

CENTER FOR LAW AND JUSTICE

“TATOYAN” FOUNDATION

REPORT

ON THE AZERBAIJANI UNLAWFUL ARMED PRESENCE

IN THE SOVEREIGN TERRITORIES OF ARMENIA

RESULTS OF THE FACT-FINDING ACTIVITIES CONDUCTED IN
ARMENIA’S SYUNIK, GEGHARKUNIK, AND VAYOTS DZOR PROVINCES

(OCTOBER 2022 – MAY 2023)

YEREVAN

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I. INTRODUCTION

1. This report is prepared by the Center for Law and Justice “Tatoyan” Foundation¹, a non-profit organization that protects and promotes human rights at both national and international levels, aims to strengthen the rule of law and democracy, as well as develop legal research and evaluation that keep the government accountable.

2. Within these goals and functions, the Tatoyan Foundation conducted targeted on-site visits to the provinces (*marz*) affected as a result of the unlawful invasion of Armenia’s sovereign territories. During the visits, fact-finding activities were carried out by the working group experts, including well-recognized international lawyers and advisers at the Tatoyan Foundation, Mr. Garo Ghazarian and Mr. Karnig Kerkonian, as well as IT and social media specialists, among others.

3. The visits and fact-finding missions were conducted from October 2022 to April 2023, in the provinces of Syunik, Gegharkunik, and Vayots Dzor.

4. In this report, the Foundation focused on documenting the evidence of Azerbaijani unlawful armed presence in the sovereign territories of Armenia, as well as their criminal policy of organized hate speech and animosity that became the root causes of gross and massive human rights violations by the Azerbaijani military in the 2020 September-November war and other armed aggressions by Azerbaijan.

5. The report also aims to unveil the truth behind Azerbaijan’s fake “peace-building”, and to shed light on the real picture that illustrates the criminal nature of the policy of ethnic hatred and enmity organized and sponsored by the Azerbaijani authorities.

6. It is also noteworthy, that all reports of Armenian Human Rights Defender’s referred to in this current report were prepared and published by Mr. Arman Tatoyan and his team as

¹ Center for Law and Justice “Tatoyan” Foundation was established in 2022 by Mr. Arman TATOYAN, who served as Armenia’s Human Rights Defender (Ombudsman) from 2016 to 2022, his full mandate.

a result of the fact-finding missions, studies, and professional analyses conducted in the ombuds institution of Armenia from the period of 2016 to 2022.

7. This report is a continuation of the previous reports prepared during his tenure as ombudsman, particularly the Security Zone ad hoc report on the areas of contact with the Azerbaijani armed forces, published in November 2021.²

8. The last two fact-finding missions conducted in October-December 2023 and April 2023³, and the ongoing situation regarding the Azerbaijani unlawful invasion of Armenia's sovereign territories once again manifest that there still is an urgent necessity for the establishment of a demilitarized security zone in the areas of contact as a fundamental safeguard to protect the rights of the population in Armenia.

9. For example, the latest escalation provoked by Azerbaijan in April 2023 illustrates the clear policy of the Azerbaijani authorities – they install illegal locations in Armenia's territories (like near civilian communities and on the roads) and then commit criminal offenses against the Armenian servicemen. They also commit several crimes against civilians, like thefts or shooting towards villages and villagers working in the fields, resulting in the situation that people are unable to earn their family income.

10. It should be reiterated that “security zones” or “safe zones”⁴ are sometimes the only way to guarantee safety, physical and existential security to people who are unable to leave

² AD HOC PUBLIC REPORT, *URGENT NECESSITY FOR A DEMILITARIZED SECURITY ZONE IN THE AREAS OF CONTACT WITH THE AZERBAIJANI MILITARY FORCES AS A FUNDAMENTAL SAFEGUARD TO PROTECT THE RIGHTS OF POPULATION IN ARMENIA: EVIDENCE-BASED ANALYSIS IN THE CONTEXT OF ONGOING SITUATION IN GEGHARKUNIK AND SYUNIK PROVINCES*; The report is available at <https://www.ombuds.am/images/files/26a9d7838a4f87fc198e65daadbc4ef1.pdf>.

³ The fact-finding mission was conducted right after the one-day escalation in the sovereign territory of Armenia, when the Azerbaijani armed forces started shootings [also with the use of mortars] in the areas of Togh and Vardenis communities on 11 April 2023. As a result, 4 Armenian soldiers were killed and several wounded. The shootings were from the Azerbaijani positions illegally deployed recently. The Azerbaijani criminal shootings also targeted the Vardenis community of Gegharkunik province; those were also from the positions unlawfully invaded by Azerbaijan. The work of the Sotk mine has also been stopped, and the staff has been evacuated.

⁴ A “security zone” or a “safe zone” suggests an area within a country engulfed in armed conflict or generalized violence that is made safe from military attack. The idea is that those within the zone can live there safely, protected from the impacts of the conflict, such as accessing work or education and being able to obtain necessary foodstuffs and medicines (see *Creating Safe Zones and Safe Corridors in Conflict Situations: Providing protection at home or preventing the search for asylum?*, June 2017, pages 1-3, available at

the conflict zone. Where they are the only means of providing people with some level of security, special regard must be paid to their creation, to access, to ensuring continued protection, to facilitating the rights of those living there, and to issues of responsibility and accountability of all relevant actors if they are to be at all meaningful.

11. It is internationally accepted that security zones are to guarantee human rights and the normal life of people, including protection of the following minimum rights:

- a. The right to life (through the principle of distinction);
- b. The right to be free from torture and cruel, inhuman or degrading treatment or punishment;
- c. Freedom from arbitrary recruitment (in terms of participation in the conflict);
- d. Personal security, particularly in relation to sexual- and gender-based violence;
- e. The right to the highest attainable standard of living and health;
- f. Access to humanitarian relief and assistance, and access by humanitarian organizations;
- g. Freedom of movement.

12. In this context, it is noteworthy that the security zone [also known as “buffer zones”] envisioned by the Geneva Conventions, “have a humanitarian and not a political aim; they are specially intended to protect the population living there against attacks.”⁵ A buffer zone can take many forms. It can be installed unilaterally or multilaterally, as well as by a UN Security Council resolution. It might be patrolled by a single state or a coalition, by two states together (even prior to potential adversaries), or by UN peacekeepers. It could also be demilitarized to keep the area neutral and prevent hostilities.⁶

https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_brief_Creating_safe_zones_and_safe_corridors.pdf.

⁵ See “Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949”, Yves Sandoz, Christophe Swinarski and Bruno Zimmermann, eds, International Committee of the Red Cross, 1987, page 709, available at https://www.loc.gov/rr/frd/Military_Law/pdf/Commentary_GC_Protocols.pdf.

⁶ It is essential to note that a buffer zone has flexible-use capacity: it can guard passively and defensively against threats of both other states and (transnational) non-state actors. Buffer zones can have many functions. For example, the buffer zones may guard against two states engaging in hostilities or going to war against each other.

13. There are several cases when various kinds of security zones have been created throughout history.⁷ As it is obvious from the international practice, in the discussed context it does not matter how different the historical background and circumstances of each specific case are, since in most cases the main purpose of establishment of security zones has a humanitarian nature. One thing is for sure: the creation of a “security zone” is an effective guarantee of protection of the fundamental rights and freedoms of civilians.

14. Put differently, there are various examples of security zones for humanitarian purposes in international practice. The main purpose of the creation of each of them has always been exactly the same: ensuring the security and protection of fundamental human rights of the people living in those areas. Therefore, a person and people with their fundamental human rights have always been at the core of the discussed process.

15. The ongoing reality continues to demonstrate that in order to protect the human rights of Armenia’s population, a demilitarized security zone should urgently be created in the areas of contact with the Azerbaijani military forces. This zone would serve as a fundamental safeguard to protect the vital human rights of all people who live in Armenia. However, the need for a demilitarized security zone is especially urgent so as to restore and guarantee the violated rights of the bordering population of Armenia, to ensure peace and security – their normal life.

16. This concept entails the removal of all Azerbaijani armed servicemen, including the Armed Forces, State Border Service, and the Police of Azerbaijan. This also means the removal of Azerbaijani signs and flags, as well as different traffic control equipment, including CCTVs. It also entails that all Armenian Border Guards or Armed Forces must also be removed and

Surely, this is the most common association with the term buffer zone. In this case, the states may agree to not base any military hardware there so as to prevent hostilities.

⁷ Clearly, as most historical examples would suggest, strategic functions and humanitarian motivation of buffer zones are not mutually exclusive. Instead, they most often complement each other (for more information about the cases of security zones in international experience see the Security Zone Report, available at <https://www.ombuds.am/images/files/26a9d7838a4f87fc198e65daadbc4ef1.pdf>).

located in the immediate vicinity of Azerbaijani new locations. They will serve as guarantees for the rights of the population of Armenia.

17. Moreover, many houses, lands, and other civilian objects that belong to the Armenian population have come under the control of Azerbaijani military forces. There are state-issued cadastral certificates, signed contracts, and other documents confirming the legitimate rights of the Armenian population over these objects. The removal of the Azerbaijani military, therefore, will restore the rights of the Armenian population, will ensure their normal life, and will safeguard their rights in the future.

18. This zone should cover at least 10km, which is the most optimal territory for the security of people and for the restoration of their violated rights and destroyed life. The observance or the control of the security zone should be carried out by international monitoring or any other peace-keeping mission.

19. Besides, the creation of a security zone does not mean that the territory would be recognized officially as part of the Republic of Armenia. The demilitarized security zone is only for the restoration of human rights and the normal life of the population in Armenia; it should also become subject to discussions within delimitation and demarcation processes.

20. This new report comes to prove and reiterates that grave human rights violations for people living in the areas of contact are continuously taking place in the areas of contact with the Azerbaijani armed forces. And, unfortunately, such a situation will remain given that this idea of the security [demilitarized] zone has not become a reality.

21. The fact-finding results clearly illustrate that the longer the Azerbaijani armed presence, the more severe the humanitarian crisis becomes in the civilian communities of those areas.

22. Without the security zone, the residents' human rights cannot be restored. This is urgently needed to restore the normal life of people in the bordering communities of Armenia, their human rights, and security.

II. THE AZERBAIJANI ARMED FORCES INVASION OF ARMENIA'S SYUNIK PROVINCE AND VIOLATIONS OF THE GORIS, TEGH, AND KAPAN COMMUNITY RESIDENTS' HUMAN RIGHTS

GORIS AND TEGH COMMUNITIES

23. In Goris and Tegh communities of Syunik province, the fact-finding activities were conducted from October 2022 to April 2023, including the special fact-finding mission carried out together with international lawyers and legal advisors at the Tatoyan Foundation, Mr. Garo Ghazarian and Mr. Karnig Kerkonian. They were, accompanied by Mr. Arman Tatoyan who initiated the mission.

24. Another fact-finding activity has been conducted in April 2023, right after the one-day escalation on the 11th of April, when the Azerbaijani armed forces started shootings, also using mortars in the areas of enlarged Tegh community of Syunik Province. As mentioned above, 4 Armenian servicemen were killed and several wounded. The shootings were from the Azerbaijani positions illegally deployed recently.

25. Several facts have been recorded during those two missions. First, it was recorded that as a result of the Azerbaijani occupation and unlawful locations, **4155 hectares of land** in Syunik's Goris community came under the direct target of the Azerbaijani armed forces.

