal Declaration of Human Rights (UDHR) and, insofar as States parties are concerned, by articles 12, 18-19, 21-22 and 25-27 of the International Covenant on Civil and Political Rights (ICCPR)⁵ (Category II);
- c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the UDHR and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (Category III);
- d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (Category IV);
- e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any

² See Manual of Operations of the Special Procedures of the Human Rights Council (Aug. 2008) ¶ 23, 38 and 133. Available at http://www.ohchr.org/Documents/HRBodies/SP/Manual_Operations2008.pdf

³ See Working with the United Nations Humans Rights Programme, a Handbook for Civil Society (2008). Available at http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

⁴ See Methods of work of the Working Group on Arbitrary Detention, U.N. Doc. A/HRC/36/38 (July 13, 2017). Available at

<https://documents.un.org/doc/undoc/gen/g17/190/80/pdf/g1719080.pdf?token=MohirthCIpvLcXKiC2&fe=true>

⁵ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. Azerbaijan is a state party to the ICCPR. It acceded to the ICCPR on August 13 1992.

other status, that aims towards or can result in ignoring the equality of human beings (Category V).

c(ii) The WGAD working methods as applied in the present case

The case of Vicken Euljekjian associated with Azerbaijan’s genocidal policy towards ethnic Armenians falls under Category II, category III, and Category V of the above-mentioned criteria. The detention of Vicken Euljekjian, which will be discussed below, is arbitrary under Category II because the State of Azerbaijan has deprived him of his liberty as a result of his exercise of the right to freedom of movement, failing to comply with its international obligations under Article 7, Article 13 of the UDHR and Article 12 of the ICCPR. Vicken Euljekjian’s detention is also arbitrary under Category III since his detention and wrongful conviction were in violation or total non-observance, on the part of the State of Azerbaijan, of the international norms relating to the right to a fair trial. These norms encompass, but are not confined to, Article 10 and Article 11 of the UDHR. Vicken Euljekjian’s detention is deemed arbitrary under Category V, as it stems from discriminatory grounds related to his Armenian national ethnic origin by the State of Azerbaijan. Such actions directly contradict the fundamental principles of equality and non-discrimination as outlined in Article 7 of the UDHR. Therefore, CFTJ believes that the case of Vicken Euljekjian satisfies the requirements to initiate the “individual complaint” procedure.

CFTJ has obtained credible evidence that Vicken Euljekjian’s detention poses a serious threat to his health and life due to torture and neglect of his digestive disorder. Due to a lack of treatment and constant psychological and physical torture, Vicken Euljekjian has been suffering from pain and mental health issues during his detention. According to the latest evidence collected by CFTJ, Vicken Euljekjian is increasingly suffering from suicidal thoughts and is currently being held in solitary confinement in the Azerbaijani prison, also known as the “Jail of Horrors,” which has a high suicide rate. CFTJ believes that without the intervention of WGAD, not only will Vicken Euljekjian continue to be arbitrarily imprisoned after having been wrongfully convicted, but his continuous detention will also place his life at further risk.

d. Confidentiality for victim and confidentiality waiver for CFTJ

In accordance with the Manual of Operations, in communications sent to governments, the source is normally kept confidential. The Manual of Operations also states that an information source may request that its identity be revealed. Accordingly, CFTJ waives its right to confidentiality and requests that its identity be revealed in the event that, as part of the procedure involving the investigation of individual cases, an allegation letter is sent to the State of Azerbaijan in connection with the information supplied herein. Notwithstanding, we request for the identity of the relatives of the victim who have approached CFTJ to be kept confidential at all times.

CFTJ stresses the sensitive nature and heightened security risks faced by Vicken Euljekjian's family. Hence, all pertinent details and evidence are contained in **confidential annexes**. The Working Group is urged to review these annexes meticulously, maintaining their confidentiality.

e. Consent given by the victim

Vicken Euljekjian, via his family members, has authorized Maria Gevorgyan from CFTJ to submit this individual complaint on his behalf to the WGAD.

II. Questionnaire

The following questionnaire was retrieved from Fact Sheet No. 26 of the WGAD (Annex XVIII),⁶ available on the website of the UN High Commissioner for Human Rights, in accordance with the Manual of Operations. The focus of this individual complaint is the arbitrary detention and wrongful conviction of Vicken Euljekjian, which commenced on 10 November 2020, following the ceasefire that ended the Second Nagorno-Karabakh War. His detention was in retaliation for exercising his right to freedom of movement. Specifically, he sought to retrieve his personal belongings from his residence in Nagorno-Karabakh and depart for Armenia, actions safeguarded by the UDHR and the ICCPR.

a. Identity

1. Family name: Euljekjian
2. First name: Vicken
3. Sex: Male
4. Birth date: June 12, 1979
5. Nationality/Nationalities: Armenian, Lebanese
6. Address of usual residence: Bourj Hammoud, Lebanon

b. Arrest

1. Date of arrest

Vicken Euljekjian was arrested on November 10, 2020.

2. Place of arrest

According to CFTJ's source and evidence (*see* Annex A), Vicken Euljekjian was arbitrarily detained near the city of Shushi in Nagorno-Karabakh.⁷ His intention was to retrieve his personal possessions from his residence in Nagorno-Karabakh and relocate to Armenia for

⁶ See Revised Fact Sheet No. 26* The Working Group on Arbitrary Detention, (February 8, 2019). Available at: <https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/FactSheet26.pdf>

⁷ Currently under Azerbaijani occupation.

safety concerns subsequent to the cessation of hostilities in the Second Nagorno-Karabakh War.

3. Forces who carried out the arrest or are believed to have carried it out

According to CFTJ's source, Azerbaijani Military forces, presumably Special Forces, carried out the arrest of Vicken Euljekjian.

4. Did they show a warrant or other decision by a public authority?

No, an arrest warrant was not presented at the time of Vicken Euljekjian's arrest.

5. Authority who issued the warrant or decision

Not applicable. The detention of Vicken Euljekjian was arbitrary, as explained in section 4 above, and no warrant or legitimate decision was issued by a competent authority.

