



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF V.T. AND OTHERS v. AZERBAIJAN

(Application no. 20075/16)

JUDGMENT

Art 1 • Jurisdiction of States • No indication of “effective control” by Azerbaijan and Armenia, during the armed conflict between them in April 2016, over territories which at the time formed the unrecognised “Nagorno-Karabakh Republic” • Respondent State’s jurisdiction on the basis of “State agent and control” over the applicants’ relative with regard to plausible and substantially accurate allegations under Art 2 and 3

Art 2 and Art 3 (substantive) • Torture and unlawful killing of the applicants’ relative, a soldier, during the armed conflict • Applicants’ relative killed by Azerbaijani soldiers, after he was injured and could not defend himself or move autonomously • Impugned conduct incompatible with international humanitarian law • Applicants’ relative was the victim of severe physical violence prior to his death

Art 3 (substantive) • Degrading treatment • Moral suffering endured by the applicants caused by the mutilation and brutal killing of their relative and by their inability to recover his missing body parts and to carry out a proper burial

Prepared by the Registry. Does not bind the Court.

STRASBOURG

18 June 2026

Request for referral to the Grand Chamber pending

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of V.T. and Others v. Azerbaijan,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Ivana Jelić, *President*,
Erik Wennerström,
Lətif Hüseynov,
Raffaele Sabato,
Frédéric Krenc,
Davor Derenčinović,
Alain Chablais, *judges*,

and Ilse Freiwirth, *Section Registrar*,

Having regard to:

the application (no. 20075/16) against the Republic of Azerbaijan lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by three Armenian nationals, Mr V.T., Ms. L.V. and Ms. A.G. (“the applicants”), on 13 April 2016;

the decision to give notice to the Azerbaijani Government (“the Government”) of the application;

the decision not to have the applicants’ names disclosed;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the observations submitted by the Azerbaijani Government and the observations in reply submitted by the applicants;

the comments submitted by the Armenian Government, who made use of their right to intervene (Article 36 § 1 of the Convention);

Having deliberated in private on 19 May 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The application mainly concerns complaints under Articles 2 and 3 of the Convention in connection with the applicants’ allegations of the torture and unlawful killing of their relative H.T. by Azerbaijani soldiers. Those complaints were raised on H.T.’s behalf. The applicants also complained in their own name about their own suffering as a consequence of the abuse of H.T.

THE FACTS

2. A list of the applicants and the details of their application are set out in the appendix. The applicants were represented before the Court by Mr A. Ghazaryan, Ms H. Harutyunyan, Ms A. Melkonyan, Mr A. Zeynalyan and Ms S. Sahakyan, lawyers practising in Yerevan.

3. The Government were represented by their Agent, Mr Ç. Əsgərov.

I. BACKGROUND TO THE CASE

4. Relevant information as to the background and general context of the case is set out in, *inter alia*, the recent decision of *Hakobyan v. Azerbaijan*, (nos. 74566/16 and 74573/16, § 4, 12 September 2023). On the night of 1 to 2 April 2016, conflict escalated between Azerbaijan and Armenia over territories which formed at the material time the unrecognised “Nagorno-Karabakh Republic” (hereinafter the “NKR”). Heavy fighting broke out in areas close to the line of contact between Azerbaijan and the “NKR”. Estimates of casualties in the “April War” vary considerably; official sources indicated at least a hundred dead on either side of the conflict. The great majority of the casualties were soldiers but several civilians also died (*ibid.*; see also *Amrahov v. Armenia* (dec.), no. 49169/16, § 2, 26 February 2019).

5. A ceasefire was reached four days later, on 5 April 2016, and the bodies of dead soldiers on either side of the conflict then could be recovered and returned to their families, usually facilitated by representatives of a recognised humanitarian organisation. Some of the bodies had allegedly been mutilated by the opposing military forces and had heads, hands, earlobes or other parts missing (see also the summary of facts and complaints in *K.S. and N.A. v. Azerbaijan* (case no. 19243/16) and 21 other applications of which notice was given to the respondent Government on 25 November 2016).

II. THE CIRCUMSTANCES OF THE CASE

A. Facts as submitted by the applicants

6. The applicants, whose details are set out in the appendix, are the parents and the sister of H.T., who was born in 1985. H.T. was a major in the “NKR” army and was killed during the military clashes that took place between 1 and 5 April 2016 close to the line of contact between Azerbaijan and the “NKR”. His body was found some 500 m from the village of Talish.

7. The presence of Azerbaijani military forces around Talish was confirmed by the Ministry of Defence of Azerbaijan, who announced on 2 April 2016 that the military positions and surrounding heights of Talish had been “fully cleared of enemy forces”, a similar statement also being made on 6 April 2016.

8. The fact that Azerbaijani soldiers entered the village of Talish was confirmed by the witness B.V., who lived in the village at the time; in a statement made on 11 November 2017, B.V. declared that on 2 April 2016 at around 2.30-3 a.m. he had heard sounds of shooting near his house, and when he went out, he saw a group of some twenty armed people in dark green

uniforms, whom he heard speaking Azerbaijani and who were shooting at the village houses.

9. On 2 April 2016 around noon, H.T., and H.G., a soldier in the “NKR” army and H.T.’s driver left their military unit to deliver ammunition supplies to another “NKR” military command post some 2 km to the north of the village of Talish.

10. The crime scene investigation report drawn up on 5 April 2016 by the “NKR” authorities recorded that the truck in which they were travelling was ambushed and came under heavy fire from Azerbaijani forces about 1 km from Talish. All the truck’s tyres were punctured, and the left door had traces of gunshots. In the cabin there were traces of blood.

11. H.G.’s body was found by “NKR” troops on 2 April 2016 at around 4 p.m., some fifteen metres from the vehicle; he was found decapitated, and his head was missing. The Prosecutor-General of the “NKR” opened a criminal investigation concerning the decapitation of H.G. A forensic examination was carried out on 3 April 2016 and the results were set out in a report of 12 May 2016. The report revealed that H.G.’s head had been severed post-mortem and that he had died from gunshot wounds.

