The Background of the case

The applicants Vachagan Adamyan and Lazar Hakobyan, father of Yura Adamyan and son of Benik Hakobyan respectively, complain that Yura Adamyan and Benik Hakobyan were killed by state agents of Azerbaijan in violation of Article 2 of the Convention and international humanitarian law. They assert that Yura Adamyan and Benik Hakobyan were captured and executed by Azerbaijani soldiers who had full control and authority over them. The application was lodged on May 14, 2021. The case was communicated on 10th January, 2023.

Yura Adamyan used to live in Pletants village in the Hadrut region of the Nagorno-Karabakh Republic together with the first applicant and their family. Benik Hakobyan used to live in Hadrut town together with his wife. Yura Adamyan joined the "Artsakh Defence Army" during the 44 days war between Armenia and Azerbaijan. Benik Hakobyan and his wife stayed in their home, while most Hadrut residents left the town for safety reasons when, in October 2020, Azerbaijani troops gradually captured the town. Sometime between 9 and 15 October 2020 Yura and Benik were allegedly captured together in or around Hadrut town by the Azerbaijani armed forces and executed shortly thereafter by an Azerbaijani firing squad in the town centre. On 15 October 2020 two video recordings appeared on the Telegram messaging channels which showed Yura Adamyan's and Benik Hakobyan's capture and execution. The recordings were spread on the internet, allowing the applicants to recognise their relatives. All the soldiers in the videos are in uniforms of the Azerbaijani armed forces.

On 24 October 2020 the BBC published an article according to which Bellingcat open-source investigators and British military experts had expressed that the videos were authentic.

In a press release of 2 November 2020 the UN High Commissioner for Human Rights expressed serious concern about the videos which appeared to show war crimes being committed. She stated that "while many faked images have been circulating on social media, in-depth investigations by media organisations into videos that appeared to show Azerbaijani troops summarily executing two captured Armenians in military uniforms uncovered compelling and deeply disturbing information."

The applicants complain that Yura Adamyan and Benik Hakobyan were killed by state agents of Azerbaijan in violation of **Article 2** of the Convention (Right to Life) and international humanitarian law. They also claim that the videos show that Yura and Benik were heavily beaten and abused before their execution, the applicants claim that they were subjected to treatment prohibited under **Article 3** (Prohibition of Torture) of the Convention. The absence of information on the whereabouts and condition of the bodies causes continuing suffering to the family members and allegedly involves a deliberate act by the Azerbaijani authorities *to humiliate and instil fear and suffering in the relatives and the Armenian public.* Referring to the non-return of the bodies of Yura and Benik, the applicants assert that they have been deprived of the possibility to recover and bury their relatives, violating their right to respect for their private and family life under **Article 8** of the Convention. Finally, under **Article 14** (Non-discrimination) of the Convention in conjunction with Articles 2, 3, 8 and 13, the applicants claim that the violations in the case are direct results of a *racist policy and propaganda of hatred against Armenians.*