6. Legal basis for the arrest including relevant legislation applied (if known)

As an arrest warrant was not presented at the time of Vicken Euljekjian's arrest, there is no legal basis for the arrest. The absence of a warrant or any legitimate legal process indicates that the arrest was arbitrary and conducted without adherence to relevant legislation.

c. Detention

According to the testimonial evidence collected by CFTJ, upon his detention on November 10, 2020, Vicken Euljekjian was systematically tortured. This included being blindfolded and taken outside where he was tortured, as well as being denied medical treatment for his digestive disorder and proper food. As a result, he experienced weight loss, severe pain, and both mental and physical suffering. Despite his condition, he was not promptly taken to the hospital and was hospitalized months after. Additionally, he was not given permission to receive medications and other goods from his family. Furthermore, all his correspondence is being monitored by Azerbaijani prison staff, and he is unable to communicate with his family in a language they would understand. It wasn't until the end of April 2024 that he received the medications and food he needed. Moreover, Vicken Euljekjian's mental state is unstable and he has expressed suicidal thoughts during his last communications with his family, showing signs of both physical and mental distress. (See Annex A)

After seven months of arbitrary detention, Vicken Euljekjian's trial took place on June 14, 2021. According to CFTJ's source, Vicken Euljekjian had no proper legal representation during the trial. Information about the finished investigation was announced to the public through the Press Services of the State Security Service and the Prosecutor General's Office of Azerbaijan.⁸ However, the trial wasn't announced to the public. Vicken Euljekjian was wrongfully convicted under Article 114.3 (participation of a mercenary in a military conflict or military operation), Article 214.2.1 (terrorism committed by a group of persons, an organized group, or a criminal organization), Article 318.2 (illegal crossing of the state

⁸ See [Joint information of the Press Services of the State Security Service and the Prosecutor General's Office](https://web.archive.org/web/20210514232046/https://dtx.gov.az/en/news/1635.html) Archive: <https://web.archive.org/web/20210514232046/https://dtx.gov.az/en/news/1635.html>

border of the Republic of Azerbaijan), and other articles of the Criminal Code of Azerbaijan. He was remanded in custody by a court decision. Yasamal District Court sentenced him to 20 years in prison.⁹ Due to the prison's hindrance to his visitation rights and the absence of a lawyer, he was unable to appeal the decision.

The press release, issued the month following Vicken Euljekjian's arrest, did not provide any clear evidence of criminal activities or wrongdoing to justify his arrest and detention, other than announcing his arrest and ongoing investigations.¹⁰ According to CFTJ's source, no one, including his family, was notified of the trial date in advance, and he was not provided with an attorney to present evidence in his defense. Furthermore, according to testimonial evidence collected by CFTJ, Vicken Euljekjian was coerced into confessing on video. (*See* Annex A). There was no clarification on the nature of the activities that resulted in Euljekjian being charged under Articles 114.3, 214.2.1, and 318.2 of the Criminal Code of Azerbaijan.

CFTJ is deeply concerned that the ongoing arbitrary and unjustified imprisonment, along with the wrongful conviction of Vicken Euljekjian, will lead to a further decline in his well-being, especially given the severe medical neglect and his suicidal thoughts.

1. Date of detention

November 10, 2020

2. Duration of detention

Vicken Euljekjian has been imprisoned since November 10, 2020. To date, he has spent 3 years and 6 months in prison.

3. Forces holding the detainee under custody

Vicken Euljekjian is currently being held under the custody of Azerbaijani authorities following the decision by the Yasamal District Court. Specific details about the exact forces or agency responsible for his custody are not available.

4. Places of detention (indicate any transfer and present place of detention)

Following his arrest on November 10, 2020, Vicken Euljekjian was held incommunicado in pretrial detention in Baku, Azerbaijan for nearly 7 months until his trial on June 14, 2021. Vicken Euljekjian is detained in Azerbaijan, Baku (presumably at Gobustan Prison), also known as "Horror Jail," which is globally recognized for its distressing mortality and suicide rates among inmates.¹¹

⁹ See [Lebanese mercenary fighting in Karabakh sentenced to 20 years | Report.az](https://web.archive.org/web/20210705080021/https://report.az/en/incident/lebanese-mercenary-fighting-in-karabakh-sentenced-to-20-years/) Archive: <https://web.archive.org/web/20210705080021/https://report.az/en/incident/lebanese-mercenary-fighting-in-karabakh-sentenced-to-20-years/>

¹⁰ See [Joint information of the Press Services of the State Security Service and the Prosecutor General's Office](https://web.archive.org/web/20210514232046/https://dtx.gov.az/en/news/1635.html) Archive: <https://web.archive.org/web/20210514232046/https://dtx.gov.az/en/news/1635.html>

¹¹ See "Life Imprisonment and Conditions of Serving the Sentence in the South Caucasus Countries," PRI, 2009, p. 62. Available at:

5. Authorities that ordered the detention

Vicken Euljekjian's arrest is part of the mass and systematic arbitrary arrests of ethnic Armenian civilians and POWs conducted by the state of Azerbaijan in violation of the ceasefire agreement known as the "Trilateral Statement."¹² Given the coordinated efforts of these arrests, it is evident that his imprisonment and detention relate to direct orders from the Azerbaijani government. The Azerbaijani government has a track record of persecuting ethnic Armenians (*see* 8(b) of the submission).

6. Reasons for the detention imputed by the authorities

During Vicken Euljekjian's trial on June 14, 2021, the prosecution accused him of "mercenary activity," "terrorism," and "illegal crossing of the state border." The prosecution has failed to furnish substantive and impartial evidence substantiating the charges, save for testimonials purportedly falsified, which Vicken Euljekjian vehemently repudiated, citing coercion. This repudiation finds reinforcement in the testimony of his familial associates, as documented by the CFTJ (*See* Annex A). Despite this, Vicken Euljekjian was found guilty under Articles 114.3, 214.2.1, and 318.2 of the Criminal Code of Azerbaijan.

The sole basis for bringing criminal charges against him was his Armenian identity. CFTJ believes that the arrest and detention of Vicken Euljekjian, as well as other ethnic Armenians arbitrarily detained and subjected to sham trials in Azerbaijan, were the result of repressive operations initiated by the State Security Service and the Prosecutor General's Office, with orders coming from the national government of Azerbaijan.