12. As regards H.T., he was seriously injured in the ambush. According to information submitted by a provider of telecommunication services to the relevant authorities during the criminal investigation launched into the incident (see paragraph 15 below), on 2 April 2016 at 11.25 a.m. H.T. had sent a text message from his phone to A.A., a soldier in the same military base as him, saying “They shot me” (see also paragraph 17 below).

13. The applicants submitted that H.T. had firstly been taken out of the truck and subsequently had been killed by the attacking Azerbaijani soldiers, who also cut off his hands and his head. His body was found by the Armenian military forces the next morning, namely on 3 April 2016, some 30 m away from the truck, near a ravine in the direction of the village Talish.

14. On 4 April 2016 the applicants were informed of H.T.’s death in military action.

15. The Prosecutor-General of the “NKR” opened a criminal investigation concerning the death of H.T. On 5 April 2016 a forensic report was drawn up by S.V.H., an Armenian forensic expert. The applicant V.T. was present during the examination in order to identify the body.

16. The results of the examination were given in a report on 5 May 2016. It indicated that H.T. had sustained gunshot wounds that had incapacitated him and would have meant he was unable to walk. After the gunshots, he had been alive for around half an hour to two hours, during which time he “could make conscious movements, but was not able to walk independently”. He had had his hands cut off seconds before his death: the right one first and then the left. However, these injuries had no causal relationship with the immediate cause of death, which was decapitation. His head had been “traumatically

severed while he was still alive, seconds before his death, and leading to his death”.

17. During the criminal investigation, as of May through September 2016, several witnesses were heard, four of whom gave statements about the circumstances in which the military truck and the bodies of H.G. and H.T. had been found. Their statements referred to the truck having been found some 500 m from the village of Talish and to the fact that the body of H.T. was found only at daybreak the day after the incident, and in general they confirmed the conclusions of the crime scene investigation report (see paragraph 10 above).

Soldier A.A. stated that he had tried to contact H.T. by phone when the military unit heard that the vehicle had been ambushed but he had received no reply. His phone battery had run out that day and he was able to recharge it only two days later; when the phone switched back on, he received an SMS from H.T.’s phone number which read “They shot me” (see also paragraph 12 above).

18. H.T. was buried on 7 April 2016 without the severed body parts, which are still missing.

19. The applicants also submitted that on 9 July 2017 a Facebook user named R.A. had commented on a photograph of a killed soldier of “the NKR Defence Army” which had been posted on the Azerbaijani Special Forces Facebook page. R.A. posted a photograph of a mutilated head and a wrist; the photograph had a caption in Azerbaijani, which said “I have got one”. On 5 December 2017 an expert report was completed by the Armenian National Bureau of Forensic Reports (Department of Computer Technical Examination); the expert had been asked to compare various photographs of H.T. taken when he was alive and the above-mentioned photograph posted by R.A. and to indicate whether the face in R.A.’s photograph was that of H.T.; the report concluded in the affirmative, stating that all the photographs showed the same person, namely H.T.

B. Facts as submitted by the respondent Government

20. The Azerbaijani Government submitted that on 2 April 2016, their armed forces liberated, *inter alia*, the hills around the village of Talish in the district of Tartar.

21. The factual and legal information submitted by the Government concerned all the twenty-two cases communicated by the Court on 25 November 2016 (*K.S. and N.A. against Azerbaijan* and 21 other applications, cited above, see paragraph 5 above) and their observations therefore referred to all twenty-two cases.

22. In the parts of their observations that concerned the present case, the Government indicated that in so far as the acts complained of had allegedly taken place on territory under Armenian occupation and given that

the body of H.T. had been found by Armenian troops, they had had no opportunity to verify whether the disputed acts had indeed taken place. The applicants' allegations as to those acts had been brought to their attention only when the case was communicated by the Court (see also paragraphs 27-28 and 67 below).

C. Facts as submitted by the Armenian Government, third party intervener

23. The Armenian Government supported the applicants' factual allegations. They also provided information about a video which had been published on 8 April 2019 on an Azerbaijani media YouTube channel. The footage had allegedly been filmed at the scene of the incident in the present case by representatives of the special forces who had taken part in the April War; in it they described, among other things, how they had eliminated an Armenian military truck and killed the soldiers inside.

The truck seen in the footage and that in the photographs taken at the crime scene when the body of H.T. was discovered were undoubtedly the same vehicle.

24. The Government submitted copies of the crime investigation report drawn up on 5 April 2016 (see paragraph 10 above) as well as the "records of the witnesses questioning" describing the crime scene and the circumstances in which the bodies of H.G. and H.T. had been discovered (see paragraph 17 above).

25. The Armenian Government also submitted a copy of the restricted version of the Second Interim Report issued in 2016 by the "NKR" Ombudsman in relation to the military clashes of April 2016. The report presented factual and medical details as well as legal conclusions concerning the death and alleged mutilation of twenty-four persons and five cases of alleged torture, including three decapitations and seven cases of alleged execution by gunfire. In so far as the report concerned H.T., its findings concurred with the facts as presented by the applicants (see paragraphs 9-10, 13 and 16 above).

THE LAW

26. The applicants complained under Articles 2, 3, 8, 13 and 14 of the Convention that their relative H.T. had been tortured and unlawfully killed; that they had suffered extreme mental distress and anguish on that account and that H.T.'s missing body parts had not been returned to them and so they had been unable to carry out a proper burial of his body; that no effective legal remedy had been available to them for any of those breaches of their fundamental rights; and that the alleged violations had occurred as a result of discrimination based on the family's ethnic origin.

I. ADMISSIBILITY

A. Jurisdiction

1. *The parties' submissions*

(a) The Azerbaijani Government

27. The Azerbaijani Government submitted that the acts complained of in the present case had taken place on Azerbaijani territory which at the relevant time was under military occupation by the Armenian forces. Because of that occupation, the presumption of territorial jurisdiction was not applicable, in so far as the Azerbaijani authorities did not have access to that part of the territory and so were *de facto* unable to exercise jurisdiction there. Indeed, any attempt by Azerbaijan to exercise authority or control in the area of the village of Talish would have been met by an armed response from the occupying army.

28. The Government also submitted that at the time of the alleged incident, the military forces of the respondent state had not yet entered the village of Talish as they had only liberated the hills around the village. There was therefore no State agent from the Azerbaijani military forces who could have physically committed the acts complained of.