26. These lands include both pastures and other agricultural lands with the following composition per villages:

- Verishen – 1800 hectares of pastures;
- Akner – 1200 hectares of pastures;
- Karahunj – 47 hectares of fruit gardens and 70 hectares of pastures;
- Hartashen – 230 hectares of pastures and 30 hectares of fruit gardens;
- Shurnukh – 150 hectares of pastures and 30 hectares of fruit gardens;
- Vorotan – 53 hectares of fruit gardens;
- Bardzravan – 15 hectares of pastures;

- Khndzoresk – 25 hectares of arable lands and 450 hectares of pastures;
- Nerkin Khndzoresk – 15 hectares of arable lands and 50 hectares of pastures.

Figure 1: Azerbaijani unlawful armed location in the sovereign territory of Armenia, Goris community, Verishen village



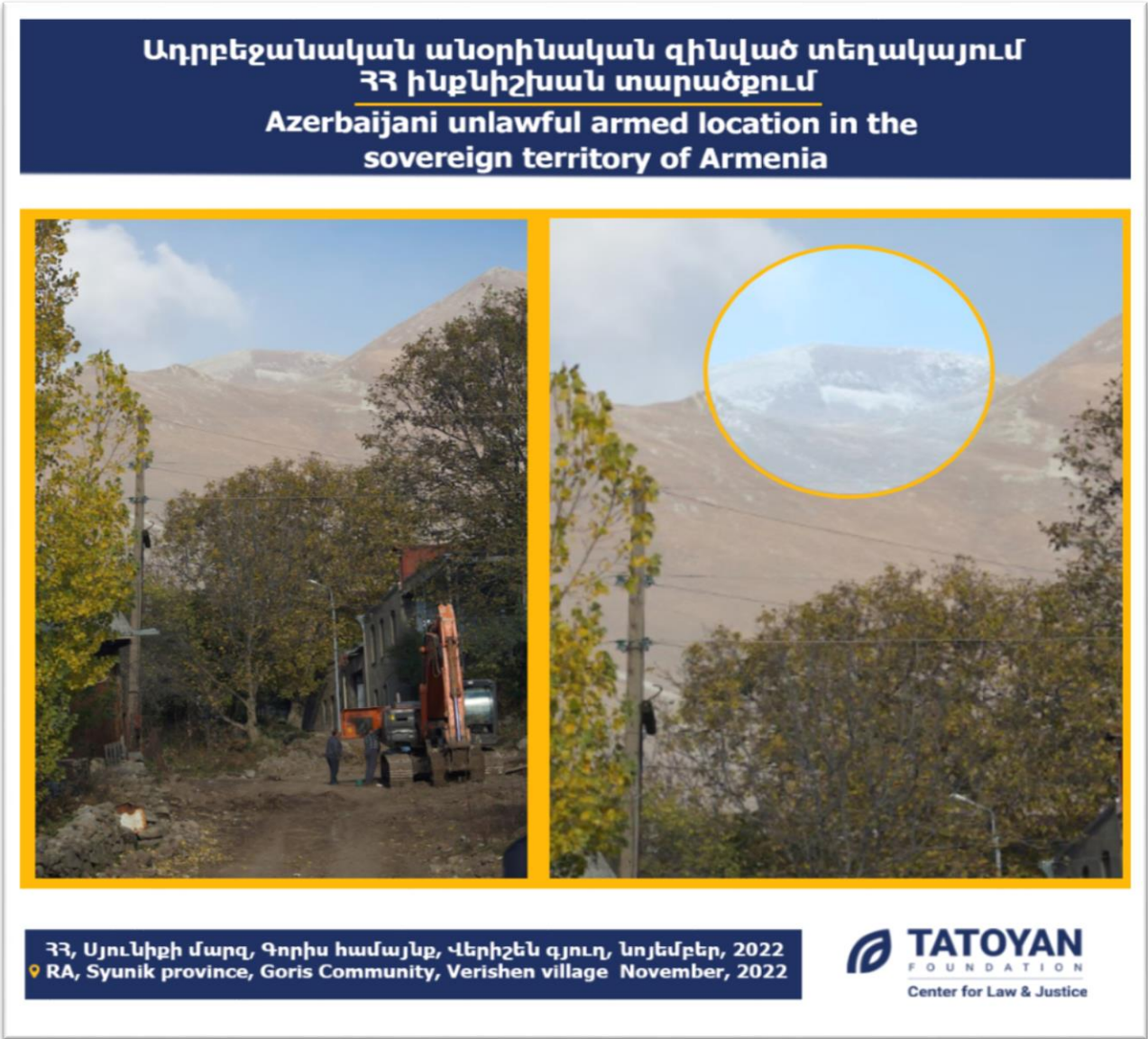
Figure 2: Four houses became under attack in Verishen by the Azerbaijani armed forces in September 13, 2022



Figure 3: Azerbaijani rocket fragments in the civilian house in Verishen village, Syunik province



Figure 4: Azerbaijani unlawful armed location in the sovereign territory of Armenia, Verishen village, Syunik province



27. The freedom of movement of people has continuously been limited and seriously disrupted due to the occupation and unlawful locations of the Azerbaijani armed forces on the Armenian roads, among others. As a result of blockaded roads, people are facing severe difficulties in moving from one civilian community to another.

28. In particular, the teachers working at schools of 3 villages in Goris community (i.e., Vorotan, Shurnukh, and Bardzravan villages) but who live in Goris city, are facing difficulties

in overcoming the road. Furthermore, it is extremely dangerous to use alternative roads, since they are under the direct target of the Azerbaijani armed forces. It is, thereby, obvious that the normal working process of the village schools and the family life of teachers living in Goris are disturbed; and this situation affected the entire educational process. The right to education in those villages, if put differently, has been restricted and highly challenged due to the unlawful invasion of the Azerbaijani military.

29. A vivid example that was recorded during the visits of October-December 2022 should be illustrated here. Thus, in order to organize the educational process in the villages, 3 teachers from Goris come to teach at the secondary school in Shurnukh village, 6 teachers – in Bardzravan village, and 14 teachers – in Vorotan village.

30. In the Goris community [that includes Goris city with several surrounding villages], one transportation route is currently operating. This route ["URAL-1"] is being used for both the people who need to take the Goris-Vorotan-Shurnukh-Bardzravan route and the school teachers [on Mondays and Fridays]. In fact, this route takes from 2 to 2.5 hours for the school teachers to reach the villages. As the teachers mentioned during interviews, they leave Goris at 8:00 AM in the morning. It is the same vehicle that takes them, first, to Vorotan, then continues its route to Shurnukh and it arrives in Bardzravan at around 10:00-10:20 AM. The return route is scheduled at 18:00 PM, so the teachers are back home [in Goris] only by 20:00 PM.

31. It was also recorded in 2022 October-December activities that on the other days of the week, there is a separate vehicle for the school teachers. The return transportation is scheduled in the evening, at around 16:00-17:00 PM, so the teachers could arrive Goris a little bit earlier, at around 18:00-19:00 PM. There is no separate route from the Bardzravan settlement to Goris, which could be done through the Tatev village; this would also shorten the travel time for those teachers teaching in Bardzravan. The Bardzravan school teachers can return to Goris on the Shurnukh-Vorotan road, which is 60 km and takes 2-2.5 hours.

32. The educational process was forced to be organized online for one week in September, 2022, due to the military aggression of Azerbaijani armed forces on September 12-13.

33. This evidence proves that the occupation and unlawful locations of Azerbaijani military forces have violated people’s peaceful life, freedom of movement, family rights, as well as children’s right to education, etc. They made the secure life and well-being of people in the discussed areas impossible.

Figure 5: The alternative road that is used now as the main road and by which everyday teachers come and go to Vorotan village