7. Legal basis for the detention including relevant legislation applied (if known)

During the court session on June 14, 2021, Vicken Euljekjian was unjustly convicted and sentenced to 20 years of imprisonment, with five of those years to be served in jail and the remainder in a correctional facility, under Articles 114.3, 214.2.1, and 318.2 of the Criminal Code of Azerbaijan.¹³ These articles relate to:

114.3. Participation of a mercenary in a confrontation or military operations.

214.2.1. Terrorism committed on preliminary arrangement by group of persons, by organized group or criminal community (criminal organization).

https://www.upr-info.org/sites/default/files/country-document/2023-11/ADC_Memorial_UPR44_AZE_E_Main.pdf. *See* "Submission to the Human Rights Council for the 44th Session of the Universal Periodic Review (Fourth cycle, Nov. 2023). Republic of Azerbaijan Discrimination of ethnic minorities," Anti-Discrimination Centre Memorial Brussels, 2023, p. 3. Available at: https://www.upr-info.org/sites/default/files/country-document/2023-11/ADC_Memorial_UPR44_AZE_E_Main.pdf; "Azerbaijan: Spotlight on Horror Jail," Institute for War and Peace Reporting, 2007. Available at: <https://iwpr.net/global-voices/azerbaijan-spotlight-horror-jail>.

¹² Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation, (Nov. 10, 2020). Available at: <https://www.primeminister.am/en/press-release/item/2020/11/10/Announcement/>.

¹³ [CRIMINAL CODE OF THE AZERBAIJANI REPUBLIC](#)

318.2. Crossing of protected frontier of the Azerbaijan Republic without established documents or outside of the check point of frontier committed on preliminary arrangement by group of persons or organized group either with application of violence or with threat of its application.

8. The circumstances of the arrest and/or the detention and indicate precise reasons why you consider the arrest or detention to be arbitrary

a. Background

Vicken Euljekjian is a Lebanese Armenian and a descendant of survivors of the Armenian Genocide of 1915. He holds dual citizenship of Lebanon and Armenia. According to the testimonial evidence collected by the CFTJ, in the summer of 2020, he relocated to Nagorno-Karabakh within a resettlement program, intending to establish a business and later settle with his wife and children. Vicken Euljekjian was living at a hotel in Shushi, Nagorno-Karabakh while waiting for his house and working on electrical-related jobs and as a taxi driver before the Second Nagorno-Karabakh War. After the start of the unlawful military aggression against Nagorno-Karabakh by Azerbaijan on 27 September 2020, Vicken was still residing at the hotel in Shushi. On 8 October 2020, for safety reasons, Vicken Euljekjian left Shushi, which was heavily shelled and bombed by the Azerbaijani Armed Forces, including Ghazanchetsots Cathedral. Vicken Euljekjian made a Facebook post about this and left for Yerevan (*See Annex A*).

On 10 November 2020, following the ceasefire agreement signed by Azerbaijan, Armenia, and Russia, Vicken Euljekjian and his friend Maral Najarian¹⁴ returned to Shushi, Nagorno-Karabakh, to collect his personal belongings and evacuate from the city. The entire Armenian population in the city had been forcibly displaced from Shushi, and it was unsafe to remain as it was occupied by Azerbaijani Forces, including the Special Forces “Yashma Brigade.” According to testimonial evidence collected by CFTJ, due to the shelling and bombings, the roads were not safe. Vicken proposed an alternative route to reach the hotel. On their way, they asked Armenian soldiers if it was safe, and they were assured that it was. However, a bit later, they encountered Azerbaijani soldiers and were arbitrarily abducted (*See Annex A*).

Furthermore, according to testimonial evidence collected by CFTJ, Azerbaijani soldiers unlawfully took personal belongings, including Vicken Euljekjian's car, laptop, and telephone. They accessed Vicken Euljekjian's phone and abused their power by blindfolding them. Azerbaijani soldiers beat Vicken Euljekjian for one hour until he lost consciousness, after which they were transferred to a prison in Baku (*See Annex A*).

According to the testimonial evidence collected by CFTJ, Vicken Euljekjian continues to undergo systematic torture since his detention on November 10, 2020. This ongoing mistreatment includes being blindfolded and taken outside where he is subjected to gunfire.

¹⁴ Maral Najarian was released on March 10, 2021.

He is also being denied medical treatment for his digestive disorder and proper nutrition, resulting in ongoing weight loss, severe pain, and both mental and physical suffering. Additionally, he was reportedly deprived of food during this period. Despite his deteriorating condition, he has not been promptly taken to the hospital, nor has he been allowed to receive medications and other necessities from his family. Additionally, all of his communication is being monitored by Azerbaijani prison staff, preventing him from communicating with his family in a language they understand.

Based on testimonial evidence gathered by the CFTJ, during the autumn of 2023 and continuing into subsequent months, Vicken Euljekjian initiated a 24-day hunger strike to ensure communication with his family in a language they could understand (*See Annex A and Annex F*).

On December 7, 2023, Vicken was included in a [list](#) of POWs designated for release by Azerbaijan under the auspices of the Joint Statement of the Office of the Prime Minister of the Republic of Armenia and the Presidential Administration of the Republic of Azerbaijan.¹⁵ According to the testimonial evidence collected by the CFTJ notification of his impending release was also conveyed to his family. Despite being listed for release, Vicken remained in detention. Notably, while 32 other POWs were discharged by Azerbaijan, Vicken was conspicuously withheld from release, despite his inclusion on the aforementioned roster (*See Annex A*).

Until the end of May 2024, Vicken Euljekjian did not receive the necessary medications crucial for his health. He remains subjected to inhumane treatment and torture.

According to the CFTJ's source and testimonial evidence, Vicken Euljekjian's mental state remains unstable, as he continues to express suicidal thoughts during his recent communications with his family, highlighting persistent signs of both physical and mental distress, crying and asking for help. (*See Annex A*).

b. Systematic persecution of ethnic Armenians by dictatorial Aliyev's regime

The unlawful capture and detention of Armenian civilians, both before and after the November 2020 ceasefire agreement, has been extensively documented by various international human rights groups, including Human Rights Watch (HRW),¹⁶ the University Network for Human rights (UNHR),¹⁷ the International Crisis Group,¹⁸ Amnesty

¹⁵ See [Joint statement of the Office of the Prime Minister of the Republic of Armenia and the Presidential Administration of the Republic of Azerbaijan - Press releases](#)

¹⁶ See *Survivors of Unlawful Detention in Nagorno-Karabakh Speak Out About War Crimes*, HRW, (March 12, 2021), Available at: <https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes>

¹⁷ See 5 Chapter 1: Arbitrary Detention, UNHR, 2023. Available at: <https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter1-arbitrary-detention/index.html>.