(b) The applicants

29. The applicants submitted that the acts against H.T. complained of had been perpetrated by Azerbaijani State agents operating extraterritorially.

30. They stated that H.T.'s body had been found some thirty metres from the military truck driven by H.G., and which had been ambushed at a distance of approximately 500 m - 1 km from the village of Talish (see paragraphs 6, 10 and 13 above).

31. The Azerbaijani military presence in Talish and its surrounding area was officially confirmed at the time by Azerbaijani military officials (see paragraph 7 above); immediately after the ambush, H.T. himself had sent a text speaking of having been shot by the enemy (see paragraph 12 above); the photo depicting H.T.'s head and severed wrists had been posted on Facebook by an Azerbaijani soldier, R.A., who stated that he was in possession of them (see paragraph 19 above); lastly, the witness statement of B.V. had confirmed the presence of Azerbaijani soldiers in Talish on the morning of 2 April 2016 (see paragraph 8 above).

32. The above elements showed that the Azerbaijani armed forces had penetrated the territory surrounding Talish and attacked the military vehicle in which H.T. was riding, following which they tortured and brutally killed him. Those acts entailed the responsibility of Azerbaijan for the acts complained of.

33. Therefore, the jurisdictional issue under consideration in the present case was whether Azerbaijan exercised extraterritorial jurisdiction through State-agent authority and control over H.T., and on that, the Court’s principled approach had not changed, but became even clearer in *Ukraine and the Netherlands v. Russia* ([GC], nos. 8019/16 and 3 others, 9 July 2025) where it stated essentially that even during intense fighting, jurisdiction may exist in respect of distinct events where State agents exercise authority and control over individuals, and that Convention responsibilities may arise notwithstanding the broader context of hostilities.

(c) The Armenian Government, third party intervener

34. The Armenian Government submitted that in the present case it was the personal concept of jurisdiction, so that of “State agent authority and control” over individuals, which was relevant. In that respect, the judgment delivered by the Court in *Ukraine and the Netherlands v. Russia* (cited above) did not provide significant new findings affecting the jurisdiction issue in the present case.

35. The wide-ranging evidence brought in the case by the applicants (see paragraph 31 above) proved the presence of Azerbaijani military forces in the area where the acts complained of in the present case had occurred. The Azerbaijani Government had failed to bring any evidence to counter that by showing that those responsible for the above-mentioned acts belonged to any military entity other than the Azerbaijani forces.

2. The Court’s assessment

36. The Court notes at the outset that the case raises an issue under Article 1 of the Convention concerning the respondent State’s jurisdiction in regard to the incident that forms the basis of the applicants’ complaints (see paragraph 26 above). Article 1 of the Convention reads as follows:

“The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of [the] Convention.”

37. The exercise of jurisdiction is a necessary condition for a Contracting State to be held responsible for acts or omissions imputed to it which give rise to an allegation of the infringement of rights and freedoms set forth in the Convention. While a State’s jurisdictional competence under Article 1 is primarily territorial, the Court in its case-law has recognised a number of exceptional circumstances capable of giving rise to the exercise of jurisdiction by a Contracting State outside its own territorial boundaries.

38. The relevant general principles regarding extraterritorial jurisdiction were summarised in *Georgia v. Russia (II)* ([GC], no. 38263/08, §§ 116-24, 21 January 2021); the Court’s admissibility decision in *Ukraine and the Netherlands v. Russia* (dec.) ([GC], nos. 8019/16 and 2 others, §§ 552-75, 30 November 2022), and, subsequently, in the judgment of *Ukraine and the*

Netherlands v. Russia ((merits) [GC], nos. 8019/16 and 3 others, §§ 350-55, 9 July 2025).

39. The two main criteria governing the exercise of extraterritorial jurisdiction are that of “effective control” by the State over an area outside its territory (the spatial concept of jurisdiction) and that of “State agent authority and control” over individuals (the personal concept of jurisdiction) (see *Al-Skeini and Others v. the United Kingdom* [GC], no. 55721/07, §§ 133-40, ECHR 2011; *Georgia v. Russia (II)*, cited above, § 115; and *Ukraine and the Netherlands v. Russia* (dec.), cited above, §§ 556-58).

40. In the latter decision cited above, the Court found that:

“...558. In *Georgia v. Russia (II)*, there was a clear, single, continuous five-day phase of intense fighting during which Russian troops advanced on Georgian territory seeking to establish control (“the five-day war”); after that, a ceasefire agreement was reached and largely observed. The Grand Chamber was therefore able to refer to “the five-day war” as a distinct “active phase of hostilities” and to separate out complaints which it identified as concerning “military operations carried out during the active phase of hostilities”. It summarised the alleged attacks falling under this heading as covering “bombing, shelling and artillery fire” (see, for example, § 51 of the judgment). Since it found jurisdiction to exist in respect of the detention and treatment of civilians and prisoners of war even during the “five-day war” (see §§ 238-39 and 268-69 of the judgment), there can be no doubt that a State may have extraterritorial jurisdiction in respect of complaints concerning events which occurred while active hostilities were taking place. The *Georgia v. Russia (II)* judgment cannot, therefore, be seen as authority for excluding entirely from a State’s Article 1 jurisdiction a specific temporal phase of an international armed conflict...

571. In all cases of State agent authority and control, any jurisdiction established is a personal one over the victim. The extent of the State’s obligations under Article 1 of the Convention is to secure to that individual the Convention rights and freedoms that are relevant to his or her situation. In this sense, therefore, the Convention rights can be divided and tailored (see *Al-Skeini and Others*, cited above, § 137; and *Carter*, cited above § 126); ...”