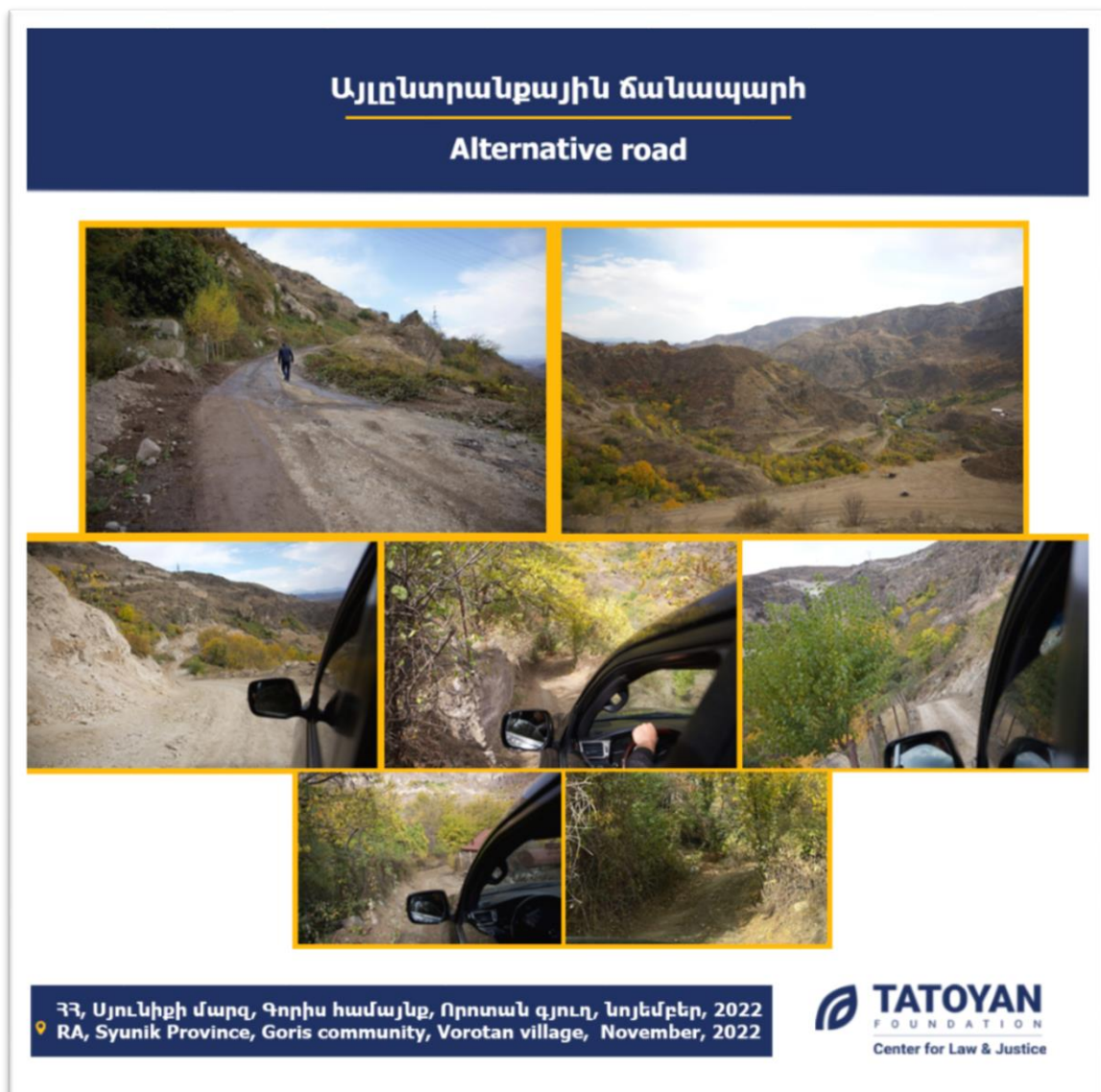
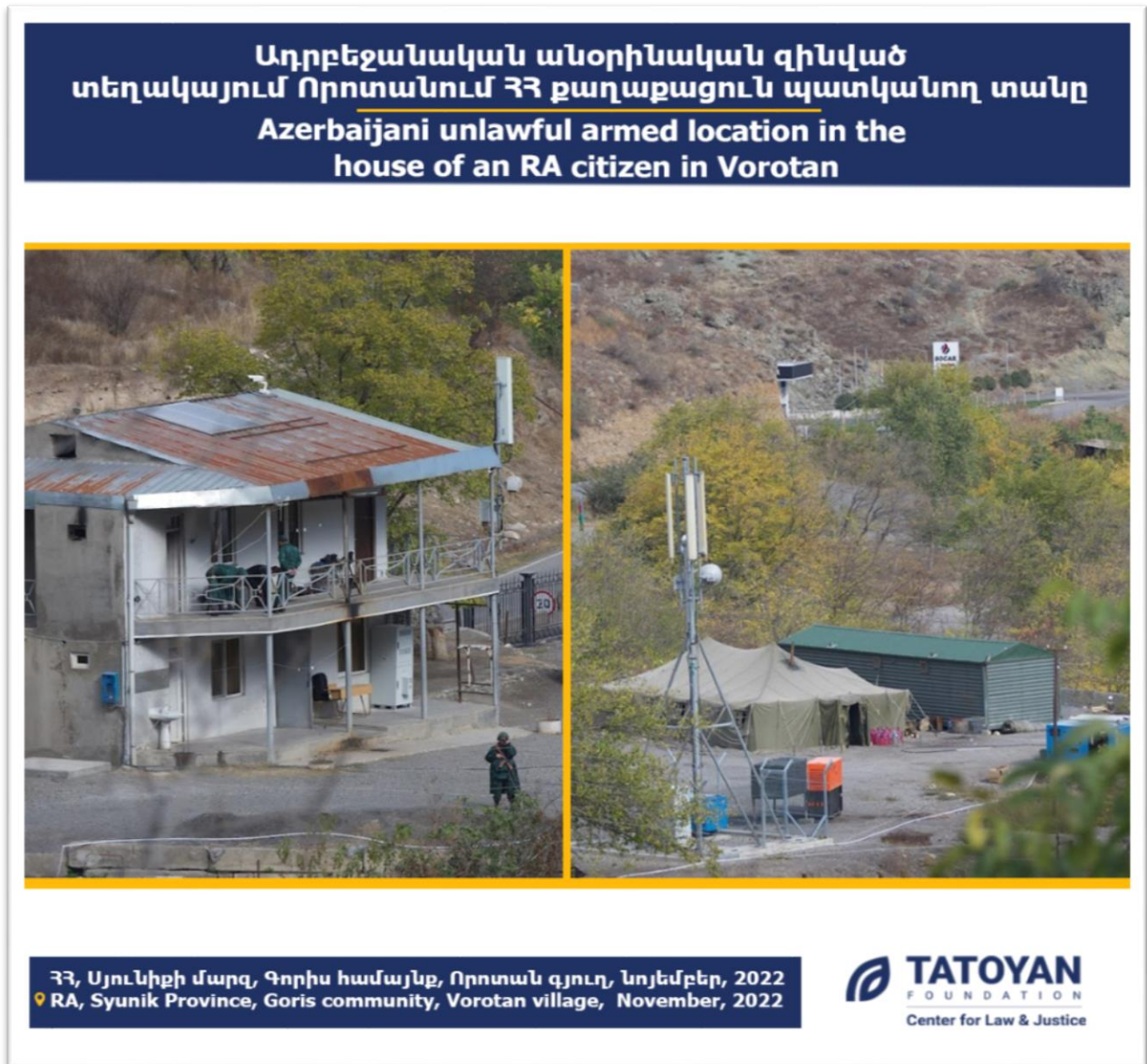


Figure 6: Azerbaijani unlawful armed location in the house of an Armenian national in Vorotan village



34. This house is located in front of the “Tatev” HPP in the Vorotan village of Goris community. The “Tatev” HPP is located near the Vorotan village on the left bank of the Vorotan River at an altitude of 730 metres (2,400 ft). It is one of Armenia’s largest HPP with an installed capacity of 157.2 megawatts (210,800 hp) and an annual generation of 670 GWh.

From this house, the Azerbaijani armed forces directly observe the “Tatev” HPP from a few hundred meters away.

Figure 7: Azerbaijani unlawful armed locations in the immediate vicinity of Vorotan village



Figure 8: Azerbaijani unlawful armed locations in the immediate vicinity of Shurnukh village



35. Red lines and circles in the above image [Figure 8] indicate two unlawful armed locations and the Shurnukh village school under the Azerbaijanis direct target.

Figure 9: Azerbaijani unlawful armed location in the immediate vicinity of Shurnukh village of Goris community [a photo taken from the school window]

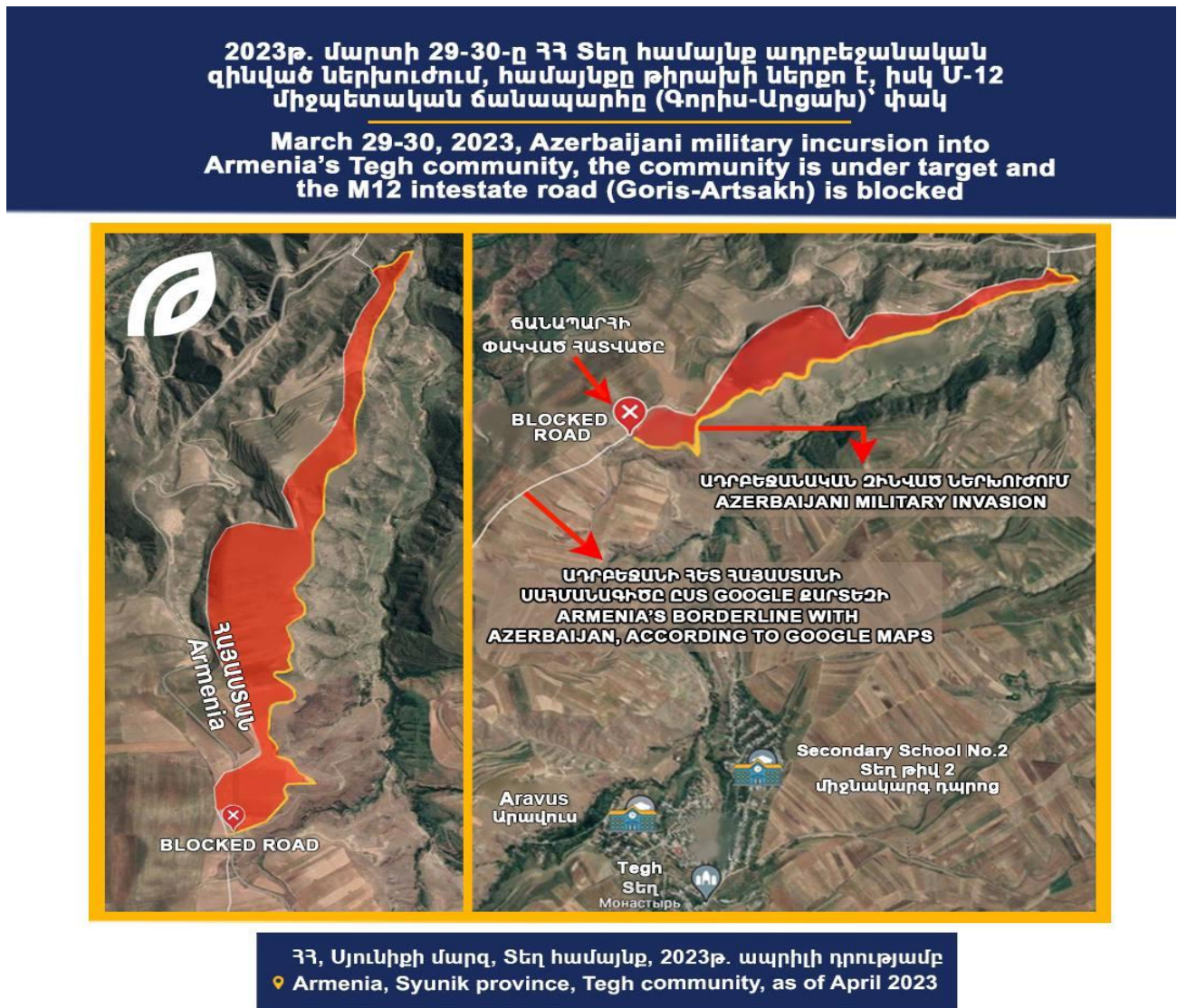


36. Needless to say, behind each and every part of homeland [specially in Syunik province] is a human destiny, family house, and families with centuries of history. As a result of the invasion and illegal presence of Azerbaijani armed servicemen in the sovereign territories of Armenia, dozens of families of Syunik’s Tegh community found themselves in a difficult social situation.

37. The act-finding activities in Tegh, Kornidzor, and Aravus villages of Syunik province indicate that almost all surrounding hills are occupied by the Azerbaijani armed forces.

38. The fact-finding activities of April 2023 also revealed that the Azerbaijani incursion into Armenia’s sovereign territory had kept the villages, including the village school under direct target.

Figure 10: The Azerbaijani military incursion into Armenia’s larger Tegh community and the Goris-Artsakh blocked road



39. As a result of the Azerbaijani deployments and the advancement of the positions, the civilian residents' houses, plots of land, as well as schools and kindergartens are under the Azerbaijani direct target aim.

40. The size of the plots under the direct control of the Azerbaijani armed forces alone is 130 ha of arable land, 30 ha of pasture, and the size of the plots under the direct target is about 400 ha of pasture.

41. As a result of the Azerbaijani criminal invasion of Togh village, many of the residents are unable to possess and use the already sown and cultivated arable lands. Many of the residents have sown their lands with agricultural loans, but currently, they are deprived of the opportunity to receive income and means of livelihood.

42. Further, many residents of the community have been engaged in livestock farming and beekeeping for years. Currently, livestock farming has become impossible. According to the testimony of the villagers, most of the pastures are observed by the Azerbaijani armed forces.