¹⁸ See *Nagorno-Karabakh Conflict: A Visual Explainer*, the International Crisis Group, (Sept. 13, 2023). Available at: <https://www.crisisgroup.org/content/nagorno-karabakh-conflict-visual-explainer>

International,¹⁹ the Lemkin Institute for Genocide Prevention (Lemkin Institute),²⁰ Christian Solidarity International (CSI),²¹ and the CFTJ.²² This includes the detention of Armenian civilians who inadvertently crossed unmarked borders between Armenia and Azerbaijan, and the arrest of villagers while cultivating their fields or herding their livestock. 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 10, 2020 ceasefire agreement, and up until Azerbaijan's unlawful military attack against Nagorno-Karabakh on September 19, 2023, resulting in Azerbaijan occupying the remaining territory of the de facto Nagorno-Karabakh Republic, Azerbaijan arbitrarily detained over 100 Armenians, including civilians and former soldiers. As of the date of this submission, at least 80 Armenians captured during or in the aftermath of the 44-Day War have remained in captivity. 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 likely been forcibly disappeared by Azerbaijani state forces – that is, hidden in secret detention in military police or State Security Service custody and subjected to brutal forms of torture. These Armenian POWs 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. Following the ceasefire agreement in November 2020, both Armenia and Azerbaijan agreed to repatriate detainees under their control.

By December 15, 2020, the State of Armenia had repatriated all Azerbaijani POWs it held in its custody. Conversely, Azerbaijan has not. Azerbaijan claimed that any remaining detainees are suspected terrorists, rather than POWs, and several of them faced trials on allegations of terrorism, mercenary activities, and illegal border crossing into the territory of Azerbaijan, with Azerbaijan leveraging these trials as a tool for political bargaining. Azerbaijan has been falsely prosecuting these Armenian captives in sham trials in Baku. This account, corroborated by testimonial evidence collected by CFTJ.

CFTJ believes, based on the coordinated and systematic arrests of ethnic Armenians by the Azerbaijani dictatorial regime, that the orders for the arrests came from the national government.

¹⁹ See Azerbaijan: As Azerbaijani forces assume full control over Nagorno-Karabakh, it must respect and protect the rights of local ethnic Armenians, Amnesty International, (Oct. 2023). Available at: <https://www.amnesty.org/fr/wp-content/uploads/2023/10/EUR5572542023ENGLISH.pdf>

²⁰ See Statement on the Continued Inhumane and Illegal Detention of Armenian POWs, Lemkin Institute, (July 17, 2021). Available at: <https://www.lemkininstitute.com/statements-new-page/statement-on-the-continued-inhumane-and-illegal-detention-of-armenian-pows>

²¹ See [CSI contests Azerbaijan's claim it is not holding Armenian prisoners](#)

²² See [No Man Left Behind - All Armenian Prisoners Held Captive in Azerbaijan Must Be Released](#)

c. Reasons why you consider the arrest and/or detention to be arbitrary: legal analysis

The detention of Vicken Euljekjian constitutes an arbitrary deprivation of his liberty²³ falling within Category II, Category III, and Category V as established by the WGAD.²⁴ A detention is arbitrary under Category II when it results from the exercise of the rights or freedoms guaranteed by articles 7, 13-14, and 18-21 of the UDHR and, insofar as States parties are concerned, by articles 12, 18-19, 21-22, and 25-27 of the ICCPR.²⁵ A detention is arbitrary under Category III, “when the total or partial non-observance of the international norms relating to the right to a fair trial, established in the UDHR and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.”²⁶ A detention is arbitrary under Category V when “when the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status, and which aims towards or can result in ignoring the equality of human rights”.²⁷

c(i) Deprivation of liberty under category II: violation of Article 7 and Article 13 of the UDHR and Article 12 of the ICCPR

Given Azerbaijan's accession to the ICCPR on August 13, 1992, the deprivation of liberty under Category II is going to be analyzed in light of the provisions of both the UDHR and the ICCPR. Azerbaijan, as a member of the UN and a state party to the UN Charter, is bound to uphold its commitment to promote and encourage respect for human rights and fundamental freedoms. The arrest and detention of Vicken Euljekjian are analyzed under Category II because of its relation to the exercise of his right to the freedom of movement as guaranteed by Article 7, Article 13 of the UDHR and Article 12 of the ICCPR.

Vicken Euljekjian's arrest, continuous detention, torture, and wrongful conviction are intricately linked to his exercise of freedom of movement upon his return to Nagorno-Karabakh, his place of residence, and his intention to leave the territory due to security concerns and the threat to his life after Azerbaijan's unlawful military aggression against ethnic Armenian civilian population of Nagorno-Karabakh. Additionally, these actions are closely tied to Vicken Euljekjian's Armenian nationality and Azerbaijan's genocidal policy and ongoing persecution against ethnic Armenians. Moreover, the systematic arrest and persecution of ethnic Armenians by the state of Azerbaijan, both preceding the unlawful military attack against Nagorno-Karabakh and following the 2020

²³ The UN Commission on Human Rights considers “arbitrary” those deprivations of liberty which for one reason or another are contrary to relevant international provisions laid down in the Universal Declaration of Human Rights or in the relevant international instruments ratified by the States (Resolution 1991/42, as clarified by resolution 1997/50).

²⁴ Office of the High Commissioner for Human Rights, Revised Methods of Work of the Working Group on Arbitrary detention, paras. 8(b), (c), (e).

²⁵ *id.*, para 8(b).

²⁶ *id.*, para 8(c).

²⁷ *id.*, para 8(e).

war, where arbitrary arrests occurred in violation of ceasefire agreements, are well-documented. This pattern, corroborated by testimonial evidence collected by the CFTJ, suggests that the Azerbaijani government aims to suppress and discriminate against Armenian individuals based on their ethnicity, and nationality, as well as individuals with opinions opposing state policies. Such actions flagrantly violate the principles of equality and non-discrimination outlined in Article 7 of the UDHR.

c(ii) Deprivation of liberty under category III: the non-observance of the international norms relating to the right to a fair trial in the case of Vicken Euljekjian is of such gravity that his detention is rendered arbitrary

The arbitrariness of Vicken Euljekjian's deprivation of liberty by the Yasamal District Court is unmistakably established through the context, circumstances surrounding his arrest, wrongful conviction, and ongoing detention, all marked by physical and mental torture, as well as the denial of basic human rights. These violations, including the withholding of adequate food, medicine, and humane treatment, flagrantly contravene fundamental human rights principles as enshrined in UDHR.

Article 2 of the UDHR affirms that all individuals are entitled to the full range of rights and freedoms outlined in the Declaration, without distinction of any kind, including race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Additionally, it prohibits discrimination based on the political, jurisdictional, or international status of the country or territory to which a person belongs, regardless of its independence, trust status, non-self-governing status, or any other limitation of sovereignty.