41. In its judgment on the merits delivered in the above case (*Ukraine and the Netherlands v. Russia* (cited above, § 353), the Court held that:

“...353. The Court has subsequently clarified that the use of force by State agents operating abroad, including in situations of armed conflict, might bring the individual thereby brought under the control of the State’s authorities within the jurisdiction of that State in certain circumstances (see *Al-Skeini and Others*, cited above, § 136). This is the case where State agents have taken the victim into their custody (see, for example, *Al-Saadoon and Mufdhi v. the United Kingdom* (dec.), no. 61498/08, §§ 86-89, 30 June 2009; *Al-Jedda v. the United Kingdom* [GC], no. 27021/08, § 86, ECHR 2011; and *Hassan v. the United Kingdom* [GC], no. 29750/09, §§ 76-80, ECHR 2014). There may also be Article 1 jurisdiction even in the absence of detention in cases concerning isolated and specific acts involving an element of proximity (see the cases cited in *Georgia v. Russia (II)*, cited above, §§ 120-23 and 131-32) or the exercise of physical power and control over the victim’s life in a situation of proximate targeting (see *Carter*, cited above, §§ 150 and 158-161). The nature of the State’s jurisdiction in these cases is personal, in that it involves power and authority over the individual victims themselves. Reflecting the nature of its jurisdiction in such cases, the

respondent State is under an obligation pursuant to Article 1 to secure to the individual the Convention rights and freedoms that are relevant to the situation of that individual (see *Al-Skeini and Others*, cited above, § 137)..."

42. In each case, the question whether exceptional circumstances exist which require and justify a finding by the Court that the State was exercising jurisdiction extraterritorially must be determined with reference to the particular facts (see *Carter v. Russia*, no. 20914/07, § 124, 21 September 2021).

43. In the present case, the Court notes that the complaints raised by the applicants relate to alleged acts of the torture and unlawful killing of H.T. by Azerbaijani military forces who had penetrated the area around the village of Talish, which at the relevant time was under Armenia's effective control (see also paragraph 4 above; *mutatis mutandis*, *Hakobyan v. Azerbaijan* (dec.), nos. 74566/16 and 74573/16, § 29, 12 September 2023, and *Hovhannisyan and Karapetyan v. Armenia*, no. 67351/13, §§ 59 and 61, 17 October 2023, including the references cited therein).

44. The Court has already reached conclusions of fact in relation to the military acts involving the heavy night-time shelling of towns and villages on either side of the line of contact between the "NKR" and Azerbaijan between the night of 1-2 April 2016 and 5 April 2016. In so far as those acts were aimed at putting the enemy force out of action and capturing territory, they did not demonstrate any taking of control over or proximity to the individuals involved in the active phase of hostilities, nor was there any evidence of effective Azerbaijani or Armenian control over the territory in question (see, *mutatis mutandis*, *Hakobyan*, cited above, §§ 32-35; and *Aliyev v. Armenia* (dec.), 25589/16, §§ 26-29, 12 September 2023). Importantly, the Court's findings in these cases were made in the light of the particular circumstances of the armed conflict from which the various issues arose, including the specific factual circumstances of the incident complained of in those applications and the related evidential material therein (see, *mutatis mutandis*, *Storimans-Verhulst and Others v. Russia*, no. 26302/10, § 31, 7 October 2025).

45. Having therefore regard to the fact that the Court's conclusions in the case of *Ukraine and the Netherlands v. Russia* were based on a thorough examination of the specific circumstances and evidence relating to a distinct armed conflict (see *Ukraine and the Netherlands v. Russia* (merits), cited above, § 361), there is no basis for the Court to reach in the present case a different conclusion on the question of jurisdiction in the present application than that adopted in *Hakobyan* and *Aliyev*, both cited above (see paragraph 44 above).

46. Accordingly the Court finds that there is no indication of "effective control" over the area in question by either of the two states involved in the armed conflict at the time of the incident leading to the complaints in the present case, namely on 2 April 2016.

47. In accordance with the Court’s relevant case-law (see paragraph 39 above), it remains to be determined whether there was Azerbaijani “State agent authority and control” over H.T., notwithstanding the background circumstances underlying the then “active phase of hostilities”. In earlier cases, such authority and control have been established in circumstances involving the exercise of physical power and control over the persons in question or when there has been an element of proximity (see *Georgia v. Russia (II)*, cited above, §§ 130-32, with further references; as well as *Ukraine and the Netherlands v. Russia* (merits), cited above, § 353).

48. In that respect, the Court turns to the parties’ submissions and the evidence they have adduced in support of their arguments. It observes that the applicants’ account of the circumstances of H.T.’s death – namely following an ambush by Azerbaijani soldiers opening fire on the military vehicle H.T. was in, followed by his being injured by gunfire, then by the severing of his hands and his subsequent killing by decapitation – is supported by the following evidence: the clear conclusions of the forensic report as to the nature and chronological succession of injuries inflicted upon H.T. (see paragraph 16 above); the report drawn up at the crime scene, describing how H.G.’s vehicle and his body were found (see paragraph 10 above); and the witness statements given by the soldiers who had found H.T.’s body or heard about the circumstances of the discovery (see paragraph 17 above).

49. Conversely, the Azerbaijani Government’s only representation about the incident was that the Azerbaijani military did not have effective control over the area and that they were not and could not have been present at the scene of the incident at the relevant time (see paragraphs 27-28 above).

50. The Court finds the applicants’ submissions describing the unfolding of events leading to the alleged torture and unlawful killing of H.T. by Azerbaijani soldiers, and the evidence supporting those submissions (see paragraphs 30-32 and 48 above), to be plausible. In the absence of viable counterarguments by the respondent State as to any alternative narrative, or indeed as to the lack of credibility of the applicants’ version of events, the Court is satisfied that the applicants’ allegations should be regarded as substantially accurate (see, *mutatis mutandis*, *Narayan and Others v. Azerbaijan*, nos. 54363/17 and 54364/17, § 104, 19 December 2023).

51. This approach is further supported by public statements and footage publicised in the media by Azerbaijani officials. Contrary to the Government’s arguments in the present case (see paragraph 28 above), that evidence confirmed the presence of Azerbaijani soldiers close to Talish at the relevant time (see paragraph 7 above). It also showed who was responsible for the gun attack on a military vehicle, identified by a later report submitted by the Armenian Government as being the one in which H.T. was riding, and who was responsible for killing the soldiers inside the vehicle, namely H.T. and H.G. (see paragraph 23 above).

52. Lastly, the post on Facebook by R.A., a soldier presumed to be Azerbaijani, of a photograph of H.T.'s head with the comment in Azerbaijani "I have got one" (see paragraph 19 above), about which the respondent Government provided no explanation or stance whatsoever, corroborates the applicants' version of the facts as to the killing and decapitation of H.T. by Azerbaijani soldiers.