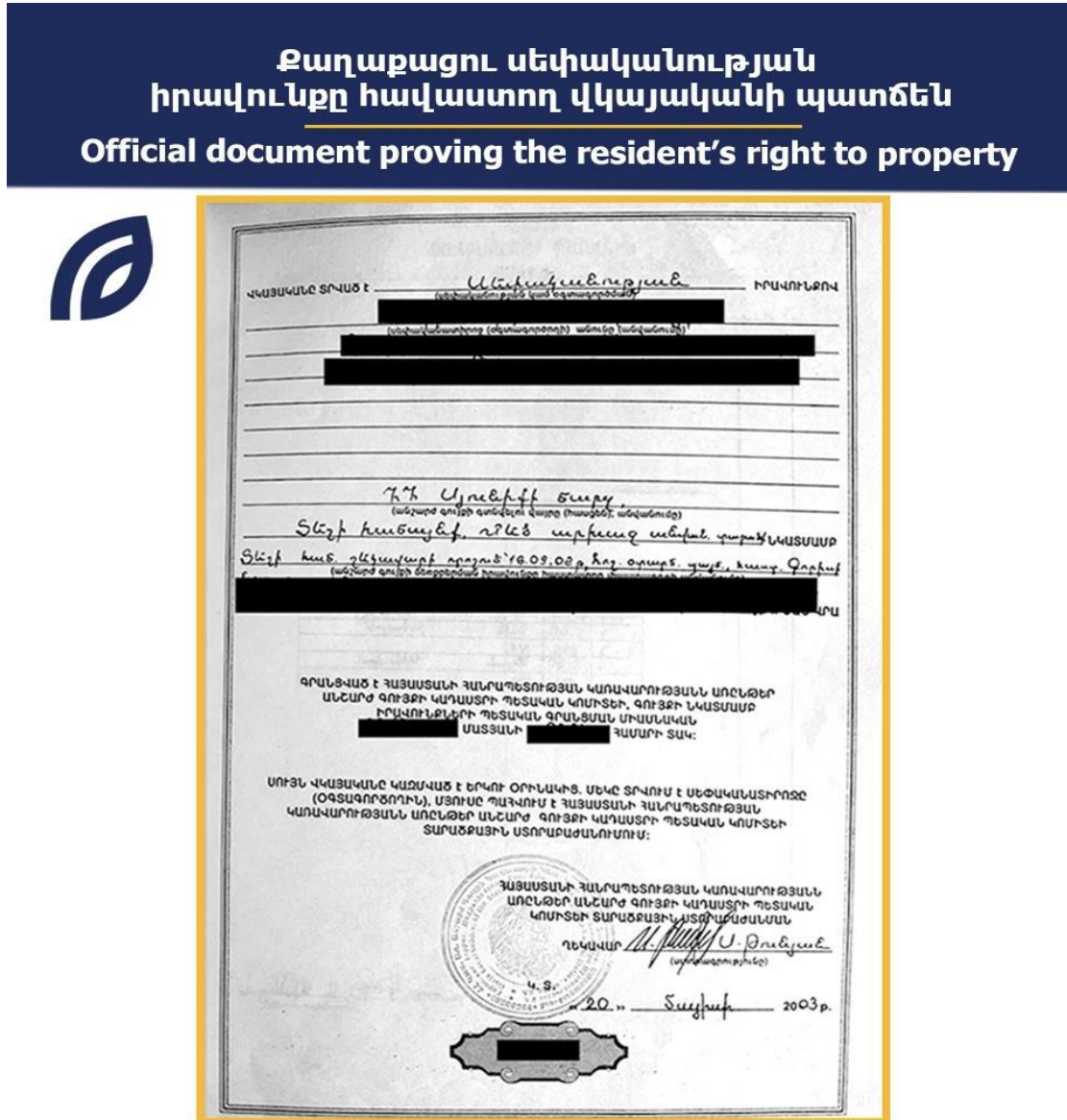
43. Many of the shepherds expressed fear for their safety in connection with grazing their cattle in the observed pastures. They noted that the distance from the pastures is such that the Azerbaijani soldiers can even hurt themselves by throwing stones.

44. Thus, the number of livestock was reduced. As the residents mentioned, it was not possible to keep a large number of animals in the plots near the house.

45. The villagers do not plan to make any prospective investments due to uncertainty and security issues.

46. As it was monitored, the residents mostly live in large houses with large families in the villages. People have been deprived of the arable land and pastures that they had possessed by law. They fear that they have lost any window of opportunity to earn family income. In the last visit of April 2023, the fact-finding team recorded again that these concerns and fear still exist among the civilians living in those villages.

Figure 11: A copy of the official document that ensures the Tegh community resident's right to property



47. In particular, around 4 dozen families have lawful ownership certificates but cannot even approach their lands. The evidence recorded during the fact-finding activities confirms that more than hundreds of hectares of arable land and pastures are either directly under

Azerbaijani occupation or under the control of, and observed by, the Azerbaijani armed services.⁸

48. One of the vivid examples to present here is the story of one of the Togh community's residents, who told the fact-finding team that he was deprived of the arable land that belongs to him according to official documents.

49. Due to the Azerbaijani criminal invasion of Togh village, this man cannot manage the 1.5 hectares of land he owns with legal documents. He has a certificate of ownership; there are all other required grounds, too, which prove that the land belongs to him since 2003.

50. As he told during the interview, with the borrowed money, he grew wheat and cultivated the land, but now the Azerbaijani armed servants are on his land. Albeit a very short distance, he cannot even approach his property. His family with 13 persons was deprived of the main means of livelihood. Due to the illegal presence of Azerbaijani armed servicemen, the family is unable to engage in livestock farming and beekeeping.

51. His family's normal life and safety have been disturbed; the social situation has significantly worsened. Dozens of families have found themselves in this situation in the local community due to the incursions and illegal presence of Azerbaijani armed officers. This is just one example that proves that the armed servicemen of Azerbaijan disrupt the normal life and safety of our civilians.

52. Besides, given the fact that the officers of the Armed Forces and the Border Guard troops of Armenia protect the civilian population from the Azerbaijanis' criminal acts, the lives and health of our soldiers and other services are also at high risk (just to reiterate that several members of the Armenian armed forces were killed and wounded during the latest escalation provoked by Azerbaijan recently).

53. It should be concluded that the illegal presence of the Azerbaijani armed servicemen, as well as the anti-Armenian policy of hatred of the Azerbaijani government, the sponsorship and impunity of the crimes committed by the hostile armed forces, prove that Azerbaijan has

⁸ The fact-finding team looked at the legal certificates issued to the people that confirm the ownership rights of the people to the land.

no intentions to approach the peace. We continue to insist that the demands to remove the Azerbaijani armed forces and provide a security zone for the protection of the civilian population are absolutely necessary and fully justified by international law.

KAPAN COMMUNITY

54. The fact-finding activities in Kapan community, Syunik province, were also conducted together with the international lawyers and legal advisors at the Tatoyan Foundation, Mr. Garo Ghazarian and Mr. Karnig Kerkonian, accompanied by Mr. Arman Tatoyan who initiated the mission.

55. It was recorded that in many settlements of the Kapan community, the residents are unable to use not only the lands under the control of the Azerbaijani armed forces but also the areas located in their vicinity, because serious security problems have been created. Civil infrastructures, many settlements and agricultural lands are now under the direct target of the Azerbaijani armed forces.

56. As a result of Azerbaijani armed attacks and invasions of September 12-13, 2022, the following lands (total of 2700 hectares) became under Azerbaijani occupation in the Kapan community of Syunik province:

- 2400 hectares of specially protected lands;
- 170 hectares of forests;
- 130 hectares of community lands.

57. Apart from the mentioned 2700 hectares, 1140 hectares of land appeared in dangerous areas, that do not allow agricultural works or any use:

- Nerkin Hand – 240 hectares;
- Srashen -160 hectares;
- Shikagoh– 240 hectares;
- Chakaten – 200 hectares;
- Geghanush – 300 hectares.

58. Serious human rights issues have occurred in several settlements of Kapan community, such as Nerkin Hand, Srashen, Chakaten, etc, where the peaceful life of people, children’s right to education, the ability of the population to earn a family income and a number of other rights are directly disrupted.

Figure 12: Azerbaijani unlawful armed locations in the sovereign territory of Armenia, including Nerqin Hand village



59. After the military aggression of the Azerbaijani armed forces on September 12-13 2022, Azerbaijani armed forces invaded deeper and set new military positions in Kapan community of Syunic province, the sovereign territory of Armenia. As a result, the residents were forced to evacuate their families, especially women and children, to other settlements of the Kapan community. The peaceful life of the population in Nerkin Hand has completely stopped.

60. In Nerkin Hand most of the agricultural lands are occupied by the Azerbaijani armed forces. It is not possible to use pastures and arable lands. Cattle was reduced by 70 %, and the number of pigs by 100%.

61. As a result of the Azerbaijani occupation of water sources, the drinking and irrigation water was cut.

62. Also, civilians suffer material losses (e.g, losses of animals due to thefts, mine explosions). Hence, they are deprived of the opportunities to earn family income.

Figure 13: Azerbaijani unlawful armed positions near the Nerkin Hand civil constructions



63. The Azerbaijani armed forces set a new unlawful position in the immediate vicinity of the school and cemetery of Nerkin Hand. The entire cemetery is under the Azerbaijani

armed forces' immediate target. Cases were reported when the Azerbaijani military servicemen went down there, and from time to time the residents hear shots.

64. Residents were deprived of the right to visit the graves of their relatives because going to the cemetery became extremely dangerous.

Figure 14: Azerbaijani unlawful armed locations in the immediate vicinity of the school of Nerkin Hand



65. As it was recorded from the previous fact-finding mission last year, the Azerbaijani armed forces set a new unlawful position in the immediate vicinity of the school of Nerkin Hand, from where they directly observed the school. As a result of this situation, the school ceased to function.

Figure 15: Azerbaijani unlawful armed locations in Srashen village: the entire village, houses and pastures, arable lands of residents, the road are under target



66. In the Srashen village houses and pastures, arable lands of residents, and the road are under immediate target.

67. 160 hectares of village lands appeared in dangerous areas, that do not allow agricultural work or any other use.

68. Due to the impossibility of using pastures, the number of livestock of animals has been reduced by 70%. The criminal activities of the Azerbaijani armed forces also continue by taking important infrastructures and roads between the communities under the direct control of their unlawful positions.