Article 5 of the UDHR stipulates that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

Article 10 of the UDHR emphasizes that everyone is entitled, without discrimination, to a fair and public hearing by an independent and impartial tribunal in the determination of their rights and obligations, as well as any criminal charges brought against them.

Article 11 of the UDHR states that no one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense.

Article 12 of the UDHR asserts that no one shall be subjected to arbitrary interference with their privacy, family, home, or correspondence, nor to attacks upon their honor and reputation. It further guarantees everyone the right to protection under the law against such interference or attacks.

Moreover, Principle 1 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (BOP)²⁸ underscores that all persons under any form of detention or imprisonment are entitled to be treated in a humane manner, with full respect for the inherent dignity of the human person, and Principle 6 emphasizes the absolute prohibition of torture.

²⁸ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, A/RES/43/173, Dec. 9, 1988.

Principles 10 to 16 of the BOP underscore the importance of informing detainees promptly of the reasons for their arrest and ensuring their prompt appearance before a judicial authority. The BOP also emphasizes the right of detained individuals to receive effective legal counsel.²⁹

Principle 16 stipulates that promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall have the right to notify or request the competent authority to notify members of their family or other appropriate persons of their arrest, detention, or imprisonment, as well as any transfers, and to inform them of the location where they are being held in custody.

Furthermore, Principle 33 affirms the right of a detained or imprisoned person, or their legal counsel, to make requests or complaints regarding their treatment, especially in cases of torture or other cruel, inhuman, or degrading treatment. Such requests or complaints may be directed to the authorities responsible for the administration of the place of detention, higher authorities, and, when necessary, to appropriate authorities vested with reviewing or remedial powers.

Azerbaijan's governance landscape is characterized by a lack of democratic principles and a notable absence of respect for fundamental rights, as evidenced by its classification as "Not Free" in the Freedom in the World 2024 report published by Freedom House:

“Power in Azerbaijan’s authoritarian regime remains heavily concentrated in the hands of Ilham Aliyev and his extended family. Corruption is rampant, and the formal political opposition has been weakened by years of persecution. The authorities have carried out an extensive crackdown on civil liberties in recent years. In 2023, Azerbaijani forces seized control of Nagorno-Karabakh—an ethnic Armenian enclave that had enjoyed de facto independence since 1994—prompting nearly the entire ethnic Armenian population of the territory to flee to the Republic of Armenia.”³⁰

Despite the existence of established legal frameworks, criminal trials in Azerbaijan consistently fall short of meeting international standards of fairness.³¹

Vicken Euljekjian's arrest, prolonged detention, systematic torture, and wrongful conviction occurred within the context of Azerbaijan's authoritarian and dictatorial regime. Despite its international obligations, the state of Azerbaijan has failed to adhere to the minimum standards of due process as guaranteed by the UDHR. The following events during Euljekjian's arrest, detention, and trial violated various articles of the UDHR, including Articles 2, 5, 10-12, as well as several principles outlined in the BOP, including Principles 1, 6, and 10 to 16, 33, among others.

²⁹ *id.*, principle 11.

³⁰ See Freedom House World 2024 Report: Azerbaijan (2024). Available at: <https://freedomhouse.org/country/azerbaijan/freedom-world/2024>

³¹ See Human Rights Watch World 2023 Report: Azerbaijan. Available at: <https://www.hrw.org/world-report/2023/country-chapters/azerbaijan#:~:text=Keynote,-A%20New%20Model&text=Azerbaijan's%20human%20rights%20record%20did,critics%20and%20other%20dissenting%20voices.>

1. Vicken Euljekjian was detained without being presented with an arrest warrant, while unarmed, on his way to retrieve personal belongings in Nagorno-Karabakh by Azerbaijani Armed Forces in Shushi, Nagorno-Karabakh. He was not informed of any charges at the time of his arrest and was subsequently held incommunicado in a Baku detention center for seven months. During this period, his family members were denied communication with him until after a trial conducted by Aliyev's dictatorial regime. Euljekjian endured inhumane treatment, including mental and physical torture, due to medical neglect and the deprivation of basic rights, resulting in a deterioration of his physical health and leading to suicidal ideation. These actions violate numerous provisions of the UDHR, including the prohibition of torture and cruel, inhuman, or degrading treatment (Article 5), the right to a fair and public trial (Article 10), and the right to privacy, family, home, and correspondence (Article 12). They also contravene several principles outlined in the BOP, including the principles relating to humane treatment: Principle 1, Principle 6, Principles 10-16.
2. Vicken Euljekjian's exercise of his freedom of movement and residence recognized as inherent human rights under international law, did not infringe upon any domestic or international legal provisions. Nevertheless, the Azerbaijani government unlawfully deprived him of liberty and subjected him to false charges under Azerbaijan's penal code. This action stands in violation of Article 11 and Article 13 of the UDHR.
3. Vicken Euljekjian's trial and the court that presided over it lacked both independence and impartiality. The trial on June 14, 2021, was a sham, consistent with other trials conducted against ethnic Armenians by the Azerbaijani state. Evidence collected by the CFTJ reveals that Azerbaijani authorities routinely obtained "evidence" through torture and cruel, inhumane treatment. In Euljekjian's case, he stated that his video confession was made under duress, which is corroborated by CFTJ's evidence of torture and inhumane treatment, including hospitalization due to the severity of the abuse (*See Annex A*). The trial proceedings were conducted without prior public notification, thereby denying Vicken Euljekjian's family the opportunity to provide assistance or support. This lack of transparency and access to legal proceedings runs counter to principles of fair trial standards as enshrined in international human rights instruments, including the ICCPR. According to testimonial evidence collected by the CFTJ, Euljekjian was unable to retain legal representation due to being held incommunicado for seven months, and during the trial, legal counsel was merely a formality. (*See Annex A*). The judge did not even listen to the defense's call for acquittal due to the lack of *corpus delicti*, and the request to return the case for further investigation was rejected without consideration. This contravenes Article 10 of the UDHR and Principles 11 and 15 of the BOP.
4. Vicken Euljekjian was not properly informed of his right to appeal, and he was not provided with an independent lawyer to represent him in the procedure.