53. Since the respondent Government has failed to submit any material evidence or concrete information rebutting the above evidence, which itself originates from its own authorities, or indeed to provide a satisfactory and convincing explanation for the acts complained of in the present case, strong adverse inferences may be drawn.

54. Consequently, the Court finds it established that the circumstances in which H.T. died, namely firstly being injured during heavy gunfire on the military vehicle he was in and then being captured and killed by Azerbaijani soldiers, clearly demonstrate control over or proximity to H.T. The Court therefore concludes that there was "State agent authority and control" over H.T. with regard to the events complained of by the applicants. Those events therefore fall within the jurisdiction of Azerbaijan for the purposes of Article 1 of the Convention.

B. Non-exhaustion

1. The parties' submissions

(a) The Azerbaijani Government

55. The Azerbaijani Government submitted that the applicants had never applied to the Azerbaijani authorities, including *via* diplomatic channels, seeking a remedy for the alleged breaches. One such remedy was provided for in the Azerbaijani Criminal Code, under the section concerning liability for war crimes and for abusing a corpse. The application was therefore inadmissible for the applicants' failure to exhaust effective remedies.

(b) The applicants

56. The applicants stated that there was no effective remedy available to them in Azerbaijan. They referred to the conclusions drawn by the Court in *Sargsyan v. Azerbaijan* ([GC], no. 40167/06 §§ 117 and 119, ECHR 2015), which related to a situation of frozen conflict. The same conclusions were all the more valid in a situation of active military operations, when the breaches complained of in the present application occurred.

Furthermore, there were no diplomatic relations between Armenia and Azerbaijan which might have enabled them to use any potentially relevant channels to obtain redress for their complaints.

(c) The Armenian Government, third party intervener

57. The Armenian Government said that the Azerbaijani Government had not referred to any specific domestic provisions that the applicants should have relied on in seeking to have their complaints examined. In any event, the background of armed conflict and a lack of diplomatic relations between Armenia and Azerbaijan meant that no effective remedies were available to the applicants.

2. The Court's assessment

58. In similar cases involving complaints raised by Armenian applicants against Azerbaijan under Articles 2, 3 or 8 of the Convention, the Court has found that the practical obstacles to the proper functioning of the system for the administration of justice were material to any potential attempt of a citizen of either country to bring a complaints before the authorities of the other country, notwithstanding the potential good will of the domestic authorities on both sides (see, *mutatis mutandis*, *Narayan and Others*, cited above, § 73; and *Gurbanov v. Armenia*, no. 7432/17, § 36, 5 October 2023).

59. Moreover, the Azerbaijani Government have not provided any concrete example of how the domestic Criminal Code provisions they referred to (see paragraph 55) could constitute a remedy that the applicants had to seek from the Azerbaijani authorities for exhaustion purposes in relation to their specific and particular complaints about the alleged torture and unlawful death of their relative, H.T.

60. Consequently, the Court considers that the respondent Government's objection concerning the exhaustion of domestic remedies (see paragraph 55 above) should be dismissed (see, *mutatis mutandis*, *Saribekyan and Balyan v. Azerbaijan*, no. 35746/11, § 48, 30 January 2020).

C. Conclusions as to admissibility

61. The Court considers, in the light of the parties' submissions and in the context of the present case (see paragraphs 4-5 above), that the application raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The Court concludes therefore that the application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. No other ground for declaring it inadmissible has been established. It must therefore be declared admissible.

II. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

62. The applicants complained that H.T. had been unlawfully killed by the Azerbaijani forces. They relied on Article 2 of the Convention, which reads as follows:

“1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

(a) in defence of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) in action lawfully taken for the purpose of quelling a riot or insurrection.”

A. The parties’ submissions

1. The applicants

63. The applicants submitted that the decapitated and mutilated body of H.T. had been found some thirty metres from his military vehicle, which was discovered abandoned in the vicinity of the village of Talish, having been heavily attacked by gunfire and with many bloodstains inside it.

64. The forensic report carried out by the Armenian expert identified H.T.’s gunshot wounds as having occurred between thirty minutes and one and a half or two hours before his death, which had been caused by the traumatic amputation of his head. The expert also indicated that before death H.T. had been able to make conscious movements but would not have been able to walk independently: before the decapitation, both his hands had been cut off (see paragraph 16 above).

65. That H.T. had been injured by gunfire was confirmed by the SMS he sent to a fellow soldier, A.A. (see paragraphs 12 and 17 above).

66. The evidence discussed above showed that when he was captured by the Azerbaijani soldiers H.T. was already defenceless and *hors de combat* after the injuries caused by the gunfire and that his subsequent mutilation and killing by decapitation were unjustifiable and unlawful acts.

2. The Azerbaijani Government

67. The respondent Government maintained that they had not been able to take any action in relation to the applicants’ complaints given that they had not been aware of the specific incident in which the death of H.T. had occurred. The body of H.T. had been found by Armenian troops on a territory that was under Armenian occupation and therefore outside their control. The facts complained of in the present application had only come to their attention after the application was communicated by the Court.

3. The Armenian Government, third party intervener

68. The Armenian Government fully supported the applicants’ arguments, which were comprehensively supported by evidence.

69. They submitted that the Azerbaijani Government had not provided any credible explanation in reply to the applicants' complaints and allegations. Moreover, no attempts to identify and punish those responsible for the acts complained of were made, not even after the present case was communicated to the parties.

B. The Court's assessment

1. General principles

70. At the outset, it must be reiterated that even in situations of international armed conflict, the safeguards under the Convention continue to apply (see *Ukraine and the Netherlands v. Russia* (dec.), cited above, § 718). At the same time, the Convention cannot be interpreted and applied in a vacuum: it should so far as possible be interpreted in harmony with other rules of international law of which it forms part (see *Al-Adsani v. the United Kingdom* [GC], no. 35763/97, § 55, ECHR 2001-XI). This includes international humanitarian law (see *Ukraine and the Netherlands v. Russia*, (dec), cited above, § 427, with further references). As regards alleged violations of the negative obligation under Article 2 of the Convention, the Court has recognised the possibility that a conflict may arise between Article 2 and provisions of international humanitarian law in circumstances where lethal force is used in the context of armed conflict. Such an apparent conflict will arise in circumstances where the use of force, although lawful under international humanitarian law, cannot be justified by reference to the exceptions listed Article 2 § 2 (ibid., § 1034).