Figure 16: The alternative road built by the RA government connecting Kapan to Chakaten, Tsav, Shikahogh, Srashen and Nerkin Hand villages and which is located directly under the Azerbaijani armed unlawful positions

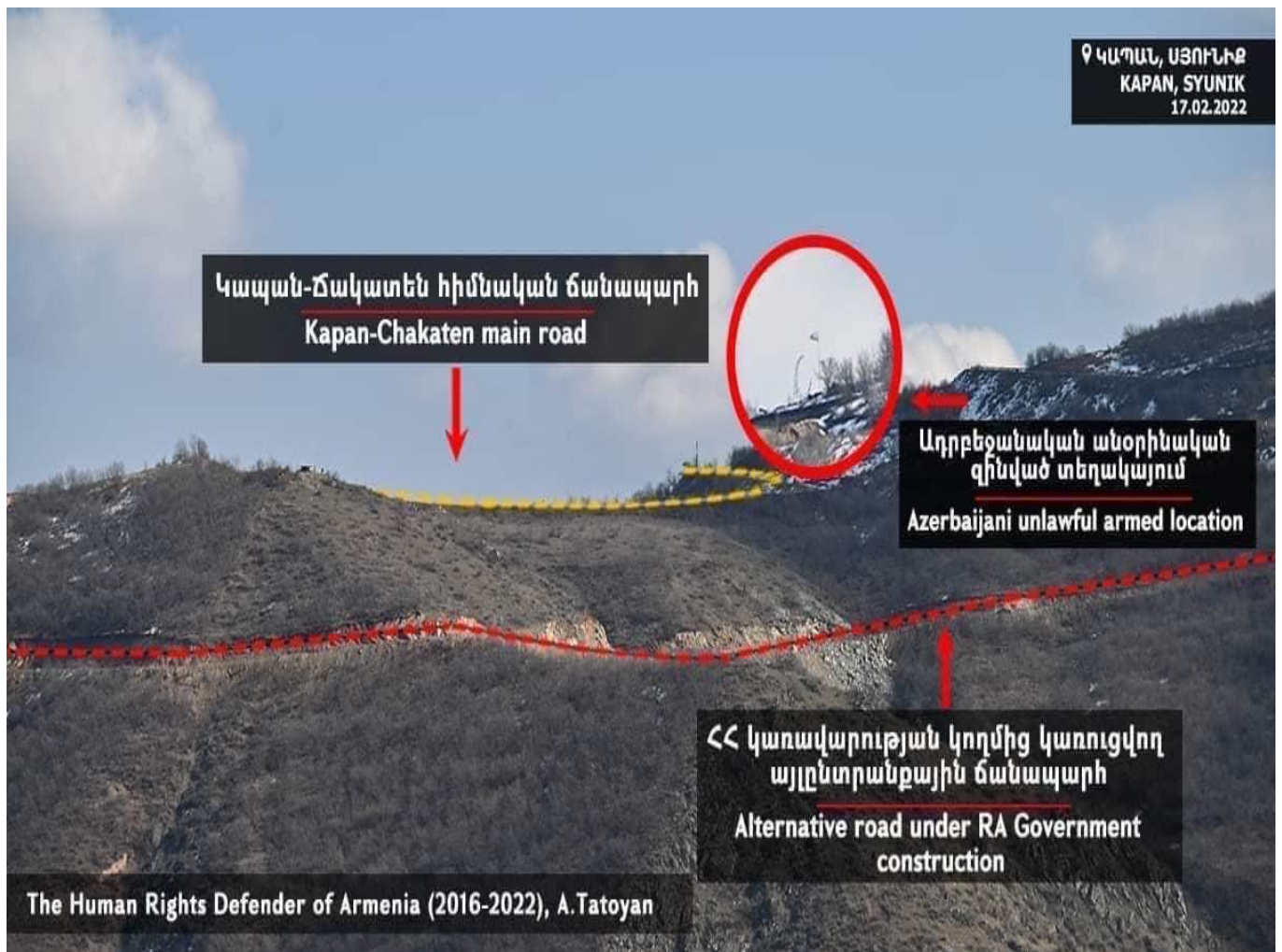


Figure 17: The Azerbaijani armed location on the Kapan-Chakaten new alternative road



69. During the military aggression of the Azerbaijani armed forces on September 12-13, 2022, from the position illustrated in the picture above, they targeted an ambulance vehicle belonging to the Kapan medical center and damaged the vehicle's engine. This clearly shows the imminent threat of Azerbaijani locations to the right to life and right to security of civilian population.

70. In those two days, they kept that road under fire, effectively cutting off the connection between the rural settlements and the city of Kapan. Public transportation from

Kapan to 6 villages stopped operating. This caused severe humanitarian and isolation issues for the population of the mentioned villages.

71. Moreover, from this unlawful location, they directly observed the Geganush tailings dump.

Figure 18: The new unlawful position in Chakaten village, from where the Azerbaijani armed forces targeted the entire village, agricultural areas, recreation areas and roads between communities.

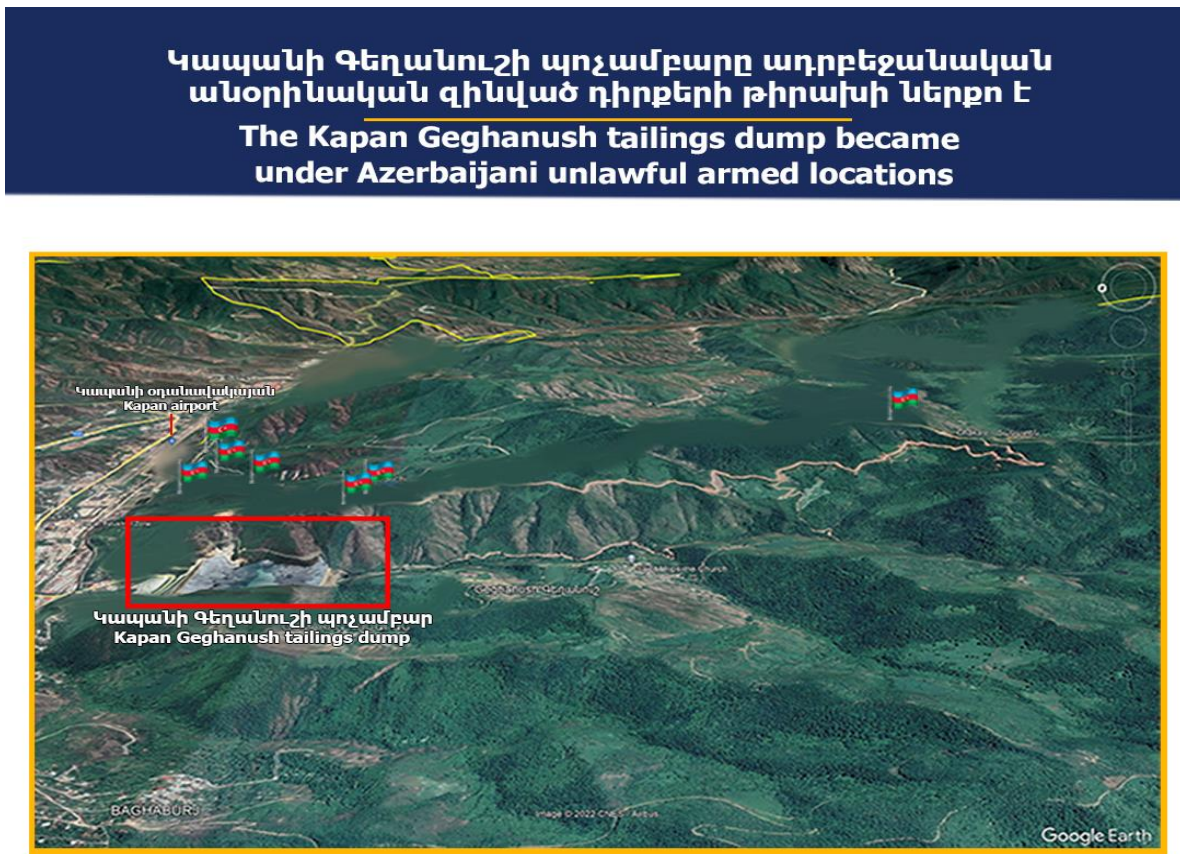


72. Since June 2022, the Azerbaijani armed forces have placed a new illegal position in the territory of the village of Chakaten, as a result of which the village, the recreation areas,

pastures and arable lands in the vicinity of that position are under direct target (See picture 30).

73. On September 13, 2022, this Azerbaijani armed position targeted an Armenian ambulance vehicle from a mine thrower. Also, from this position they targeted and wounded an Armenian serviceman, who died later.

Figure 19: The Geghanush tailings dump of Kapan became under the Azerbaijani unlawful armed locations



ՀՀ, Սյունիքի մարզ, Կապան համայնք, Նոյեմբեր, 2022
RA, Syunik Province, Kapan Community, November, 2022

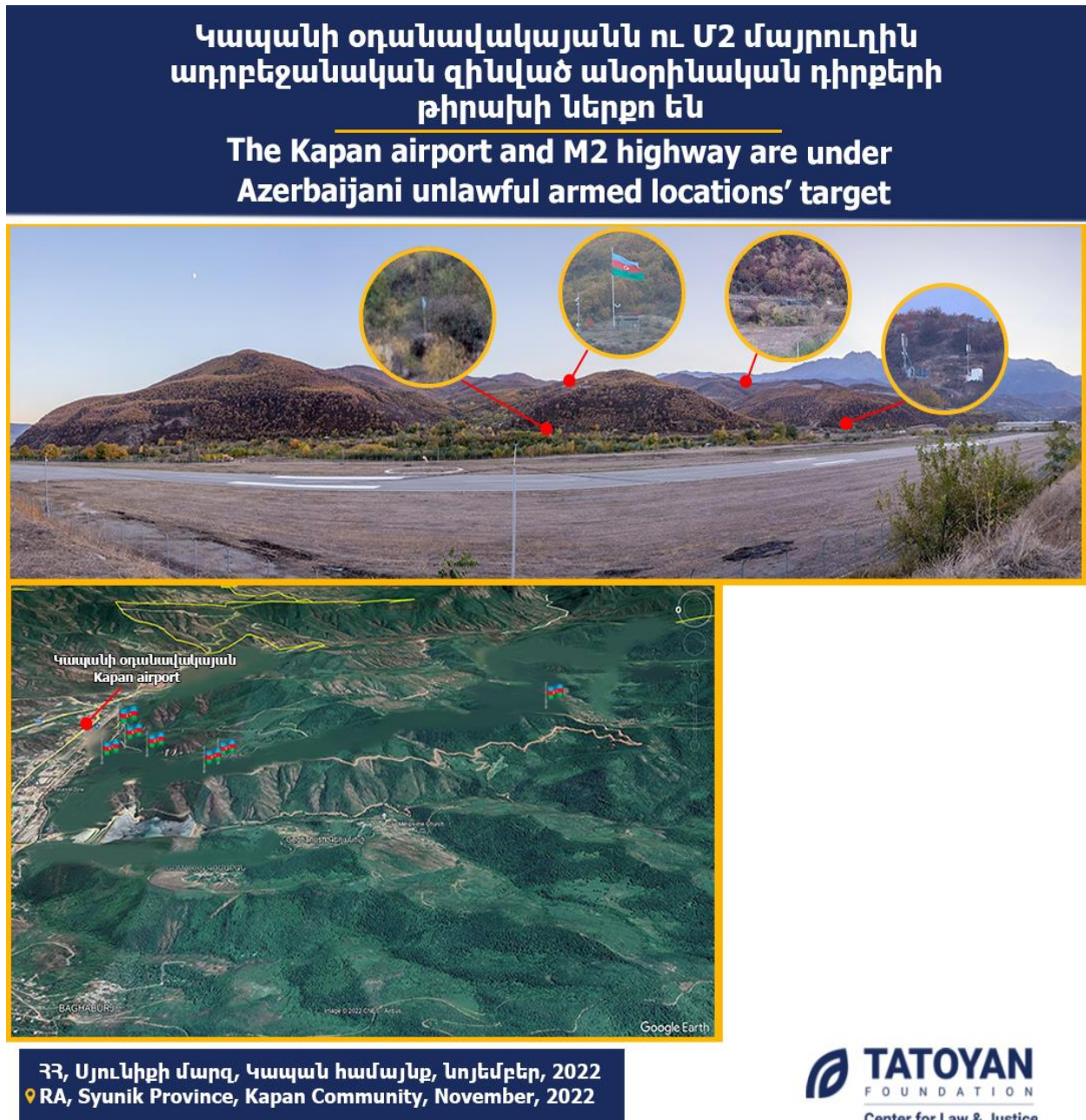
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Figure 20: Armenian communities, especially Geghanush and Gomaran villages and the Baghaburj district of Kapan city under Azerbaijani target



74. 300 hectares of rural lands of Geghanush and Gomaran villages appeared in neutral or inter-positional zones. Although this is part of the land, local herders, due to frequent livestock losses, no longer use these areas.

