

Complaint to the UN Human Rights Council Working Group on the issue of human rights and transnational corporations and other business enterprises

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To: Ms. Anita Ramasastry, Mr. Dante Pesce, Mr. Surya Deva, Ms. Elżbieta Karska, Mr. Githu Muigai, Members of the Working Group on the issue of human rights and transnational corporations and other business enterprises

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Summary

Victims: The People of Artsakh (region formerly known as Nagorno-Karabakh) and The Republic of Armenia

Perpetrators: The Republic of Azerbaijan using arms purchased from the State of Israel

Authors: The undersigned civil society organizations and independent experts

Factual Circumstances: As of 27 September 2020, and continuing through today, Azerbaijan launches military attacks, which target civilian populations and civilian infrastructure in Artsakh (aka Nagorno-Karabakh), for the purpose of impeding the exercise of the right to self-determination of the Armenian people of Artsakh. Azerbaijan is supported by Turkey, who has recruited for pay and transported to the conflicting zone mercenaries from Syria.

Azerbaijan intensely deploys weapons of indiscriminate nature as well as unmanned aerial vehicles (UAV or drones) - deliberately targeting the civilian objects and population, and cluster munitions prohibited under International Humanitarian Law, contaminating the area with unexploded ordnance, and posing addition risks for the local civil population.

Discussion

Within the period of 2000 – 2017, Israel has exported arms worth 11,836 bln USDs. Most of the arms exports from Israel, within the period of 2000-2019, are air defense systems (38%), missiles (32%) and sensors (11%). According to Stockholm International Peace Research Institute (SIPRI) Arms transfer database the largest sales pertained to Azerbaijan, standing at 7%, to the USA, standing at 8% and to India, standing at 33%. Most of the purchases by Azerbaijan, more specifically 90%, was conducted within the period of 2015-2018. The detailed list of types of major weapons, based on the SIPRI Arms Transfers Database, purchased with the orders made within the period of 2000 to 2019 is provided in *Annex 1*.

The 3 main producers whose arms were exported from Israel belonged to **Elbit Systems, Israel Aerospace Industries and Rafael**. The main shareholder of **Elbit System** is Federmann Enterprises Ltd., which is registered in Israel and holds 44.3% of shares. **Israel Aerospace Industries** is fully state-owned by the Government of Israel. **Rafael Advanced Defense Systems Ltd.** is a Government-owned corporation.

On September 30, 2020, Hikmet Hajiyev, assistant to the president of Azerbaijan, [said in an interview](#) that Azeri military has been using Israeli drones during the escalation of the conflict along the frontline of Artsakh. On October 1, 2020, [Armenia posted photos that looked](#) like Israeli-made Harop loitering munition. Artsrun Hovhannisyan, the spokesperson of Defense Ministry of the Republic of Armenia [stated that Harop](#) apparently targeted a bus full of Armenian “volunteers” and seven were killed. The [Harop was used already](#) in the previous 2016 escalation between the Armenian forces of Artsakh and Azerbaijan. The Harop is a suicide drone that is manufactured

by [Israel Aerospace Industries](#). Earlier in July, the Armenian military [displayed](#) shot down Hermes 900 drones and SkyStriker suicide drone produced by **Elbit Systems** that were destroyed by Armenian forces.

On October 2, 2020, it was reported that a video circulated in online outlets suggesting that Israeli-made [LORA short-range ballistic missiles](#) produced by **Israel Aerospace Industries**, was used to cut a bridge between Armenia and Artsakh. Later, on October 5, 2020 Amnesty International accused Azerbaijan for using illegal [cluster munitions M095 DPICM](#) produced by IMI with the parent organization being **Elbit Systems**. The [footage obtained](#) from Stepanakert, showed that cluster munition was used to target residential areas of the city.

A [senior source from the Defense Ministry of Israel](#) had confirmed to Asia Times that Azerbaijan would not be able to continue the armed conflict without their support. It should be noted that military arsenal is continuously being supplied to Azerbaijan on the recent days of war.

The action of the Working Group on the issue of human rights and transnational corporations and other business enterprises is imperative at this time because the attacks from Azerbaijan have deliberately and persistently targeted civilian population in Artsakh, resulting in civilian deaths and injuries and loss of key civilian infrastructure, i. e. housing, schools, kindergartens, hospitals, etc. The Artsakh Ombudsman [reports](#) that in addition to the heavy shelling of Stepanakert, the capital, at least 5 other cities and dozens of villages have been targeted resulting in civilian deaths, and that schools and public infrastructure like electricity and water systems are targeted and damaged. In addition, there were cases when the drones were targeting the Armenian territory.

We request the Working Group, in accordance with its mandate, to particularly invite the attention of the state of Israel to its obligation and the primary responsibility to promote, protect and human rights and fundamental freedoms and to reiterate that corporations and other business enterprises, particularly the ones run by the state, have the responsibility to respect all human rights. More specifically, we request the Working Group to demand from the state of Israel and business enterprises **Israel Aerospace Industries and Elbit Systems** to implement the Guiding Principles on Business and Human Rights, including through appropriate policy frameworks, regulations and the development of national action plans on business and human rights.

