

Call on International Human Rights Community to raise voice against atrocities committed by Azerbaijan

Despite commitment to solve the conflict around Nagorno-Karabakh in a peaceful manner, on 27 September 2020 Azerbaijan launched a widespread aggression against the Artsakh Republic (the Nagorno-Karabakh Republic). With Turkish military support and incitement^[1] – it is well established that Turkish F-16 fighter planes and Turkish military personnel are in Azerbaijan^[2] as well as thousands of jihadist terrorist mercenaries recruited by Turkey from Syria and transferred to Azerbaijan, Azerbaijani armed forces targeted densely populated settlements, including such cities as cities Martuni, Martakert, Hadrut, Shushi and the capital Stepanakert.

Choice of means and methods of warfare by parties to an armed conflict is not unlimited. Each party to the conflict must take all feasible precautions in the choice of means and methods of warfare with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects. Indiscriminate attacks are prohibited both under treaty and customary international humanitarian law (IHL). As documented by the Ombudspersons of Armenia and Artsakh as well as journalists of numerous international and national media outlets working on the ground, Azerbaijani armed forces deployed weapons of indiscriminate nature as well as unmanned aerial vehicles (UAV) deliberately targeting the civilian objects and population, Cluster munitions prohibited under IHL were used against civilian objects and the civil population, especially in Stepanakert, also contaminating the area with unexploded ordnance, and posing addition risks for the civil population.^[3] More than 670 unexploded ordnance, including bomblets and submunitions, from cluster munitions were found only in Stepanakert and surrounding territories.^[4] Azerbaijani armed forces utilized heavy weaponry, such as multiple rocket launchers “Smerch” and “Grad” against the civilian objects and civilians.

Systematic indiscriminate shelling and direct strikes from UAVs, including use of cluster munitions, of Stepanakert and other settlements resulted not only in human loss and people suffering life-changing injuries, significant damage to civil and cultural objects, including residential building and houses, schools, ambulance and hospitals, as well as infrastructure vital for the survival of civilian population, but also displacement of significant part of the civil population of Artsakh. Even the Holy Savior Ghazanchetsots Cathedral, the symbol of Shushi, was deliberately struck with a precision strike twice on 8 October by the Azerbaijani armed forces causing significant destruction to the Cathedral.^[5] Destruction or willful damage done to institutions dedicated to religion, charity, education, the arts and sciences, historic monuments and works of art and science is prohibited under IHL.

As of 14 October 2020, 32 civilian persons were killed in Artsakh by the Azerbaijani armed forces, more than 100 civilians were wounded, including 86 with serious injuries. On 27 September 2020 a 2-year-old boy was injured while his 9-year-old sister died from drone strikes of Martini town as well as a pregnant woman was injured from drone attack to a civilian car fleeing from Mataghis village.

Moreover, at least 5 persons were killed after the humanitarian ceasefire in force till 12:00pm of 10 October 2020 signed in Moscow between the Ministers of Foreign Affairs of Armenia and Azerbaijan. As was reported by the Ombudsman of the Artsakh Republic, Mr. Artak Beglaryan, “members of a subversive group that invaded the Hadrut city killed at least four civilians. Among

them were a person with disability who was in no position to protect himself and his elderly mother^[6]. Under IHL, the elderly, disabled and infirm affected by armed conflict are entitled to special respect and protection.

Misha Movsisyan and his mother Anahit Movsisyan were shot to death in their house in Hadrut. The pictures of the dead body of Misha Movsisyan reveal signs of violence on his body, e.g. in his chest and abdomen. His left hand palm was shot by a gun, supposedly raised to show he was unarmed at his home.^[7]

On 14 October 2020, Azerbaijani armed forces launched indiscriminate attacks on Martakert town targeting the hospital as well as on “Artsakhenergo” organization. As a result, an employee of the organization, N. G., was killed. Medical units exclusively assigned to medical purposes must be respected and protected in all circumstances. There is no evidence of the hospital being used, outside their humanitarian function, to commit acts harmful to the enemy.

On 15 October 2020, two video clips were circulated on social media showing how two Armenian men surrender to the Azerbaijani armed forces, but in gross disrespect to the rules of international humanitarian law, were humiliated and executed.^[8] ***According to the Human Rights Defender of the Republic of Armenia, the place and time of the execution was established. It was established that the executed persons were civilians, residents of Hadrut city, B. H (born on 1947), and resident of Tayk village Y. S. (born on 1995)***^[9].