Figure 21: The Kapan “Syunik” airport and the observed part of M2 highway are under Azerbaijani unlawful armed locations’ target



75. Due to new unlawful military positions, Kapan "Syunik" airport and the M2 interstate highway (especially the 299-301 km part of the highway) adjacent to it came under direct target. For that reason, the airport cannot be operated. In addition, this part of the M2 highway

is also the road entering the city of Kapan and the civilian population travelling along it is under direct target.

76. It is also worth mentioning that, again, the Azerbaijani side had an illegal advance in Nerkin Hand village of Kapan. As a result of the military operations of September 13-14, 2022, villagers left their homes, particularly women and children.

77. The fact-finding visit of April 2023 made it clear that, currently, although many of the villagers have returned to the settlement, but the normal life is still disrupted.

78. According to the testimony of the villagers, the Azerbaijani armed forces shoot near the houses almost every day. Every day not only do they shoot near the houses but also place mines which sometimes explode.

79. Besides, as recorded, the Azerbaijani soldiers cut off drinking water from the source. They are illegally present in the cemetery and church area.

80. The presence of the Azerbaijani military endangers the lives of Syunik community residents. One of the examples to be mentioned here concerns the murder of a security guard at the Zangezur Copper-Molybdenum Combine in the town of Kapan in Syunik. He was shot to death by an Azerbaijani soldier who crossed the border into Armenia in April 2023.

81. To sum-up, the Azerbaijani armed officers that invaded the village of Nerkin Hand in Syunik strengthened their positions in and around the village area. They continue to disrupt the normal life of border residents. Almost every day, shots are fired from their illegally located positions in the village.

82. Further, Azerbaijan's military that invaded Armenia's sovereign territory in Kapan committed thefts of livestock. This situation still makes livestock farming in the community impossible. For example, in October 2022, 1 cow was stolen, and about 3 weeks before our visit in April 2023, 2 cows were stolen that approached their positions.

83. Added to this is the fact that the residents' cattle and pigs are dying from the explosions of the mines planted by the Azerbaijani armed services. For example, last year in October 3 cows, and in the last days before the visit, 2 pigs and 1 cow of the residents died from explosions.

84. People are forcibly slaughtering animals due to this inhuman situation. Before the Azerbaijani invasions and illegal settlements in the Nerkin Hand of Kapan community, people had more than 100 cows; today their number is 4. The number of pigs was reduced ten times – from 150 to 15.

85. Another issue that was recorded during the last fact-finding visit in April 2023 concerns property rights similar to the problems mentioned in Tegh and Goris above.

86. In Nerkin Hand, people are also deprived of the opportunity to use their own large areas of land. In particular, people are unable to cultivate more than 250 ha of land (87 ha of farmland, 140 ha of arable land, 30 ha of grassland) and earn a living. Beekeeping is also one of the basic occupations of people in Nerkin Hand, which has become complicated due to the deployment of the Azerbaijani armed forces.

87. The Azerbaijani invasion of Kapan's Nerkin Hand village has also resulted in the problem of safe use of water resources and access to water. People are deprived of drinking water, which means they have to use water unfit for drinking.

88. What is more, the Azerbaijani servicemen are illegally present in the territory of the cemetery and the church. As from September 2022, the residents of the village are unable to approach the village cemetery and their family graves. This situation is also problematic in terms of burying in the village those family members who pass away. They are forced to bury them in other settlements of Kapan community. This is another illustration of humanitarian catastrophe.

89. Besides, St. Hripsime Church is located near the cemetery – the only church of the village which still under Azerbaijani occupation today. People are unable to visit the church, to attend liturgical services, or simply celebrate main religion events in St Hripsime.

III. THE AZERBAIJANI ARMED FORCES INVASION OF ARMENIA'S GEGHARKUNIK PROVINCE AND VIOLATIONS OF THE VARDENIS COMMUNITY RESIDENTS' HUMAN RIGHTS

90. In Gegharkunik province, the fact-finding activities were conducted in November and December 2022, as well as in April 2023. It covered separate directions of Vardenis community, including, *inter alia*, the following villages:

- Kutakan;
- Tretuk;
- Sotk;
- Ayrk;
- Jaghatsadzor;
- Verin Shorzha and Nerkin Shorzha,
- Norabak; as well as
- Pokr Masrik;
- Areguni;
- Arbunq.

91. As a result of the Azerbaijani military aggression of September 13-14, 2022, most intrusions took place in two of the mentioned villages – Kutakan and Tretuk.

92. In particular, Azerbaijani armed forces are deployed in the immediate vicinities of the village, placing about a dozen positions, including an infantry fighting vehicle; the entire village, including the village school, is observed.

Figure 22: Kutakan and Tretuk villages are under target of the Azerbaijani armed forces



93. As a result of military presence or aggression, the entire village was evacuated. At the time of the fact-finding visit, the population had returned, except for the seven families (mostly with children) who did not return.

94. Even now, families with children are supposed to leave for neighboring villages at night, where the sounds of gunfire are not heard.

95. According to the residents, shots are constantly heard during the night hours, which aim to spread terror and instill fear.

96. One of the residents even, mentioned that shots are heard “almost every single day”.

97. Furthermore, given that most of the families living in this region have toilets outside of their houses, the children are afraid to use them [the toilets] when it is dark. They feel insecure because of the Azerbaijani armed forces’ permanent presence, who keep the villages under their direct aim and target.

98. This has caused humanitarian and isolation serious issues for the population of the mentioned village.

99. Apart from terrorizing people, violating human rights and creating humanitarian problems, the Azerbaijani armed forces are destroying Armenian cultural heritage.

100. There was an Armenian chapel on one of the hills that came under the control of the Azerbaijani armed forces, there are reasonable suspicions that the Azerbaijani armed forces destroyed it.

Figure 23: As a result of the Azerbaijani military incursion of September 13-14, 2022, into the RA sovereign territory, Kutakan village is under target



101. Azerbaijani armed forces' unlawful locations and the regular shootings initiated by them violate also property rights and the ability of the population to earn a family income. In particular, due to these shootings, they are not able to use arable lands and pastures, and there are obstacles to livestock farming.

102. The fact-finding activities of the Center for Law and Justice "Tatoyan" Foundation have proved that 3200 hectares of pasture land and 400-450 hectares of arable land belonging to the residents of Kutakan community cannot be used or seriously endangered as a result of Azerbaijani armed forces observation. According to the residents, the Azerbaijani forces with the use of weapons are obstructing the operation of agricultural machinery and the number of cattle has significantly decreased. The main occupation and source of income of the residents of the mentioned village are farming and animal breeding, which has become impossible due to the unlawful locations of the Azerbaijani armed forces.

103. Thus, in order to ensure safe access to drinking water, with the intervention of the head of the Kutakan community, the water is subjected to laboratory examination once a week, because the Azerbaijani military has access to water from which rural settlements are fed, and the possibility of dangerous exposure has increased.

104. All these humanitarian problems and serious violations of human rights were caused by the unlawful locations of the Azerbaijani armed forces. These actions of the Azerbaijani Armed Forces should be considered as a common intention, taking into consideration that they also commit the same actions against the residents of the border villages of Syunik and Gegharkunik provinces of Armenia.

Figure 24: As a result of the Azerbaijani military incursion of September 13-14, 2022, into the sovereign territory of Armenia, the Tretuk village school is under target as well

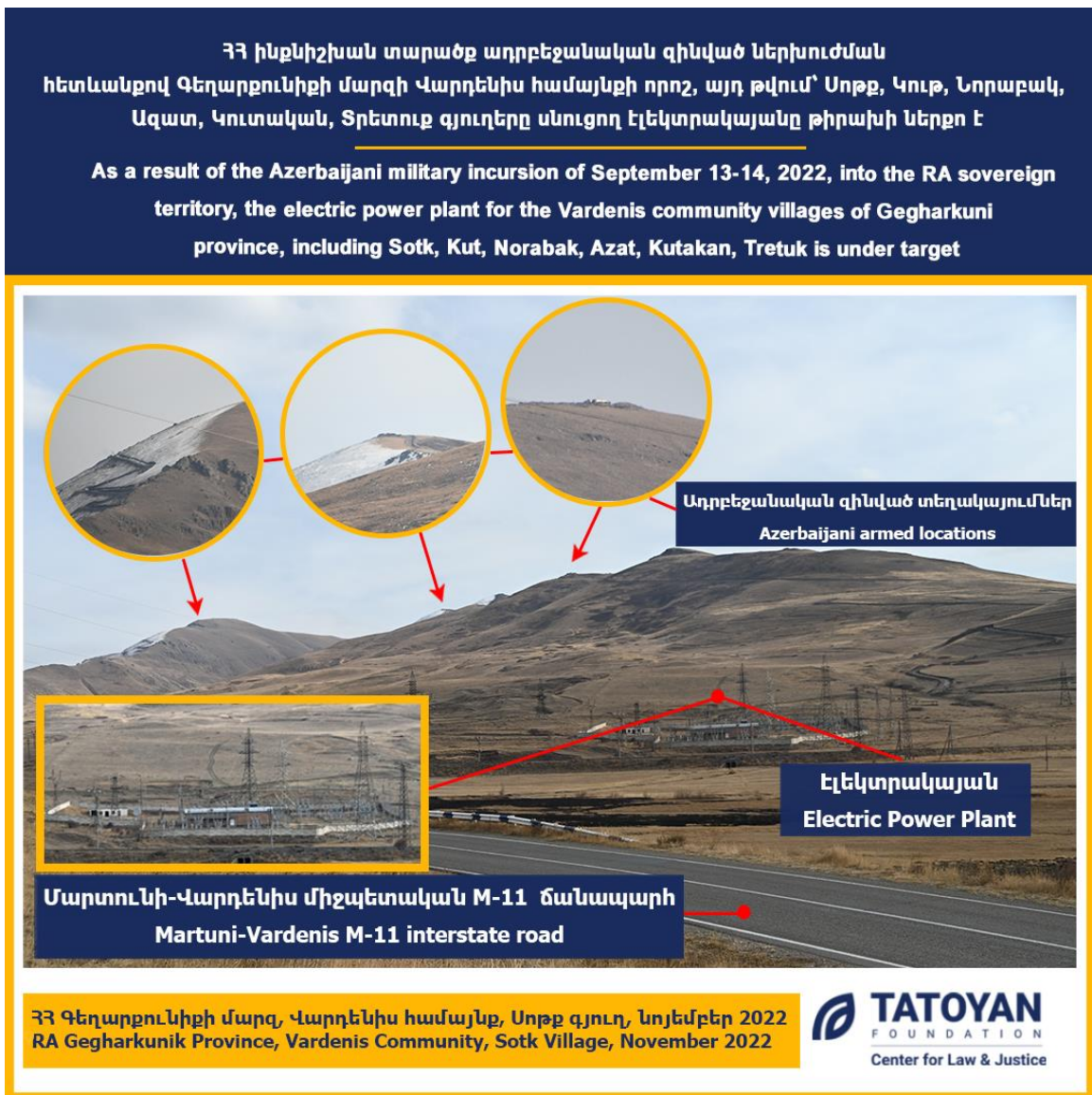


105. As a result of Azerbaijani unlawful armed locations and advancing positions, the neighboring Tretuk village is also observed, particularly the village school. Children studying at the school also stated that there were cases when shots were heard during the day.

