**ADVANCE QUESTIONS TO AZERBAIJAN**Generated on 13 Nov 2023 14:36

**ARMENIA**

* Azerbaijan has occupied sovereign territories of the Republic of Armenia and infringed upon the human rights of the Armenian population living in the border regions with Azerbaijan. The European Parliament resolution states in this regard that “in recent years the Azerbaijani leadership has made irredentist statements on several occasions with reference to the sovereign territory of Armenia; on several occasions over the past two years, the Azerbaijani army has occupied various parts of the sovereign territory of Armenia and bombed civilian targets on the territory of Armenia”. Is Azerbaijan considering removing its armed forces from the sovereign territories of the Republic of Armenia, refraining from the military attacks against it and intimidation of the population living in border regions? Would the Republic of Azerbaijan recognize the territorial integrity, sovereignty and inviolability of the borders of the Republic of Armenia and refrain from any territorial claims form it?
* According to the UNHCR “following the escalation of hostilities at the end of September, more than 100,000 refugees arrived in Armenia in less than a week. Among new arrivals, are some 30,000 children and many vulnerable people. Many fled with just the few possessions they were able to grab, and arrived distressed, exhausted and apprehensive about the future.” UNHCR’s representative in Armenia further explained that “it is not something that just happened when you pick up and you go. They suffered nine months of blockade already. When they are coming, they are full of anxiety, scared, they are frightened.” What measures Azerbaijan has undertaken or is going to undertake to investigate the violations of human rights and international humanitarian law in relation to the massive displacement of Armenians of Nagorno-Karabakh stemming from Azerbaijan’s military operations and nine-month long blockade of Lachin Corridor?
* Would Azerbaijan facilitate the access of the OHCHR to Nagorno-Karabakh for monitoring and reporting about the situation of human rights in Nagorno-Karabakh, bearing in mind the call made in this regard by the High Commissioner Volker Türk that “any reported violations of human rights or international humanitarian law require follow-up, including prompt, independent and transparent investigations to ensure accountability and redress for the victims, as appropriate?”
* What measures Azerbaijan has undertaken or is going to undertake to facilitate the return in safety and dignity of the Armenian refugees who have been displaced from Nagorno-Karabakh in September 2023 and before?
* What measures Azerbaijan has undertaken or is going to undertake to ensure the redress, compensation and restitution for the victims of forced displacement and for protecting their property and housing rights?
* The recent resolutions of the European Parliament and the Parliamentary Assembly of the Council of Europe consider that the situation in Nagorno-Karabakh can amount to ethnic cleansing. The former prosecutor of the International Criminal Court Luis Moreno Ocampo considered it a case of genocide, while the Special Advisor of the UN Secretary General on Genocide Prevention Alice Wairimu Nderitu identified the risk of genocide and other atrocity crimes in Nagorno-Karabakh. What measures have Azerbaijan undertaken to punish and hold accountable the perpetrators of these atrocity crimes?
* On 21 December 2020 Mr. Ernesto Ottone, Assistant UNESCO Director-General said: “Only the response of Azerbaijan is still awaited for UNESCO to proceed with the sending of a mission to the field. The authorities of Azerbaijan have been approached several times without success so far.” Is Azerbaijan ready to facilitate the UNESCO mission in Nagorno-Karabakh to register and monitor the state of cultural heritage, including monuments and museums?
* What measures Azerbaijan has undertaken or is going to undertake for the protection and respect of the cultural and religious rights of the Armenians of Nagorno-Karabakh, including in the exercise of pilgrimages, visits to the graves, and conducting ceremonies in the Armenian churches and other sacred sites?
* What measures Azerbaijan has undertaken or is going to undertake for the implementation of the binding order of the International Court of Justice to “take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artefacts”?
* What has been done by Azerbaijan to ensure the implementation of the binding order of the ICJ to “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions” and in fulfilling the calls made by the international community, including by the UN Secretary General and the High Commissioner for Human rights made in this regard?
* The International Committee of the Red Cross reported that the supplies of food were totally banned to Nagorno-Karabakh from 15 June 2023 and the supplies of medicine from 8 July 2023. On 7 August four Special Procedure Mandate Holders warned that “the blockade, obstructing the sole road connecting Nagorno-Karabakh to Armenia for the past seven months, has left the population facing acute shortages of food staples, medication, and hygiene products, impacted the functioning of medical and educational institutions, and placed the lives of the residents – especially children, persons with disabilities, older persons, pregnant women, and the sick – at significant risk.” They called it a “dire humanitarian crisis”. What steps were taken by Azerbaijan to avoid and alleviate the dire human rights and humanitarian crisis in Nagorno-Karabakh stemming from the blockade of the Lachin Corridor?