Due to the aforementioned reasons, the arrest, continuous detention, and conviction of Vicken Euljekjian violate international legal principles, rendering his continued imprisonment arbitrary under international law.

c(iii) Deprivation of liberty under category V: a violation of international law on the grounds of discrimination based on birth, national, ethnicity, or religion, that aims towards or can result in ignoring the equality of human beings

Vicken Euljekjian, an ethnic Armenian, descendant of the survivors of the Armenian genocide, was arrested, detained, and convicted in the context of systematic persecution of ethnic Armenians by the Azerbaijani state. This pattern of persecution, particularly in the aftermath of the 2020 Nagorno-Karabakh conflict, has been well-documented by various international human rights organizations, including CFTJ (*see* 8(b) of the submission). The actions of the Azerbaijani government appear to align with a broader discriminatory policy targeting ethnic Armenians, manifested in the widespread and arbitrary arrests of Armenian civilians and POWs during and following the conflict. Furthermore, numerous war crimes and atrocities, including extrajudicial killings,³² torture,³³ enforced disappearances,³⁴ desecration of soldiers' corpses,³⁵ use of mercenaries,³⁶ starvation,³⁷ and forced deportation³⁸ perpetrated against ethnic Armenians, have been documented by the CFTJ. These disturbing acts remain unpunished, indicating systemic failures in accountability and justice within the Azerbaijani legal framework.

In its latest periodic review of Azerbaijan, the UN Committee on the Elimination of Racial Discrimination (CERD) expressed deep concern over the “incitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials, and the lack of detailed information on investigations, prosecutions, convictions and sanctions for such acts”.³⁹

³² See Center for Truth and Justice Report on Extrajudicial Summary or Arbitrary Executions (March 20, 2023). Available at:

<https://www.cftjustice.org/center-for-truth-and-justice-report-on-extrajudicial-summary-or-arbitrary-executions/>

³³ See Azerbaijan's Serious and Persistent Breaches of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (March 7, 2024). Available at: <https://www.cftjustice.org/azerbaijans-serious-and-persistent-breaches-of-the-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment/>

³⁴ See Supplement White Paper on the Disappearance of Armenian Soldiers (Oct. 1, 2021). Available at: <https://www.cftjustice.org/supplement-white-paper-on-the-disappearance-of-armenian-soldiers-2/>

³⁵ See Desecration of Soldiers' Corpses Carried out by Azerbaijan against Armenian Soldiers (Nov. 7, 2023). Available at:

<https://www.cftjustice.org/desecration-of-soldiers-corpses-carried-out-by-azerbaijan-against-armenian-soldiers/>

³⁶ See United Nations Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination (Oct. 17, 2022). Available at: <https://www.cftjustice.org/united-nations-working-group-on-the-use-of-mercenaries-as-a-means-of-violating-human-rights-and-impeding-the-exercise-of-the-right-of-peoples-to-self-determination/>

³⁷ See 120,000 Armenians Under Blockade Imposed by Azerbaijan – June 29, 2023 Marks the 200th Day of the Blockade (June 30, 2023). Available at: <https://www.cftjustice.org/120000-armenians-under-blockade-imposed-by-azerbaijan-june-29-2023-marks-the-200th-day-of-the-blockade/>

³⁸ See What happened to all the Armenians in Nagorno-Karabakh? (Dec. 19, 2023). Available at: <https://www.cftjustice.org/what-happened-to-all-the-armenians-in-nagorno-karabakh/>

³⁹ See Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan (Sept. 22, 2022). ¶ 34, 4(c). Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6OkG1d%2FPPrICAqhKb7yhsgoRhGEAt5Ptv>

This assertion aligns with the findings of the International Court of Justice (ICJ), which found plausible the alleged violations of rights stemming from the incitement and promotion of racial hatred and discrimination against individuals of Armenian national or ethnic origin.⁴⁰ Furthermore, the ICJ's provisional order underscore Azerbaijan's obligation to protect individuals captured in relation to the 2020 Conflict from violence and bodily harm, ensuring their security and equality before the law in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Despite ICJ's demand that Azerbaijan uphold its obligations under the CERD, the country has persistently failed to adhere to these mandates. This failure highlights a systemic deficiency in addressing discrimination and safeguarding human rights, particularly concerning individuals of Armenian descent.⁴¹

In the first-ever expert opinion of its kind regarding the Azerbaijani State Policy of Armenophobia in Schools, Professor Elizabeth Cauffman concluded that educational materials used in Azerbaijani schools contribute to the development of intergroup biases, potentially leading to increased hostility and aggression towards Armenians. She noted that the materials reviewed mirrored conditions observed in research studies known to promote such biases.⁴²

The detention of Vicken Euljekjian represents a clear violation of international law, rooted in discrimination based on national and ethnic origin. By targeting individuals of Armenian descent solely because of their ethnicity and nationality, Azerbaijan's actions stand in direct contradiction to the fundamental principles of equality and non-discrimination enshrined in Article 7 UDHR. Furthermore, the detention of Euljekjian underscores a broader pattern of systemic discrimination against Armenians, extending even to individuals expressing dissenting opinions against Azerbaijan's state policy. The detention of Vicken Euljekjian exemplifies a recurring pattern of arbitrary detention documented by the CFTJ, characterized by its discriminatory nature against individuals of Armenian origin. This systematic targeting of Armenians echoes similar cases of arbitrary detention and cruel treatment documented by the CFTJ, illustrating a broader trend of discrimination and human rights violations perpetrated by the Azerbaijani government. Euljekjian's case serves as yet another stark reminder of the persistent persecution faced by ethnic Armenians in Azerbaijan.

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⁴⁰ Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Armenia v. Azerbaijan*), Judgment, 2020 I.C.J. 180 ¶¶ 61, 88, (Dec. 7, 2021).

⁴¹ *id.*

⁴² See E. Cauffman, M. Fessinger, Report on Socialization of Intergroup Biases (2024). Available at: https://www.cftjustice.org/wp-content/uploads/2024/04/Brief_-_The-Socialization-of-Intergroup-Biases.pdf

9. Internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken

The Methods of Work of the Working Group do not require the exhaustion of all available domestic remedies for a communication to be admissible for consideration by the Working Group. CFTJ also wishes to highlight the measures taken at both the international and national levels to support Vicken Euljekjian's case. Christian Solidarity International, a Zurich-based international NGO advocating for religious freedom and human dignity, has actively supported Vicken Euljekjian. The statement reads:

*"For three years, the dictatorship of Azerbaijan has been holding Vicken hostage, purely because he is Armenian. His case is emblematic of Azerbaijan's genocidal campaign against the Armenian people. We are honored to stand alongside him and his family."*⁴³

Additionally, CFTJ has consistently advocated for the release of Armenian prisoners of war and hostages, including Vicken Euljekjian, including by sending direct communications to the U.S. Department of State.⁴⁴

Furthermore, it's important to note that efforts were made by Vicken Euljekjian's family to secure his release through various means. In October 2023, during Vicken Euljekjian's 24-day hunger strike to ensure communication with his family in a language they understand, his family contacted the Armenian Human Rights Defender for support (See Annex F). The family also reached out to Paula Yacoubian, a Member of the Parliament of Lebanon, to raise awareness about Vicken Euljekjian's situation. (See Annex A).