106. About 12 children from the Tretuk school did not return to school after being evacuated.

107. Azerbaijani armed forces' unlawful locations have been created serious problems to ensure access to water resources and safe drinking, because the reservoir near the Tretuk village is being observed.

Figure 25: As a result of the Azerbaijani military incursion of September 13-14, 2022, into Armenia's sovereign territory, the electric power for the Vardenis community villages of Gegharkuniq province, including Sotk, Kut, Norabak, Azat, Kutakan, Tretuk is under target



108. The fact-finding activities conducted by the Foundation in October-December 2022 confirm that Sotk village suffered mostly as a result of the Azerbaijani armed forces' military aggressions of September 12-13. The village was attacked from three directions: north, east and west. According to witnesses, around 300 shells were fired in the direction of the village.

Figure 26: As a result of the Azerbaijani military incursion into the RA sovereign territory, Kut and Sotk villages came under target



Figure 27: As a result of the Azerbaijani military incursion into Armenia's sovereign territory, Kut village came under target



109. The level of aggression was not different in April 2023 when the one-day escalation in the sovereign territory of Armenia took place. As recorded during the April 2023 mission, the Azerbaijani criminal shootings targeted not only the Armenian military unit positioned in the sovereign territories of Armenia, but also the Vardenis community of Gegharkunik province; those were also from the positions unlawfully invaded by Azerbaijan.

110. Besides, it was reported that one of the Armenian soldiers was killed by the targeted shootings of the Azerbaijani armed forces in the area near Sotk village.

111. The work of the Sotk mine has also been stopped, and the staff has been evacuated. The employees of the Sotk mine tried to approach the mine to start their everyday work but they were targeted by the Azerbaijani armed forces with shootings. The employees, therefore, were forced to stop and return. As a result, about 800 families have faced the issue of survival as they cannot work.

112. Worth mentioning that during the October-December 2022 fact-finding activities, it was recorded that not only the civilian objects located near the military unit (in Sotk village) were targeted, but also the houses located a few hundred meters away from it, as a result of which hundreds of civilian objects were destroyed. It is obvious that such criminal acts of the Azerbaijani armed forces are real threats to the human rights of Armenians.

113. During the military aggression of Azerbaijani armed forces on September 13-14, the administrative building of the village, which is located in the immediate vicinity of the school, was shelled and suffered considerable damage.

114. According to the residents, the targeting of the military unit is not accidental either, as it aims to intimidate the population and make them feel insecure. The lives of the residents, their safety when using the land and doing agricultural work, as well as the property rights have become more vulnerable.

115. The village also has a water supply problem. To the north of the village (on the road to Qarvachar), the HPP is completely observed by the Azerbaijani armed forces and as a result of the change in the source of the "Al Lakes" [Ալ լճեր] reservoir, the amount of water entering the village has sharply decreased.

116. The problem can be solved only using deep wells in the mountains. In any case, they are also under the observation of the Azerbaijani armed forces.

117. These incidents once again prove that the protection of Armenia's population from criminal actions of the Azerbaijani armed forces urgently require creation of a security zone.

Figure 28: Azerbaijani rocket fragments in a civilian house Sotk village



118. The fact-finding activities also showed that in order to help and return residents to the community, houses of the village are currently being renovated within the framework of the charity project. It was an incentive for people to return.

119. Anyway, the lives of the residents are in danger due to the Azerbaijani armed forces' unlawful locations and periodic shootings, which is why many families in the village spend the day watching the construction work of their houses, and at night they prefer to sleep in safer neighboring settlements. According to residents, shootings are constantly heard at night. The ongoing intimidation of people with atrocities and other gross violations of human rights, and the failure to rule out the repetition of such incidents have made life in these settlements impossible.

120. Moreover, in this community also the number of livestock has been reduced by about 80%. As a result of the military aggression of September 12-13, the residents sold the

cattle at a cheaper price (around 50%), and do not plan to make any future investments due to uncertainty and security issues. Nevertheless, residents of the village lost 3000-4000 bales of grass because they are under observation by the Azerbaijani armed forces.

121. Inadequacy of means of family income and social problems caused by the Azerbaijani armed forces' unlawful actions, forced residents to spend the money from the sold cattle in order to solve them. Nevertheless, it is predicted that in spring, when that amount ends, a problem of livelihood will arise in the village.

Figure 29: As a result of the Azerbaijani military incursion into the RA sovereign territory, Verin Shorzha and other villages came under target; the population of Verin Shorzha is evacuated

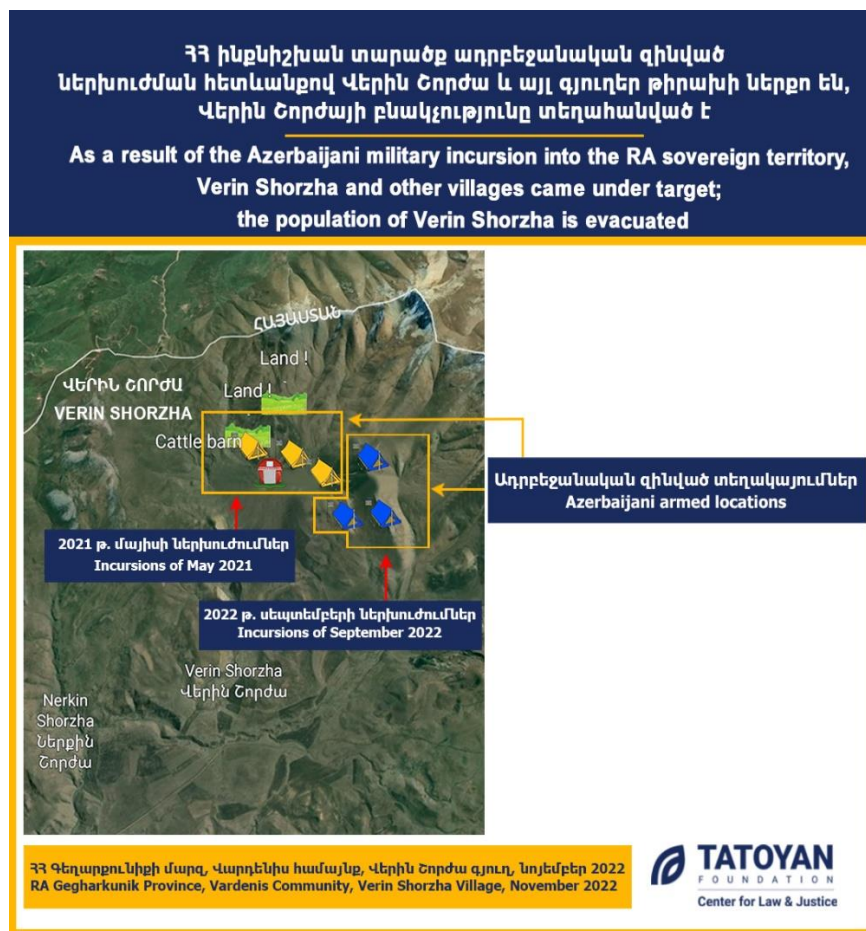


Figure 30: As a result of the Azerbaijani military incursion of September 13-14, 2022, into Armenia's sovereign territory, Verin Shorzha village came under target, the population is evacuated



122. During the fact-finding activities, the village is empty and turned into a ghost village. In the area of the Verin Shorzha settlement, the Azerbaijani armed forces invaded deeper and set new military positions in the sovereign territory of Armenia, as a result, parts of the mountain range are no longer accessible to the residents, they are completely observed by the Azerbaijani military forces.

123. The fact-finding activities indicated that vital security problems have been created in the rural areas of the region, for the settlements of Verin Shorzha, Ayrk and Jaghatsadzor. As a result of a sharp decrease in the amount of water, the HPP operating on the Verin Shorzha-Ayrk road was closed.

124. The other thing to be highlighted here is that people were forced to leave Verin Shorzha and Nerkin Shorzha villages, their cattle barns, the HPP is not functioning as a result of the Azerbaijani invasions concerned. These facts are recorded during the fact-finding missions conducted on November 25 and December 29, 2022 in the border communities of Gegharkunik province.

125. In particular, as a result of the Azerbaijani armed attacks against Armenia on September 13-14, 2022 there is no more civilian life in villages Nerkin Shorzha and Verin Shorzha of Gegharkunik province, the cattle barns have come under Azerbaijani control or observation, and the villages have been emptied. There are serious problems with access to water or there is no water at all.

126. In the area of the Verin Shorzha cattle barns, Azerbaijani armed servicemen invaded from May 12, 2021. All lands belonging to the Armenian citizens with legal documents became under their control; from these places they have been firing in the direction of the village, terrorizing the residents engaged in agriculture works, burning pastures; they illegally took over reservoirs and natural springs, depriving people of water, etc.

127. Besides, as a result of Azerbaijani invasion into the sovereign territory of Armenia, serious security problems also arose for Sotk, Ayrk, Jaghatsadzor, Kutakan, Pokr Masrik and other villages.

128. Water basins and natural water sources for Geghamabak, Jaghatzadzor, Ayrk, Verin Shorzha, Nerkin Shorzha and other villages came under Azerbaijani control or observation in 2021 May and deepened after the September invasions in 2021. There are serious problems with access to water in the villages or there is no water at all.

129. Due to a sharp decrease in the amount of water, the Hydroelectric Power Plant (HPP) operating on the Upper Shorzha-Ayrk road is no longer in operation.

IV. THE AZERBAIJANI ARMED FORCES INVASION OF ARMENIA'S VAYOTS DZOR PROVINCE AND VIOLATIONS OF THE JERMUK COMMUNITY RESIDENTS' HUMAN RIGHTS

130. As a result of military aggression by the Azerbaijani armed forces on September 12-13, 2022, Jermuk city of Vayots Dzor province⁹, including its important infrastructures, such as the hydroelectric power plants (HPP) came under the direct aim and observation of the Azerbaijani armed forces.

131. The fact-finding activities conducted by the Center for Law and Justice “Tatoyan” Foundation (hereinafter, the “Foundation”) confirm that after the September 12-13, 2022 military aggression and unlawful invasions into Armenia’s sovereign territory, including Jermuk area, the Azerbaijani armed forces have been carrying out large-scale construction work in the occupied territories: building military positions, bunkers, roads and other military infrastructures. All these prove that they are not preparing to leave the Armenian villages, roads and occupied territories.

132. Furthermore, it was confirmed that the shootings of the Azerbaijani military servicemen grossly violate the right to life, security, health, physical and mental integrity, the right to live in peace and strive for happiness, and a number of vital rights of the civilian population of those areas. These rights are internationally recognized and guaranteed by the respective treaties.

⁹ Jermuk is a well-known mountain resort and spa city in Vayots Dzor province of the Republic of Armenia. It is located at a road distance of 53 km east of Yeghegnadzor, the main city Vayots Dzor, Armenia.

Figure 31: The road built in the occupied territories of the Republic of Armenia by the Azerbaijani armed forces; this area is in the immediate vicinity of Jermuk city, Vayots Dzor province.



133. By studying the process of road construction, it became clear that the Azerbaijani side brings stones from mines or other places, crushes and fills the stones on these roads, then mixes them with cement or some other material, so that these roads are ready for the winter. The roads have approximately 10-12 m wide.