In accordance with the mandate, we request the Working Group:

1. To conduct a thorough investigation of the level of exacerbation of human rights abuses in areas where Azerbaijan used the Israeli-made arms during the recent escalation of Nagorno-Karabakh conflict;
2. To intervene in the sale of drones and other weapons by the State of Israel and private companies to Azerbaijan that are being used against civilian population and civilian objects in the ongoing war;
3. To ensure that the state of Israel has functional obligatory mechanisms compelling enterprises to respect the standards of international humanitarian law in situations of armed conflict;
4. To ensure that the state of Israel fulfills its obligation to “warn business enterprises of heightened risk of being involved with gross abuses of human rights in conflict-affected areas”;
5. To ensure that the state of Israel employs compulsory guidance mechanism for state-owned and other enterprises in defense industry to avoid contributing to human rights

- harm, preemptively curbing arms transfer to high risk conflict zones, as well as entities that have a well-documented record of human rights violations in their home countries;
6. To ensure that the Israel Government ceases all exports of weapons to Azerbaijan while the conflict is ongoing, but instead tries to play a role as a peace-seeking mediator.

Civil Society Authors:

1. Transparency International Anticorruption Center
2. Open Society Foundations – Armenia
3. Helsinki Citizens Assembly Vanadzor
4. Analytical Centre on Globalization and Regional Cooperation
5. Protection of Right Without Borders
6. Law Development and Protection Foundation
7. Journalists Club “Asparez”

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ANNEX 1: Transfers of major weapons: Deals with deliveries or orders made for 2000 to 2019

Note: The 'No. delivered' and the 'Year(s) of deliveries' columns refer to all deliveries since the beginning of the contract. The 'Comments' column includes publicly reported information on the value of the deal. Information on the sources and methods used in the collection of the data, and explanations of the conventions, abbreviations and acronyms, can be found at URL <<http://www.sipri.org/contents/armstrad/sources-and-methods>>.

Source: SIPRI Arms Transfers Database

Information generated: 16 October 2020

Supplier/ recipient (R)	No. ordered	Weapon designation	Year(s) Weapon description	Year of order	of No. delivery	No. delivered	Comments
Israel							
R: Azerbaijan	(10)	Aerostar	UAV	2010 2011-2012	(10)	Incl production of components in Azerbaijan	
	6 (100)	OPV-62 Orbiter-1K	FAC Loitering munition	2013 2015-2018 2016	(6)	2016-2019 (80) Incl assembly/production in Azerbaijan as Zerba	
	(50) (6)	EXTRA Lynx	Guided rocket/SSM(2005) Self-propelled MRL(2005)		2008-2009 (50) 2006 (6)	For Lynx MRL Azerbaijani designation Dolu-1, Leysan and Shimsek	
	4 (5)	Aerostar	UAV	2007 2008	4		
	(10)	ATMOS-2000 155mm	Self-propelled gun		2008	2010 (5)	
	(10)	CARDOM 120mm	Self-propelled mortar		2008	2010-2011 (10)	
	(10)	Hermes-450	UAV	2008 2011-2013	(10)		
	(100)	Spike-MR/LR	Anti-tank missile	2008	2009-2010 (100)	Spike-LR version	
	(10)	Sufa	APV	2008 2009-2010	(10)		
	(40)	Barak-8	SAM	(2011) 2016	(40)		
	(40)	Barak-8ER	SAM	(2011) 2016	(40)		
	(1)	Barak-LR	SAM system	(2011)	2016	(1)	Part of \$1.6 b deal

(5)	Heron	UAV	(2011)	2013	(5)	Part of \$1.6 b deal
(5)	Searcher	UAV	(2011)	2013	(5)	Part of \$1.6 b deal
(100)	LAHAT	Anti-tank missile		2013	2015-2016	(100)
6	Shaldag	FAC	(2013)	2014-2015	(6)	Assembled or produced in Azerbaijan
(250)	Spike-NLOS	SSM/ASM		(2013)	2014-2018	(250) For OPV-62 and Shaldag FAC
(2)	EL/M-2288 AD-STAR	Air search radar		2014	2016	(2)
(50)	Harop	Loitering munition	(2014)		2015-2016	(50)
(100)	SandCat	APV	2015	2016-2018	(100)	
(10)	SandCat Spike-LR	SSM launcher	2015		2016	(10)
(250)	Spike-MR/LR	Anti-tank missile	(2015)		2016	(250) Spike-LR version for SandCar tank destroyers
(10)	Orbiter-3	UAV	2016	2016-2017	(10)	
(100)	Skystriker	Loitering munition	(2016)		2018	(100)
(2)	Hermes-900	UAV	(2017)	2017-2018	(2)	
(50)	LORA	SSM	(2017)	2018	(50)	
(4)	LORA	Self-propelled MRL	(2017)		2018	(4)
(10)	Sandcat SPEAR	120mm Self-propelled mortar	(2017)		2018	(10)