Moreover, backed with Turkish support the Azerbaijani armed forces on a number of occasions targeted settlements on the territory of the Republic of Armenia, including the town of Vardenis and surrounding villages in Gegharkunik region, as well as village Artsvanik in Syunik region. On 1 October 2020, one civilian was killed and two were injured, civilian houses were destructed as a result of direct drone attack on Mets Masrik village in Gegharkunik region of Armenia.^[10] On 14 October 2020, village Sotk of Gegharkunik region was targeted and a 14-year-old child was heavily injured, he is undergoing intensive treatment at the moment.

On a number of occasions there were attacks by Azerbaijani armed forces directed at journalists who were clearly identifiable. On 1 October 2020, a group of journalists suffered from shelling, as a result four civilians were killed, and at least 11 civilians wounded, including French and Armenian journalists.^[11] On 8 October 2020, in Shushi, two more journalists were wounded in the Shushi cathedral while documenting consequences of first attack on the cathedral earlier that day. Reported use of surveillance UAVs before the attacks where journalists were engaged in professional activities demonstrates deliberate nature of the attacks.^[12] Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected.

The military aggression launched by Azerbaijan disregarded the call of UN Secretary General Guterres call for global cease-fire in light of Covid-19 in March 2020 and subsequently, the UN resolution adopted in June severely burdening Armenian health care system and hampering the national efforts in response to Covid-19 and facilitating the spread of the virus.

The military aggression against Artsakh and direct attacks against the civilian objects and civilian population fits into the policy of Armenophobia and hatred against Armenians developed by Azerbaijani government for decades aiming at destruction and extermination of Armenians from their homeland. The Armenophobic policy of Azerbaijan against Armenians and everything related to Armenians has been periodically stressed in ECRI reports^[13]. The fact of discriminatory policy

and racism by Azerbaijan towards Armenians has been pointed out also by the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities. In its opinions on Azerbaijan, the Advisory Committee pointed out the incidents of “hostility and discrimination” against Armenians, existence of anti-Armenian sentiments in Azerbaijan and recommended Azerbaijan to take steps for eliminating the discriminatory attitude towards Armenians.^[14]

The anti-Armenian policy of Azerbaijani Government was confirmed also by the European Court of Human Rights in the latest case of *Makuchyan and Minasyan v. Azerbaijan and Hungary* related to release from life imprisonment and glorification by the Azerbaijani Government of Ramil Safarov, military officer of Azerbaijan, who had murdered with an axe Gurgen Margaryan, an Armenian military officer, while asleep and attempting to kill another Armenian servicemen, during a NATO-organized event.^[15]

In this respect, we call upon the international human rights community to demonstrate the leadership and commitment to universality of human rights and raise voice in protection of the Armenian people of Nagorno-Karabakh Republic (Artsakh) and their fundamental rights and respect to the core principles and values in the letter and spirit of the universal and regional human rights documents.

We urge the international human rights community to take strong stand against violations of human rights and humanitarian law and against war crimes committed by Azerbaijan.

Protection of Rights without Borders NGO

Transparency International Anti-Corruption Center

Open Society Foundations – Armenia

Helsinki Citizens’ Assembly-Vanadzor

Analytical Centre on Globalization and Regional Cooperation

Journalists’ club “Asparez”

Law Development and Protection Foundation

CPI Armenian Center

Helsinki Association for Human Rights NGO

Europe in Law Association NGO

Aleppo Compatriotic Charitable Organization

“Khoranard” intellectual center NGO

“Tatevik” NGO

“Armenian Youth League” NGO

“Centre of Economic Right” NGO

Human Rights Power NGO

Country Water Partnership NGO

Confederation of Trade Unions of Armenia
Social Justice NGO
Peace Dialogue NGO
Unison NGO
Freedom of Information Center
Women's Resource Center
Union of Informed Citizens
Tumanyan law firm
"Community Center for Development" Territorial Cooperation NGO
"BLEJAN" NGO
"Ecolur" NGO
AYWA-Armenian Young Women's Association
The Urban Foundation for Sustainable Development
Coalition to Stop Violence Against Women
Children Assistance Fund
Armenian Progressive Youth NGO
For Equal Rights NGO
New Generation Humanitarian NGO
Veles NGO