71. The relevant general principles concerning Article 2 of the Convention can be found in, among many other authorities, *Salman v. Turkey* ([GC], no. 21986/93, §§ 97-100, ECHR 2000-VII). Article 2, which safeguards the right to life and sets out the circumstances when deprivation of life may be justified, ranks as one of the most fundamental provisions in the Convention. Together with Article 3, it also enshrines one of the basic values of the democratic societies making up the Council of Europe. The circumstances in which deprivation of life may be justified must therefore be strictly construed. The object and purpose of the Convention as an instrument for the protection of individual human beings also requires that Article 2 be interpreted and applied so as to make its safeguards practical and effective.

In the light of the importance of the protection afforded by Article 2, the Court must subject deprivations of life to the most careful scrutiny, taking into consideration not only the actions of State agents but also all the surrounding circumstances (see *Petrosyan v. Azerbaijan*, no. 32427/16, §§ 46-47, 4 November 2021).

72. Also, in cases concerning the personal concept of jurisdiction, a State may be held accountable for a violation of the Convention rights and freedoms of persons who are in the territory of another State but who are

found to be under the former State's authority and control through its agents operating – whether lawfully or unlawfully – in the latter State (see *Öcalan v. Turkey* [GC], no. 46221/99, § 91, ECHR 2005-IV, and *Issa and Others v. Turkey*, no. 31821/96, § 71, 16 November 2004). That approach also covers isolated and specific acts of violence involving an element of proximity (see *Ukraine and the Netherlands v. Russia* (dec.), cited above, § 570; *Ukraine and the Netherlands v. Russia* (merits), cited above, § 353) and was taken in a series of cases including *Isaak and Others v. Turkey* ((dec.), no. 44587/98, 28 September 2006), *Andreou v. Turkey* ((dec.), no. 45653/99, 3 June 2008), and *Solomou and Others v. Turkey* (no. 36832/97, §§ 48-51, 24 June 2008).

73. As regards the burden of proof, the Court points out that in the situation where persons are found injured or dead, or who have disappeared, in an area within the exclusive control of the authorities of the State and there is *prima facie* evidence that the State may be involved, the burden of proof may also shift to the Government since the events in issue may lie wholly or in large part within the exclusive knowledge of the authorities. If they then fail to disclose crucial documents to enable the Court to establish the facts or otherwise provide a satisfactory and convincing explanation, strong inferences may be drawn which may be unfavourable for the respondent Government (see *mutatis mutandis Varnava and Others v. Turkey* [GC], nos. 16064/90 and 8 others, § 184, ECHR 2009; and *El-Masri v. the former Yugoslav Republic of Macedonia* [GC], no. 39630/09, § 152, ECHR 2012).

2. Application of the general principles to the present case

74. The applicants alleged that H.T. had been injured by Azerbaijani soldiers who had fired gunshots at the military vehicle being driven by H.G.; for a period of time of between thirty minutes and two hours (see paragraph 16 above), he was conscious but unable to move independently, and therefore less if at all capable of defending himself: shortly before his death by decapitation, both his hands had been cut off. These facts have been confirmed, as set out above, by medical documents and other evidence produced to the investigation carried out into the incident by the “NKR” authorities, and their veracity has not been successfully disproved or pertinently questioned by the respondent State. On the contrary, the presence of Azerbaijani soldiers in the area at the relevant time, as well as their direct participation in shooting at the military vehicle and killing the two soldiers in it, were confirmed by the Azerbaijani authorities and in the Azerbaijani media (see paragraphs 7 and 23 above, respectively). Moreover, H.T.'s head had (at least for a while) been in the possession of R.A., an Azerbaijani soldier (see paragraph 19 above), the only plausible explanation for that being that the applicants' account of the events was correct.

75. The Court has already found that there was a strongly arguable case for finding the applicants' allegations concerning the circumstances in which H.T. died to be substantially accurate (see paragraph 50 above); they

therefore cannot be regarded as “a matter of speculation and assumption” (by way of contrast, *Buldan v. Turkey*, no. 28298/95, § 81, 20 April 2004). The burden of proof to substantiate a different account of the relevant circumstances has therefore shifted to the respondent Government. Indeed, even if it cannot be established that the events at issue occurred in an area within the exclusive control of the Azerbaijani forces (see paragraph 46 above), they have however been found to fall within the jurisdiction of the respondent State, because Azerbaijani State agents had authority and control over the victim (see paragraph 54 above) and for that reason the facts lie wholly or in large part within the knowledge of the respondent State authorities (see paragraph 73 above).

76. Nevertheless, the respondent State has failed to engage in a concrete rebuttal of the applicants’ arguments and allegations (see also paragraph 67 above). They provided no satisfactory and convincing explanation as to the circumstances of H.T.’s death and whether it could be justified by reference to any of the exceptions in the second paragraph of Article 2.

77. The Court concludes therefore that H.T. was killed by Azerbaijani soldiers acting as agents of the respondent State, and this was done after he had been injured and hence could not defend himself or even move autonomously. The Court is accordingly satisfied that the impugned conduct was not compatible with international humanitarian law (see, *mutatis mutandis*, *Ukraine and the Netherlands v. Russia*, cited above, § 1042).

78. In the light of its above findings (see paragraphs 75-77 above), noting that no conflict existed between the Convention and international humanitarian law and in the absence of any further argument indicating that any of the exceptions in the second paragraph of Article 2 might apply so as to justify the killing of H.T. by the Azerbaijani soldiers, the Court finds that there has been a violation of that Convention Article.

III. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

79. The applicants complained that H.T. had been tortured before he was killed, that they were unable to recover his missing body parts, and that they have suffered extreme mental distress and anguish as a consequence.

They relied on Article 3 of the Convention, which reads as follows:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

A. The parties’ submissions

1. The applicants

80. On H.T.’s behalf and referring to the amputation of his hands and to his decapitation, which acts, according to the report of the forensic examination, were performed while he was still alive and with the intention

of debasing and humiliating him, the applicants submitted that there was a breach of Article 3 because that brutal treatment amounted to torture.