Furthermore, the family also contacted Azerbaijani representatives. However, these efforts resulted in increased threats and danger to their safety. The family encountered resistance when pressured to provide testimony against Vicken Euljekjian by Azerbaijani representatives. This coercion included accusations of mercenary activities and support for allegations against him, as well as demands to denounce what was termed as Armenian "propaganda" against the Azerbaijani government. Given the elevated risks for the family, all specific details are included in confidential annexes. (See Annex E).

As indicated in section 8(c)(ii) above, Azerbaijan is not a democratic country that ensures the separation of powers and the independence of the judiciary. Consequently, the legal system in Azerbaijan is ineffective in addressing grievances fairly. Seeking domestic remedies in Azerbaijan is futile for individuals of Armenian ethnicity or nationality, as Armenians are banned from entering Azerbaijan (See Annex C).

Furthermore, the European Court of Human Rights (ECHR) has found Azerbaijan responsible in at least four cases involving the extrajudicial killing and mistreatment of ethnic

⁴³ See [CSI sponsors Vicken Euljekjian. Armenian prisoner in Baku](#)

⁴⁴See Urgent Report on Azerbaijan's Detention of Armenian Political Prisoners and POWs, CFTJ, (Oct. 28, 2023). Available at: <https://www.cftjustice.org/wp-content/uploads/2023/10/CFTJ-Urgent-Report-on-Azerbaijans-Detention-of-Armenian-Political-Prisoners-and-POWs.pdf>

Armenians, demonstrating a consistent pattern of neglect, failure to conduct effective investigations, and failure to contact the victims' families or Armenian authorities during domestic proceedings, further highlighting systemic issues within the Azerbaijani legal framework, particularly towards ethnic Armenians.

One pertinent case is *Makuchyan and Minasyan v. Azerbaijan*, where the ECHR addressed the brutal murder of Armenian Army officer Lieutenant Gurgen Margaryan by Azerbaijani army Lieutenant Ramil Safarov. Safarov was extradited to Azerbaijan and received a hero's welcome upon his return. In its May 2020 judgment, the ECHR did not question the fact that the killing was ethnically motivated, leading to a finding of a violation of Article 14 in conjunction with Article 2 of the European Convention on Human Rights. The Court found it particularly disturbing that the ethnically driven acts of the Azerbaijani officer received official glorification by the State of Azerbaijan and its high-ranking officials. The Court ultimately concluded that the measures taken by the Azerbaijani authorities regarding Safarov were racially motivated⁴⁵.

Furthermore, in cases such as *Saribekyan and Balyan v. Azerbaijan*, the ECHR determined that the Armenian detainee had been subjected to severe physical violence amounting to torture during his detention in Baku's Military Police Department, noting Azerbaijan's failure to consider whether ethnic hatred had been a contributing factor to his ill-treatment.⁴⁶

Domestic remedies for human rights abuses remain unavailable to ethnic Armenians and those of Armenian descent within Azerbaijan. As described in 8(c)(iii), in its 22 September 2022 concluding observations on Azerbaijan, CERD expressed grave concern regarding reports of school textbooks promoting prejudice and inciting racial hatred, particularly against ethnic Armenians. Additionally, it noted incitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials. Moreover, there's a lack of detailed information on investigations, prosecutions, convictions, and sanctions for such acts.⁴⁷

The European Commission against Racism and Intolerance (ECRI) has consistently raised concerns regarding Azerbaijan's policy of ethnic hatred towards ethnic Armenians. For example, in its second report of 2006 on Azerbaijan the ECRI noted that judicial proceedings opened by Armenians have reportedly not led to the restoration of their rights.⁴⁸ ECRI stated that the situation towards Armenians has not changed since that time. As a result, the Armenians living in the country need to hide their ethnic affiliation.⁴⁹

⁴⁵ *Makuchyan and Minasyan v. Azerbaijan and Hungary*, no 17247/13, ECHR 140 (2020), ¶ 212.

⁴⁶ *Saribekyan and Balyan v. Azerbaijan*, no 35746/11, ECHR 140 (2020) ¶ 86.

⁴⁷ See Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan (Sept. 22, 2022), ¶ 34, 4(c). Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6OkG1d%2FPPrICAqhKb7yhsgoRhGEAt5PtvE5DMv2FiPdF17L0zJLOR%2BWMu0et%2FTL9aobSW1sFniSFk%2FmKJ9yC7H%2F1GqR17VJk8eel%2FHKLZzTe1rL0wUUipqeTsq5MK42fckdmt3G7XdXTvvnUya%2BYiw%3D%3D>

⁴⁸ See ECRI, Second Report on Azerbaijan, (2006), ¶54. Available at: https://migrant-integration.ec.europa.eu/sites/default/files/2010-01/doc1_11627_115849922.pdf

⁴⁹ *id.*, ¶53.

Furthermore, in its latest report on Azerbaijan ECRI noted the the opening of the Baku Trophy Park in April 2021, where Armenian military equipment and personnel were portrayed very negatively and stated that it “shares the grave concerns about the language of “aggression” and regular resort to adversarial narratives that propagates racist stereotypes and perpetuates animosities”.⁵⁰

Given this rampant and often institutionalized Armenophobia, ethnic Armenians are not afforded equal civil and political rights in Azerbaijan and, thus, do not enjoy access to effective domestic remedies through which they may seek redress for violations of their human rights. The unavailability of domestic remedies for human rights abuses for Armenians in Azerbaijan was confirmed by the Grand Chamber of the ECHR in *Sargsyan v. Azerbaijan*. In this 2015 case, the ECHR held that ethnic Armenians face “*considerable practical difficulties in bringing and pursuing legal proceedings in Azerbaijan.*”⁵¹ The Grand Chamber found that the circumstances of the ongoing Nagorno-Karabakh conflict, the lack of diplomatic relations between Armenia and Azerbaijan, and a lack of postal services between the two render ethnic Armenians without reasonable avenues of redress within the Azerbaijani domestic legal system.⁵² Moreover, the Grand Chamber observed that Azerbaijan had failed to produce **a single example** of a national case where an ethnic Armenian was successful in domestic civil proceedings concerning the loss of enjoyment of rights in the context of the Nagorno-Karabakh conflict.⁵³