[1] The role of Turkey in this conflict has been recognized and flagged by the US, France, Austria, Canada etc. https://www.reuters.com/article/armenia-azerbaijan-france-int-idUSKBN26L19T?fbclid=IwAR08GO4RceKZziA0nIKrekqFXsEzzP2524OX4eYkzWkhX5liy6eIZq_LmRq, https://www.cbc.ca/news/politics/nagorno-karabakh-turkey-armenia-azerbaijan-1.5762649?fbclid=IwAR0XqpCyCcaQcMHPvulPXoEyWvn1JAPggxZm7AulMZ_u4IhsqYiGzUQp910, <https://www.cbc.ca/news/politics/nagorno-karabakh-canada-turkey-champagne-1.5758068?fbclid=IwAR3Ny7Yhh1OBuwYOdZEsZTTigwnSzlr1gWc2c61t3USTjvngVHMCGalppDI>

[2] Involvement of Turkey in the conflict in Nagorno-Karabakh is confirmed by the European Court of Human Rights by the decision on the request for interim measure lodged by Armenia against Turkey calling on "all states directly or indirectly involved in the conflict, including Turkey, to refrain from actions that contribute to breaches of the Convention rights of civilians, and to respect their obligations under the Convention, press release 276 (276), 06 October 2020 [https://hudoc.echr.coe.int/eng-press#{%22sort%22:\[%22kpdate%20Descending%22\]}](https://hudoc.echr.coe.int/eng-press#{%22sort%22:[%22kpdate%20Descending%22]})

[3] Armenia/Azerbaijan: Civilians must be protected from use of banned cluster bombs, 5 October 2020, <https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/>

[4] Armenpress.am, 673 unexploded bombs of Turkish and Israeli production found in Artsakh's Stepanakert, 12 October 2020, <https://armenpress.am/eng/news/1031396.html>

[5] Christianity Today, Symbolic Armenian Church was Shelled in Conflict with Azerbaijan, <https://www.christianitytoday.com/news/2020/october/armenian-cathedral-artsakh-nagorno-karabakh-ghazanchetsots.html>

[6] See more at the Artsakh Ombudsman, Updated edition of the second interim report on the Azerbaijani atrocities against the Artsakh population in September-October 2020, available at https://artsakhombuds.am/en/document/735?fbclid=IwAR3Tg_nv4k48sGSWzbU7wQ8Fgrt9Nqc5TYpEr_sw6miPZ_TfkHwR8b2SPAuQ

[7] Artsakh Ombudsman Official Twitter account, https://twitter.com/Artak_Beglaryan/status/1315581056075128832?s=20

[8] An execution in Hadrut-Karabakh, <https://www.bellingcat.com/news/rest-of-world/2020/10/15/an-execution-in-hadrut-karabakh/?fbclid=IwAR0rtIChQzDgSDSC7IkvLMxEilUzRSgG5F-Fv0pxEd68s4GPFS1v7z7wD6Q>

[9] Infocom.am, <https://infocom.am/Article/38966?fbclid=IwAR2DH89TFDPehDuPt-3T07NA6YoTLE7F9Jzu4EFEfRL03WBfFgacdYEBIQQ>

[10] Human Rights Defender of Armenia, Ad Hoc Public Report on Azerbaijani Drones' Targeted Attacks

[11] <https://www.reuters.com/article/us-armenia-azerbaijan-journalists-condit/two-french-journalists-seriously-wounded-after-shelling-in-nagorno-karabakh-idUSKBN26M5U7>

[12] Journalist Yury Kotenok told about the attack in Karabakh, <https://www.kp.ru/online/news/4042532/>

[13] European Commission against Racism and Intolerance. CRI(2016)17. ECRI Report on Azerbaijan (fifth monitoring circle). Adopted on 17 March 2016. Published on 7 June 2016. At par. 25. The full text of the report is available at <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-V-2016-017-ENG.pdf>

European Commission against Racism and Intolerance, Report on Azerbaijan, Adopted on 28 June 2002, available in <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-II-2003-003-ENG.pdf>

[14] <https://rm.coe.int/4th-acfc-opinion-on-azerbaijan-english-language-version/1680923201>

[15] ECHR, Makuchyan and Minasyan v. Azerbaijan and Hungary, judgment of 26 May 2020, <http://hudoc.echr.coe.int/eng?i=001-202524>