81. In their own name, the applicants submitted that the torture of H.T., his death through decapitation and the fact that the first applicant, H.T.'s father, had had to identify the mutilated body, as well as their inability to recover the missing body parts and consequently their inability to bury the body in its completeness, amounted to a breach of their own rights under Article 3 of the Convention.

2. The Azerbaijani Government

82. The respondent Government made no further submissions other than those presented under Article 2 (see paragraph 67 above).

3. The Armenian Government, third party intervener

83. The Armenian Government argued that the applicants' suffering was aggravated by the fact that the Azerbaijani authorities had made no attempt to identify and punish those responsible, despite videos and photos of the brutal acts of their soldiers being widely circulated in the Azerbaijani media and social networks.

B. The Court's assessment

1. General principles

84. In its ruling in *Petrosyan* (cited above, §§ 66-69), the Court summarised the following principles concerning Article 3 of the Convention, including in relation to the mental suffering of a victim's relatives:

“66. Article 3 of the Convention prohibits in absolute terms torture or inhuman or degrading treatment or punishment. No provision is made, as in other substantive clauses of the Convention and its Protocols, for exceptions and no derogation from it is possible under Article 15...

67. Having regard to the strict standards applied in the interpretation of Article 3 of the Convention, ill-treatment must attain a minimum level of severity before it will be considered to fall within the provision's scope. The assessment of this minimum is relative and depends on all of the circumstances of the case including the duration of its treatment, the physical or mental effects and, in some cases, the age, sex and health of the individual. The practice of the Convention organs requires compliance with a standard of proof “beyond reasonable doubt” that ill-treatment of such severity occurred.

68. In determining whether a particular form of ill-treatment should be qualified as torture, consideration must be given to the distinction, embodied in Article 3, between this notion and that of inhuman or degrading treatment. As noted in previous cases, it appears that it was the intention that the Convention should, by means of this distinction, attach a special stigma to deliberate inhuman treatment causing very serious and cruel suffering. In addition to the severity of the treatment, there is a purposive element, as recognised in Article 1 of the United Nations Convention against Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment, which defines torture in terms of the intentional infliction of severe pain or suffering with the aim, *inter alia*, of obtaining information, inflicting punishment or intimidating (see, among other authorities, *Aktaş v. Turkey*, cited above, §§ 310-313).

69. As regards the mental suffering of a victim's relatives, the Court has consistently acknowledged the profound psychological impact of a serious human rights violation on the victim's family members who are applicants before the Court. However, in order for a separate violation of Article 3 of the Convention to be found in respect of the victim's relatives, there should be special factors in place giving their suffering a dimension and character distinct from the emotional distress inevitably stemming from the aforementioned violation itself. The relevant factors include the proximity of the family tie, the particular circumstances of the relationship, the extent to which the family member witnessed the events in question and the involvement of the applicants in the attempts to obtain information about the fate of their relative (see, among other authorities, *Janowiec and Others v. Russia* [GC], nos. 55508/07 and 29520/09, § 177, ECHR 2013). ..."

2. *Application of the general principles to the present case*

(a) **Alleged violation of Article 3 in respect of H.T.**

85. The Court has found above that the Azerbaijani Government have not convincingly accounted for the circumstances of the death of H.T., or for the infliction of the severe injuries that he sustained before his death (see paragraphs 74 and 76-77 above).

86. The Court notes that inflicting those injuries involved a high degree of brutality, the forensic report describing in particular the severing of H.T.'s hands while he was alive, followed by his decapitation, which was the cause of his death. The particular nature of such injuries undoubtedly involved the deliberate intention of the perpetrators to cause very serious and cruel suffering.

87. In the light of the extreme level of severity of the deliberate ill-treatment inflicted on H.T., and having regard once more to the lack of any explanation, documentation or concrete information that would show that the perpetrators of that treatment had not been the Azerbaijani soldiers who had shot at the military vehicle H.T. was riding in, the Court finds it proved that H.T. was the victim of severe physical violence prior to his death, amounting to torture, for which the respondent State is responsible.

88. There has accordingly been a violation of Article 3 on that account.

(b) **Alleged violation of Article 3 in relation to the applicants' suffering**

89. In a number of cases the Court has been called on to examine whether the distress caused to relatives by the actions of members of the military forces during or after specific operations amounted to inhuman or degrading treatment contrary to Article 3 of the Convention: in the case of *Benzer and Others v. Turkey* (no. 23502/06, §§ 209-13, 12 November 2013), the Court found there had been inhuman treatment where the applicants had seen the

bodies of their close relatives who had been bombed by military aircraft and had had to collect what was left of their bodies and bury them in mass graves, the pilots who bombed the villages and their superiors who had ordered the bombings having had no concern for human life and the national authorities having failed to offer even the minimum humanitarian assistance to the applicants in the aftermath of the bombing; in *Akkum and Others v. Turkey* (no. 21894/93, § 259, ECHR 2005-II (extracts)) the Court examined the mutilation of a person's body after his death in an area where a military operation had been conducted and concluded that the anguish caused to the father of the deceased amounted to degrading treatment; the same approach was taken in *Akpınar and Altun v. Turkey* (no. 56760/00, §§ 86-87, 27 February 2007); in *Khadzhaliyev and Others v. Russia* (no. 3013/04, § 121, 6 November 2008), the victims' bodies had been dismembered and decapitated and the applicants had been unable to bury their relatives in a proper manner, which the Court found in itself to have caused them profound and continuous anguish and distress.

90. By way of contrast, in the case of *Cangöz and Others v. Turkey* (no. 7469/06, §§ 164-68, 26 April 2016), the Court found that the fact that the applicants' relatives' naked bodies had been displayed at the military base to a number of military personnel was justified by the need of the investigative authorities (namely doctors and a prosecutor) to lawfully carry out autopsies on those bodies. The applicants' suffering had no dimension or character distinct from the emotional distress inevitably caused to any family member of a deceased person in a comparable situation.