134. The construction of these roads prove that the Azerbaijani armed forces have no intent to leave the sovereign territory of Armenia.

Figure 32: The territories occupied by the Azerbaijani forces are marked in red; and the Jermuk HPP is noted left below, which is under the direct target of the Azerbaijani armed forces.

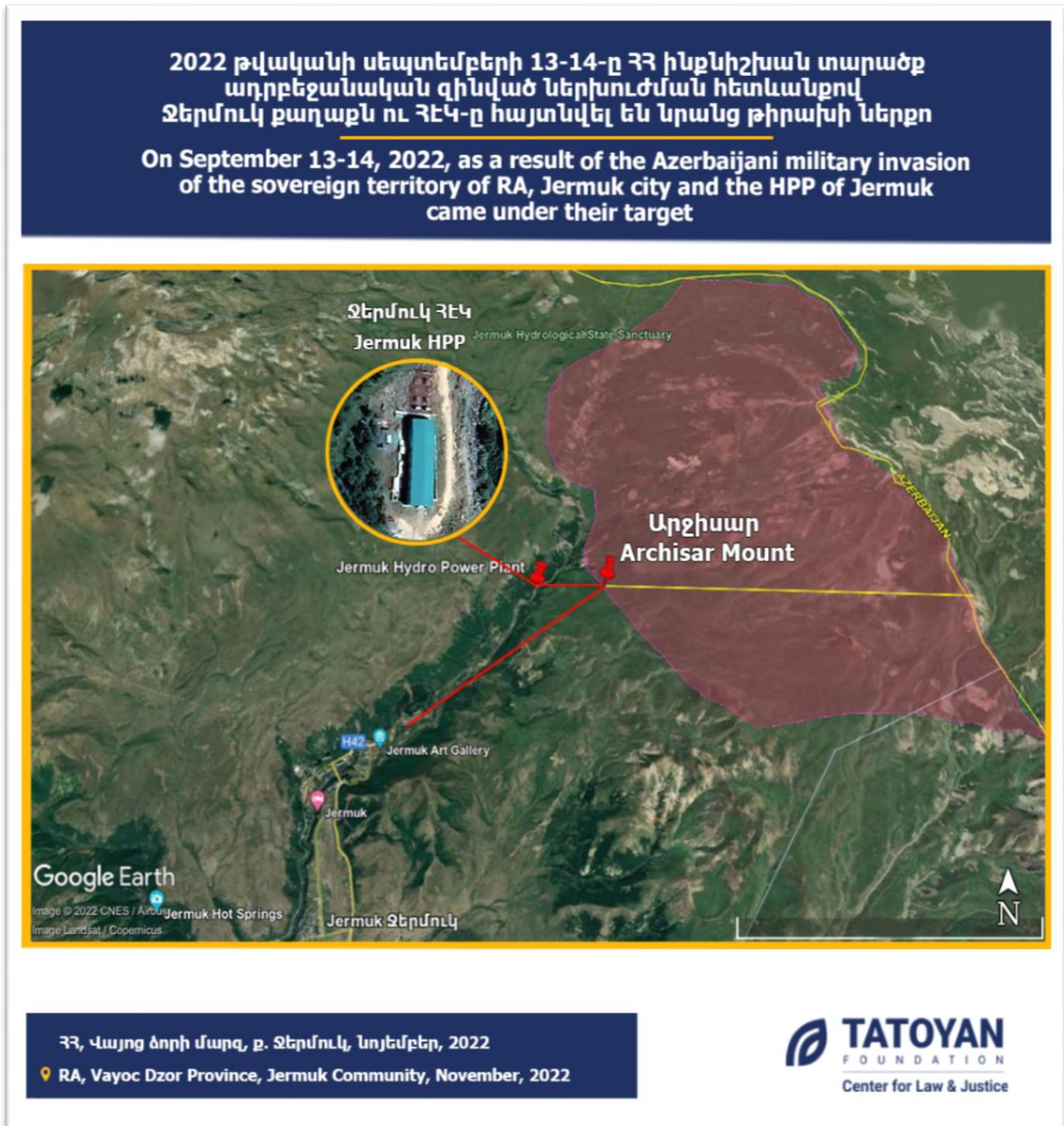
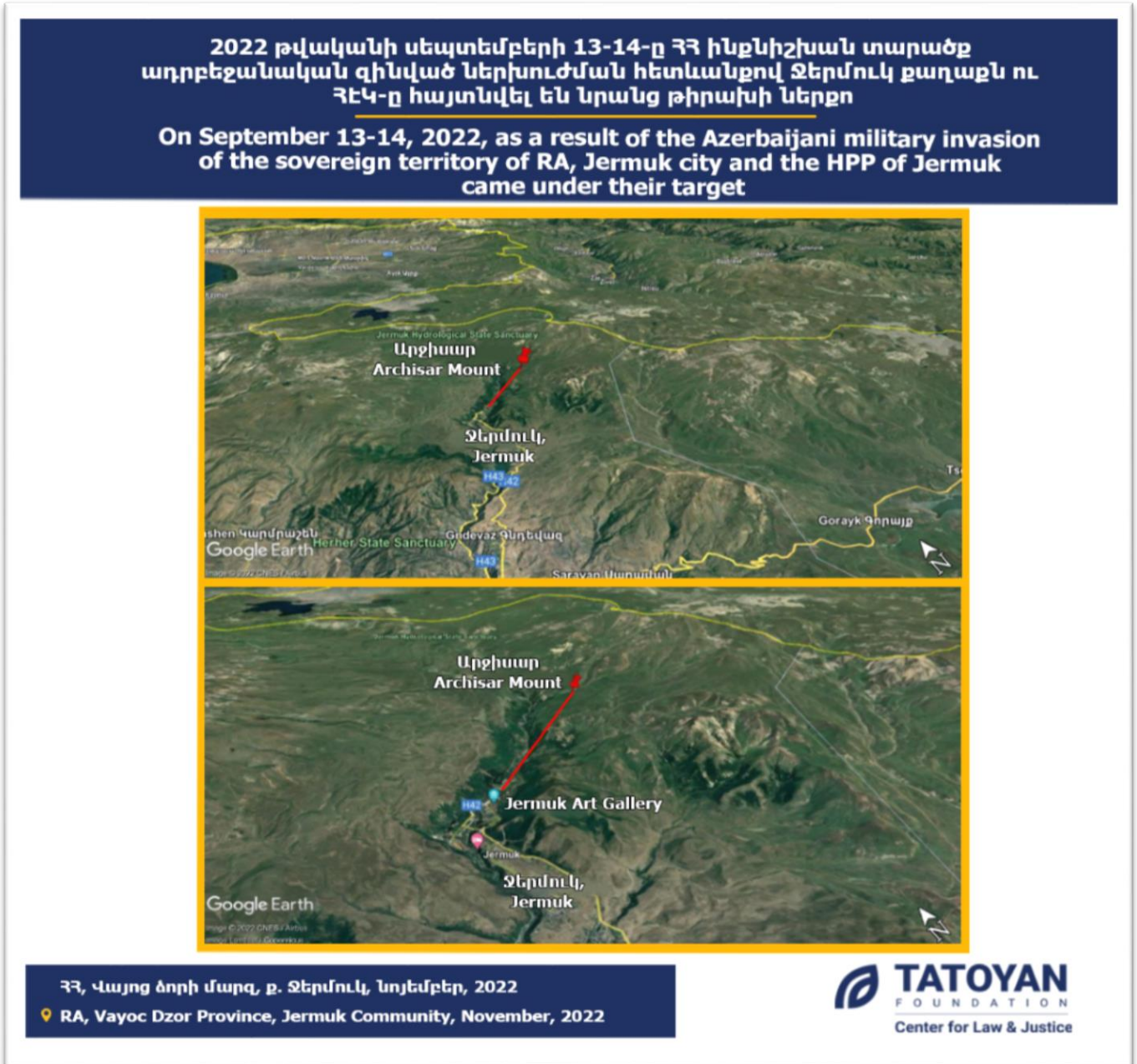


Figure 33: In September 2022, as a result of the Azerbaijanis unlawful invasion of the sovereign territory of Armenia, Jermuk city and Jermuk HPP came under direct target of the Azerbaijani armed forces.



135. The above picture [Figure 33] illustrates the location of the area called Archisar; the direct target is indicated by the red line; it is obvious that the city of Jermuk is under direct observation from these positions.

136. It is also noteworthy, that during his speech in the Armenian town Shushi of Nagorno Karabagh, which is now occupied by Azerbaijan, the Azerbaijani President announced as follows:

“After the 13-14 September operation, the Armed Forces of Azerbaijan were stationed at key strategic heights in the direction of the Azerbaijan-Armenia border. Armenia should understand what this means.”¹⁰


137. In other words, the Azerbaijani President did not only accept that it was their “operation” to get into the territories of the sovereign state of Armenia, but also admitted that as a result of the military aggression of the Azerbaijani armed forces on September 12-13, 2022, a number of cities of the Republic of Armenia, including Jermuk, came under their direct target and observation.

138. With this speech, it was especially evident that the danger of deploying Azerbaijani armed forces in the vicinity of the Armenian settlements is very high.



¹⁰ See <https://president.az/en/articles/view/57801>.

Figure 34: The area of Azerbaijani military invasion is marked in red, as a result of which Jermuk city and HPP are under their direct target and observation.

Կարմիրով նշվածն ադրբեջանական զինված ներխուժման տարածքն է. նրանց թիրախի տակ են հայտնվել Ջերմուկն ու ՀԷԿ-ը
The area of the Azerbaijani military invasion is marked in red: Jermuk city and the HPP are under their target



Կարմիրով նշված է ադրբեջանական ներխուժման տարածությունը, ինչի հետևանքով նրանց դիտարկման տակ է գտնվում Ջերմուկն ու ՀԷԿ-ը:
The area of the Azerbaijani invasion is marked in red, as a result of which Jermuk and the HPP are under their observation.

ՀՀ, Վայոց ձորի մարզ, ք. Ջերմուկ, Նոյեմբեր, 2022
RA, Vayoc Dzor Province, Jermuk Community, November, 2022

TATOYAN FOUNDATION
Center for Law & Justice

Figure 35: Civilian, including agriculture objects that became under Azerbaijani occupation and target in the immediate vicinity of Jermuk city.



139. The fact-finding activities of the Foundation have confirmed that the regular shootings of the Azerbaijani armed forces violate also property rights of the civilian population and the ability of the population to earn a family income. In particular, due to these shootings, there is an imminent threat of using the hayfields and pastures owned either by property rights or rental contract basis, and there are also obstacles to livestock farming.

140. In the above image [Figure 35], pastures are marked in light green, and arable lands are marked in dark green; these arable lands are located in the sovereign territory of Armenia and officially belong to citizens.

141. The issue is that the lands belonging to the residents of our community are located in the immediate vicinity of the Armenian positions, which is made impossible or seriously endangered by the Azerbaijani occupation and direct observation.

142. Moreover, during the military operations of September 12-13, 2022, 4 civilian vehicles (Lada “Niva”) and 3 trucks belonging to the residents of Khndzoresk were taken from the terminal section in Ishkhanasar-Jermuk (sovereign territory of Armenia).