The hatred towards ethnic Armenians has reached alarming levels, especially in the wake of Azerbaijan's September 2023 unlawful military aggression following a deadly nine-month blockade.⁵⁴ The ethnic cleansing campaign targeting the entire Armenian population in Nagorno-Karabakh was accompanied by hate speech and the glorification of violence. The dissemination of audio-visual content on Azerbaijani media platforms and social networks depicting images of past atrocities, violence, and hatred towards Armenians has instilled fear among the population of the Karabakh region.⁵⁵

This aggression, which continues unabated as of the time of writing this complaint, has exacerbated tensions and fueled further discrimination against Armenians. The situation is aggravated by the “lack of an independent and comprehensive mechanism to investigate (..) reports of violations and to provide victims with redress and support”.⁵⁶

⁵⁰ See ECRI, Fifth Report on Azerbaijan (2023). ¶ 40. Available at: <https://rm.coe.int/sixth-report-on-azerbaijan/1680ab9e35>.

⁵¹ *Sargsyan v. Azerbaijan*, no 40167/06, ECHR 11 (2015), ¶ 117.

⁵² *Id.* (citing *Akdivar v. Turkey*, 1996-IV Eur. Ct. H.R. 23, ¶ 70).

⁵³ *Id.* ¶ 118.

⁵⁴ See What happened to all the Armenians in Nagorno-Karabakh? An Exodus Out of Indigenous Lands: Azerbaijan's Forced Displacement of the Ethnic Armenians from Nagorno-Karabakh, CFTJ, (Dec. 2023). Available at: https://www.cftjustice.org/wp-content/uploads/2023/12/Exodus_FinalV4.pdf

⁵⁵ See CoE Commissioner for Human Rights, Observations on the Human Rights Situation of People Affected by the Conflict between Armenia and Azerbaijan over the Karabakh region. (2023). ¶ 16-17. Available at: <https://rm.coe.int/observations-on-the-human-rights-situation-of-people-affected-by-the-c/1680ae228c>

⁵⁶ See See Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan (Sept. 22, 2022). ¶ 4(d). Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPpPRiCAqhKb7yhsgoRhGEAt5PtvE5DMv2FiPdFI7L0zJLQR%2BWMu0et%2FTL9aobSW1sFniSFK%2FmKJ9yC7H%2F1GqRl7VJk8eel%2FHKLZzTe1rL0wUUipqeTsq5MK42fckdmt3G7XdXTvvnUya%2BYiw%3D%3D>

While the process of appealing one's conviction and sentencing exists in the Azerbaijani legal system, the outcomes are often highly biased, particularly against individuals of Armenian ethnicity. In fact, Azerbaijan frequently violates its own laws in cases involving government critics. For instance, cases such as the case of Gubad Ibadoghlu,⁵⁷ the Azerbaijani government's crackdown on opposition figures and independent media⁵⁸ highlight the systemic issues within its legal system. Similarly, in the Vicken Euljekjian case, the arrest, detention, and conviction procedures violated Azerbaijan's Criminal Procedure code, including Articles 11-19, 21, 25, and 28.⁵⁹

10. Urgent Appeal

The case of Vicken Euljekjian is emblematic of a broader pattern of targeted arrests and human rights abuses against ethnic Armenians by the Azerbaijani government, reflecting a systematic genocidal policy aimed at suppressing dissent and political opposition. Euljekjian's deteriorating physical and mental health, coupled with the hate speech and threats faced by his family (*See Annex A and Annex D*), underscore the urgent need for intervention. Given the gravity of the situation and the imminent risk to Euljekjian's health and life, it is imperative to appeal for urgent action. The Special Procedures have established protocols for addressing cases where individuals are arbitrarily detained, and their continued detention poses a serious threat to their well-being. In light of the reliable allegations of arbitrary detention and the dire circumstances faced by Euljekjian and his family, urgent intervention is necessary to safeguard their rights and protect their lives.

11. Identity of the persons submitting the case

1. Family name: Gevorgyan
2. Name: Maria
3. Status: Lawyer

Address: 2100 Montrose Ave #715, Montrose, CA 91020

Email: mariagevorgyanlaw@gmail.com

Tel: (310) 601-3131

Website: <https://www.cftjustice.org/>

5. Please state whether you want your identity to be kept confidential: As stated above, CFTJ waives its right to confidentiality, but asks for the confidentiality of the family members of the victim to be kept.

⁵⁷ See [Texts adopted - The case of Dr Gubad Ibadoghlu, imprisoned in Azerbaijan - Thursday, 14 September 2023](#)

⁵⁸ See [Azerbaijan: Campaign of intimidation against independent media continues with raid on Toplum TV - Amnesty International](#)

⁵⁹ [Code of Criminal Procedure of the Azerbaijan Republic](#)

III. Petition

In adherence to Resolution 24/7 adopted on 26 September 2013, CFTJ hereby lodges this individual complaint with the WGAD. CFTJ respectfully urges the WGAD to initiate the necessary procedures for investigating individual cases aimed at formulating an opinion declaring Vicken Euljekjian's detention to be arbitrary and in contravention of international law. Specifically, CFTJ calls upon the WGAD to:

- Initiate an investigative procedure concerning the case of Vicken Euljekjian, and dispatch an official communication to the concerned state seeking clarification on his situation, including the legal grounds for his arrest, incarceration, and any instances of cruel, inhumane, or degrading treatment endured during his detention.
- Prompt the State of Azerbaijan to promptly and unconditionally release Vicken Euljekjian, emphasizing that his deprivation of liberty constitutes an arbitrary and unlawful infringement upon his fundamental right to freedom of movement in accordance with international law, exacerbated by discriminatory actions based on his Armenian ethnicity and citizenship.
- Issue a formal opinion denouncing the continued detention of Vicken Euljekjian and other Armenian hostages and POWs in Azerbaijan as arbitrary and violative of international legal norms.
- Call upon the State of Azerbaijan to ensure that Vicken Euljekjian is no longer subjected to cruel, inhumane, or degrading treatment and that he receives adequate medical care for his health concerns, including his digestive disorder.