91. Turning to the present case, the Court reiterates its findings above that the Azerbaijani soldiers had tortured H.T. before they killed him by decapitating him (see paragraph 87 above). The applicants were repeatedly confronted with evidence of the soldiers' cruelty to H.T.: the first applicant had to identify H.T.'s mutilated body during the forensic examination, and the report was then provided to the applicants; at later stages, information about the circumstances of H.T.'s death and even a photograph of his head were made public in mainstream and social media. Furthermore, the missing body parts of H.T. have never been returned to the family and hence a proper burial of the whole body could not be carried out; lastly, the Azerbaijani authorities have taken no action to investigate the crimes against H.T.

92. In the light of its case-law (see paragraphs 84 and 89-90 above), the Court considers that the moral suffering endured by the applicants in the present case (see paragraph 91 above) must have caused them profound and continuous distress. That moral suffering was caused by the mutilation and brutal killing of H.T. and by the applicants' inability to recover his missing body parts and to carry out a proper burial. This amounted to degrading treatment contrary to Article 3 of the Convention (see, by way of contrast, *Khojayan and Vardazaryan v. Azerbaijan*, no. 62161/14, § 74, 4 November 2021).

93. It follows that there has been a violation of Article 3 of the Convention in respect of the applicants in their own name.

IV. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

94. The applicants, referring to the mutilation of H.T. as well as to the failure of the Azerbaijani authorities to return the missing body parts and their resulting inability to bury his body complete, further complained that their right to respect for their private and family life under Article 8 had been violated. The said Article reads as follows:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

95. The Court observes that this complaint arises out of the same facts as those examined under Article 3 (see also paragraphs 81 and 91 above) and, having regard to its conclusion under that provision (see paragraph 92 above), considers it unnecessary to examine it separately (see, *mutatis mutandis*, *Velkhiyev and Others v. Russia*, no. 34085/06, § 150, 5 July 2011).

V. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

96. Lastly, the applicants complained under Article 13 of the Convention in conjunction with Articles 2, 3 and 8 that they had had no effective remedy for their complaints and they complained under Article 14 in conjunction with Articles 3, 8 and 13 that the violations of their Convention rights were attributable to discrimination on the grounds of the ethnic and national origin of H.T. and of themselves: they submitted that the mutilation of ethnic Armenians was part of a State-administered practice by the Azerbaijani authorities to intimidate the Armenian community as a whole and to send a message of hatred and intolerance to ethnic Armenians.

97. The Court notes that the complaints under Articles 13 and 14 of the Convention are based on the same facts as those under Articles 2, 3 and 8. Having regard therefore to the facts of the case, the submissions of the parties and, more importantly, to its findings above, in which it has taken into account the general context of hostility and tension between Azerbaijan and Armenia (see paragraphs 4, 46-47, 75-76 and 87 above), the Court considers that it has examined the main legal questions raised in the present application and that there is no need to give a separate ruling on the merits of the complaints raised under Article 13 and 14 of the Convention (see, among many other authorities, *Saribekyan and Balyan*, cited above, §§ 102-03).

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

98. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

99. The applicants claimed 130,000 euros (EUR) in respect of non-pecuniary damage caused to them by the grave breaches of the Convention related to H.T.’s torture and unlawful killing.

100. The Government denied responsibility for the breaches complained of by the applicants. They submitted that in any event the finding of a violation in the present case would constitute sufficient just satisfaction.

101. Having regard to its findings of violations under Articles 2 and 3 of the Convention, and ruling on an equitable basis, the Court awards the first two applicants jointly EUR 60,000 and the third applicant EUR 30,000, in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

102. The applicants also claimed EUR 14,210 for the costs and expenses incurred before the Court. In support of their claim, they presented the legal agreement concluded with the non-governmental organisation (“NGO”) “Rule of Law”, whose representatives had formulated the submissions before the Court in their name. The agreement stated that for the payment of the costs and expenses related to the file, the NGO “invested its own resources with the condition that all those expenses would be presented to the ECtHR as part of Just Satisfaction”. Timesheets were also submitted showing outstanding professional fees, translation costs as well as other administrative expenses, with the request that the whole amount be paid directly into the account of the NGO Rule of Law.

103. The Government argued that the applicants had failed to produce any evidence that the legal costs had actually been incurred; and also that the receipts submitted did not reflect the alleged “administrative expenses”. The applicants’ claim had to be dismissed.

104. According to the Court’s case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to their quantum. In the present case, regard being had to the documents in its possession and the above criteria, and noting that it is not for it to enter into the question of how or by whom the costs and expenses have been paid, as long as they have been “incurred” (see *A.D. v. Malta*, no. 12427/22, § 219,

17 October 2023), the Court considers it reasonable to award the sum of EUR 14,210 covering costs under all heads, to be paid directly into the bank account of the NGO Rule of Law, as requested by the applicants.

FOR THESE REASONS, THE COURT

1. *Declares*, by a majority, the application admissible;
2. *Holds*, by six votes to one, that there has been a violation of Article 2 of the Convention;
3. *Holds*, by six votes to one, that there has been a violation of Article 3 of the Convention on account of H.T.'s torture;
4. *Holds*, by six votes to one, that there has been a violation of Article 3 of the Convention on account of the applicants' personal suffering;
5. *Holds*, unanimously, that there is no need to examine the complaints under Article 8, 13 and 14 of the Convention;
6. *Holds*, by six votes to one,
 - (a) that the respondent State is to pay within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
 - (i) EUR 60,000 (sixty thousand euros) to the first two applicants jointly, and EUR 30,000 (thirty thousand euros) to the third applicant, plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 14,210 (fourteen thousand two hundred and ten euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses, to be paid directly in the bank account of the "Rule of Law" NGO, as indicated by the applicants;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
7. *Dismisses*, unanimously, the remainder of the applicants' claim for just satisfaction.

V.T. AND OTHERS v. AZERBAIJAN JUDGMENT

Done in English, and notified in writing on 18 June 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Ilse Freiwirth
Registrar

Ivana Jelić
President

APPENDIX

List of applicants:

No.	Applicant's name and relationship to the deceased	Year of birth	Nationality	Place of residence
1.	V.T. (father)	1950	Armenian	Yerevan
2.	L.V. (mother)	1958	Armenian	Yerevan
3.	A.G. (sister)	1987	Armenian	Saint Petersburg