* The Special Procedure Mandate Holders in their joint communication to Azerbaijan (AL AZE 1/2022) expressed regret that they have not received a response to their earlier communication to Azerbaijan (AL AZE 1/2021) on the alleged torture and ill-treatment of prisoners of war during the armed conflict in and around Nagorno-Karabakh. They further noted that they are yet to receive information on the results of investigations carried out in Azerbaijan with regard to these crimes, as well as factual and legal reasons for the continued detention of the POWs after the cessation of hostilities, and the measures taken to inform families of the disappeared about their fate and the exact whereabouts. Is Azerbaijan considering to provide a response to the mentioned communication and to provide the required information?
* According to the International Humanitarian Law all Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities. Azerbaijan has announced on several occasions that the Nagorno-Karabakh conflict is resolved. Therefore, is Azerbaijan considering to release Armenian PoWs and civilians detained in relation to the Nagorno-Karabakh conflict, including former members of military and political leadership of Nagorno-Karabakh arbitrarily detained in September/October 2023?
* What measures have Azerbaijan undertaken to implement the ICJ Order to “protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law”?
* In November 2020 High Commissioner for Human Rights “expressed serious concern about videos that have emerged which appear to show war crimes being committed” in Nagorno-Karabakh. In particular she referred to the video “that appeared to show Azerbaijani troops summarily executing two captured Armenians in military uniforms.” Has Azerbaijan conducted investigation on this crime and other reports of extrajudicial executions of Armenians during the war in Nagorno-Karabakh and on the border with Armenia, which have also been communicated by the Special Procedure Mandate Holders to Azerbaijan? Can Azerbaijan provide the outcomes of any such investigation, if conducted?
* What measure have Azerbaijan undertaken to fulfill the Recommendation of the UN Committee on the Elimination of Racial Discrimination “to ensure accountability and end impunity, including by conducting effective, thorough and impartial investigations into allegations of violations of human rights against prisoners of war and other protected persons of Armenian ethnic or national origin, which include reports of summary executions, enforced disappearances, torture and other ill-treatment and arbitrary detention as well as the destruction of houses, schools and other civilian facilities”?
* There are more than 1000 cases confirmed by the International Committee of the Red Cross of missing persons and enforced disappearances of ethnic Armenians as a result of the Nagorno-Karabakh conflict. Would Azerbaijan consider cooperating with Armenia and relevant International Organizations in finding out their fates and whereabouts, including investigating the mass burials reported by the UN Special Procedures?
* What measures have the Government of Azerbaijan undertaken to implement the binding order of the ICJ to “take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin” and the recommendation of the UN CERD to “adopt measures to monitor and combat hate speech, incitement and promotion of racial hatred and discrimination, including on the Internet and social media as well as by its officials and public institutions, targeted at persons of Armenian national or ethnic origin, and ensure that such incidents are effectively, thoroughly and impartially investigated and, where appropriate, prosecuted and punished”?
* The UN Committee on the Elimination of Racial Discrimination expressed concern about reports that in school textbooks prejudice and incited racial hatred, in particular against ethnic Armenians, was promoted and that ethnic minorities were marginalized in history education in the country. What steps has Azerbaijan undertaken to rectify this situation?
* On 11 November 2020 the UN Working Group on the use of mercenaries reported about the use of mercenaries by Azerbaijan. The WG stated that “the way in which these individuals were recruited, transported and used in and around the Nagorno-Karabakh conflict zone appeared consistent with the definition of a mercenary, as set out by relevant international legal instruments.” What steps have been undertaken by Azerbaijan to investigate the cases of financing, recruitment, transfer and use of mercenaries deployed in support of armed forces of Azerbaijan in the war in Nagorno-Karabakh and prosecute those responsible for such acts, including any measures in place to hold these fighters accountable for violations of international humanitarian law and international human rights law?
* According to the UN High Commissioner for Human Rights, the UN CERD, the Special Procedure Mandate Holders, the Human Rights Watch and Amnesty International, Azerbaijan used internationally banned cluster weapons, as well as phosphorus and incendiary weapons against residential areas in Nagorno-Karabakh. The reports indicate that Azerbaijan indiscriminately targeted civilian objects and infrastructure, hospitals and schools that caused deaths and serious injuries among the civilian population. Has Azerbaijan considered investigating the attacks committed by its armed forces against the civilian population and infrastructure including by cluster munition?

**BELGIUM**

* Is the government of Azerbaijan considering ratifying the International Convention for the Protection of all Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communication procedure as well as the ILO Convention on Domestic Workers (189) and on Violence and Harassment (190)?
* Which concrete measures will the government of Azerbaijan take to address the high incidence of gender-based violence against women, the very low rate of reporting, in particular of domestic violence, and the limited availability of shelters and support services for victims? Is the government considering ratifying the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence?
* Will the government initiate an independent and comprehensive investigation on alleged violations of human rights and international humanitarian law in the Karabakh region?
* What measures is the government of Azerbaijan taking to effectively address hate speech and hate crimes towards the LGBTQI+ community and to prevent and penalize discrimination based on gender identity or sexual orientation?
* Which follow-up has the government given to the recommendations of the Committee on the Rights of the Child regarding the high level of child marriage and the need for the establishment of comprehensive child justice system?

**CANADA**

* Canada is concerned about the arrest and rapidly deteriorating health of Mr. Gubad Ibadoghlu. Does Azerbaijan intend to provide him access to his medications, to review his detention and to give him access to a fair trial?

**GERMANY**

* How many lawyers have been disbarred in the reporting period? How many of them have been able to re-obtain their bar registration? Which were the main reasons for the disbarment?
* How many cases of funding for non-governmental organisations (NGOs) were deemed illegal in the reporting period by the Azerbaijani government? In how many of these cases the funding came from abroad (and from where)? Which measures has the government of Azerbaijan taken to reduce the number of these cases?
* How many claims of torture have been reported in the reporting period? How many of them have been investigated? How many have been confirmed and led to which consequences?
* How many registrations for demonstrations were filed in the reporting period? How many of these registrations were granted? How many were denied? Which measures has the government of Azerbaijan taken to reduce the number of denials in these cases?

**LIECHTENSTEIN**

* What steps has Azerbaijan taken to ratify the Rome Statute in its 2010 version?
* What steps has Azerbaijan taken to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure?
* What steps has Azerbaijan taken to join the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by the Accountability, Coherence and Transparency Group (ACT)?

**PANAMA**

* Is the Azerbaijan considering ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the ILO Violence and Harassment Convention, 2019 (No. 190)?
* What measures are put in place to address key barriers impeding access for women to reproductive health-care services?
* What policy efforts have been taken to integrate a human rights-based approach in climate action?

**PORTUGAL**

* Portugal on behalf of the Group of Friends on NMIRFs (National Mechanisms for Implementation, Reporting and Follow-up): Could the State-under-review describe its national mechanism or process responsible for coordinating the implementation of accepted UPR recommendations and the monitoring of progress and impact?
* Portugal on behalf of the Group of Friends on NMIRFs (National Mechanisms for Implementation, Reporting and Follow-up): Has the State-under-review established a dedicated ‘national mechanism for implementation, reporting and follow-up’ (NMIRF) covering UPR recommendations, but also recommendations/observations generated by the UN human rights Treaty Bodies, the Special Procedures and relevant regional mechanisms, which, inter alia, clusters all the above, manages them in national databases, coordinates implementation actions across government, monitors progress and impact, and then streamline reporting procedures back to the UN? If so, could the State-under-review briefly share its experience on creating such mechanism, including challenges faced and lessons learnt, as well as any plans or needs to strengthen the NMIRF in the future?

**SLOVENIA**

* What measures are in place to combat ageism and eliminate age discrimination in all its forms, and to protect the human rights of older persons?

**SPAIN**

* Is Azerbaijan adopting measures to protect the independence of the judicial system?
* What mechanisms are in place to ensure the adequate protection of human rights defenders and journalists?
* Is the government planning to ratify the Istambul Convention of the Council of Europe?

**SWEDEN**

* How will the Government of Azerbaijan ensure the safety of journalists and human rights defenders?
* Does the Government of Azerbaijan plan to amend legislation in order to facilitate registration and grant registration procedures for civil society organizations?

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

* What steps and measures are the Government of Azerbaijan taking to ensure the provision of existing constitutional rights to protect the human rights of, and prevent discrimination against Azerbaijani citizens, including ethnic Armenians choosing to remain or return following displacement after recent military action?
* What efforts are the government of the Azerbaijan making towards ending all forms of human trafficking, including by developing a new national action plan for combating trafficking in human beings?
* What action has the government of Azerbaijan taken to adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections?
* How will the government end all interference in the work of lawyers through disbarment or other disciplinary measures on improper grounds such as expressing critical views?
* How is the Government protecting journalists and the media from undue interference and harassment?

**UNITED STATES OF AMERICA**

* NGOs report that Azerbaijan’s authorities continue to unjustly detain journalists, human rights defenders, and others for exercising their human rights, including Dr. Gubad Ibadoglu and Bakhtiyar Hajiyev. What steps does Azerbaijan intend to take to establish an independent judiciary, end politically motivated prosecutions, and protect the freedoms of expression and peaceful assembly, including for critics of government policy?
* Since Azerbaijan’s September 19-20 military operation in Nagorno-Karabakh, over 100,000 ethnic Armenians have fled the region to Armenia. What steps are Azerbaijan’s authorities taking to facilitate the voluntary return of those who fled their homes in Nagorno-Karabakh, and to create conditions where the human rights of these residents are respected?
* We are concerned about reports that the government has engaged in mass arrests of hundreds of Shia believers this year. While pro-government media attributed the arrests to charges of spying for Iran, most known charges are for drug possession or distribution. There are reports of coerced confessions under torture for drug charges. What measures are the government taking to address these concerns?
* There continue to be credible reports of torture by Ministry of Internal Affairs officials. There are also reports of conflict-related sexual violence including rape and threats of rape against detainees. What steps are Azerbaijan’s authorities taking to investigate such reports and hold those responsible to account?