



CENTER FOR LAW AND JUSTICE
"TATOYAN" FOUNDATION



REPORT

ETHNIC CLEANSING IN ARTSAKH (NAGORNO KARABAKH):



VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAWS BY AZERBAIJAN IN SEPTEMBER 2023

YEREVAN
APRIL, 2025

TABLE OF CONTENTS

INTRODUCTION AND METHODOLOGY	3
EVIDENCE-BASED ANALYSIS ON AZERBAIJANI MILITARY OFFENSIVE AGAINST ARTSAKH (NAGORNO KARABAKH) IN SEPTEMBER 2023	6
A. INTERNATIONAL LEGAL FRAMEWORK AND FINDINGS RELATED TO RESPONSIBILITY OF AZERBAIJAN FOR HUMAN RIGHTS VIOLATIONS OF ARTSAKH ARMENIANS	10
I. Indiscriminate and deliberate targeting of civilians by the Azerbaijani armed forces: evidence-based analysis	20
II. The forced displacement of the civilian population of Artsakh as part of Azerbaijan's planned state policy to depopulate Artsakh	33
III. Evidence of Anti-Armenian racist and xenophobic policies in Azerbaijan	44
IV. Torture and inhuman treatment of civil population by Azerbaijani armed forces in Artsakh	47
V. Evidence of targeting civil infrastructure in Artsakh by Azerbaijani armed forces	51
B. DESTRUCTION OF ARMENIAN CULTURAL HERITAGE BY AZERBAIJAN AS A PART OF ETHNIC CLEANSING IN ARTSAKH	59

INTRODUCTION AND METHODOLOGY

1. This report presents findings from fact-finding missions and research conducted by the “Center for Law and Justice Tatoyan” Foundation in locations where individuals displaced from Artsakh (Nagorno-Karabakh) were resettled in the Republic of Armenia from September 2023 onward, following a significant influx of displacement. These efforts included extensive engagement with displaced individuals through meetings, interviews, and data collection. Furthermore, a meticulous analysis of digitally sourced evidence was conducted. The data gathered from these various sources underwent rigorous examination and verification as part of the Foundation's fact-finding process.
2. This report also presents facts regarding Azerbaijani armed attacks on civilian populations, infrastructures, and human rights violations, including war crimes committed against the Armenians of Artsakh, both in villages and cities.
3. This report was prepared in the framework of “Emergency assistance to people forcefully displaced from Nagorno-Karabakh” project of “Armenian Caritas” Benevolent NGO. (<https://caritas.am/>). The Foundation expresses its deep gratitude to the organization for its professional and technical support throughout the entire process of preparing the current report.
4. The Foundation was acutely aware of the complexity and sensitivity of the situation based on the long-standing experiences of its experts. This awareness reinforced its commitment to meticulously follow established methodologies and best practices for human rights fact finding, as developed by the United Nations and other international organizations. In doing so, the Foundation strictly adhered to the principles of “do no harm”- independence, impartiality, objectivity, transparency and integrity. In particular, the Foundation followed the best practices established for inquiry and fact-finding missions, outlined in the 2015 OHCHR publication, International Commissions of Inquiry and Fact-Finding Missions on International Human Rights Law and International Humanitarian Law – Guidance and Practice¹.

¹Available at:https://www.ohchr.org/sites/default/files/Documents/Publications/Col_Guidance_and_Practice.pdf

5. Given the objective constraints, the Foundation selected incidents on the basis of certain criteria, in particular, the seriousness of the allegations regarding violations of international humanitarian law and international human rights law; their significance in demonstrating patterns of alleged violations; access to victims, witnesses, and supporting evidence; and the geographic location of the incident.
6. A secure, confidential database was created to enable the Foundation to securely record and store information. It contains the summary records of all interviews and meetings conducted as well as electronic copies of relevant materials collected. As a fully searchable tool, the database facilitated the organization and retrieval of information for analysis and report writing.
7. The Foundation and its partners systematically sought informed and specific consent of all interviewees to use and/or share the information given, ensuring confidentiality as needed. The consent of every person interviewed and any conditions attached to it were recorded in the database, as were any potential protection risks.
8. The Foundation has conducted over 50 interviews with victims and witnesses of the September 19-20, 2023, war in Artsakh and the subsequent forcible displacement. Additionally, it has received more than 200 letters and other documentation from a wide range of sources. These include eyewitnesses, testimonies, medical reports, satellite imagery, video footage, and other photographic evidence from incident sites and injury documentation. The Foundation has also reviewed publicly available information, including those on the official websites of the Governments of Armenia and Azerbaijan.
9. The Foundation used all of this information to conduct an evidence-based analysis, while meticulously assessing the credibility and reliability of the sources. Of these sources, it gave particular weight to first-hand testimonies. Factual determinations under this standard were based on at least one credible primary source of information, substantiated independently by one or more additional credible sources.
10. The Foundation considered the following to be sources of direct information:
 - Interviews of victims or eyewitnesses with direct knowledge of the issues and incidents;
 - Authenticated video and photographic material, satellite imagery, and documents;

- Statistics, surveys, reports, and other quantitative and qualitative information generated by the Foundation;
 - Media reports and posts from reliable news outlets;
 - Humanitarian and aid organizations providing on-the-ground assistance and documentation.
11. The reliability and credibility of each source was carefully assessed. The Mission considered whether the source was trustworthy, consistently probing the veracity of their statements. Such assessment took into account, among other considerations:
- the witness' apparent capacity to recall events correctly, considering his or her age, trauma, how far back the events occurred, and so on;
 - the position of the witness in relation to the subject of the information;
 - where and how the witness obtained the information;
 - the reasons for which the witness provided the information.
12. The Foundation also considered the information's relevance to the fact-finding activities, its internal consistency and coherence, and its consistency with and corroboration by other information, among other factors. This report was prepared in 2024 and published in 2025.

EVIDENCE-BASED ANALYSIS ON AZERBAIJANI MILITARY OFFENSIVE AGAINST ARTSAKH (NAGORNO KARABAKH) IN SEPTEMBER 2023

On December 12, 2022, at around 10:30 am (GMT+4), a group of Azerbaijanis in civilian clothes, presenting themselves as alleged “environmental activists” blocked the only road, Goris – Stepanakert Highway, which passes through the Lachin (Berdzor) corridor connecting Artsakh (Nagorno-Karabakh) with Armenia and the outside world. The so-called “eco-protest” with documented participation of the Azerbaijani state sponsored special-services

agents is clearly orchestrated by the Azerbaijani government². As a result, the ongoing blockade has physically obstructed Artsakh's only lifeline, leaving its entire population in a state of total isolation, facing massive violations of fundamental human rights, as well as multifaceted existential and security threats. Thus, for almost 10 months, 120,000 people, including 30,000 children, have found themselves in a complete blockade with no access to basic necessities, essential goods, services, medication, foodstuffs, fuel, and, most importantly, no right to move in and out of Artsakh freely.

Along with the ongoing blockade of the Lachin corridor, Azerbaijan has also deliberately disrupted the operation of the most critical infrastructure of Artsakh with the aim to further aggravate the already dire humanitarian crisis and cause excessive suffering to the Artsakh population. As a result, 120 000 Armenians, including 30 000 children among them were subject to genocide through starvation³. People—especially children, pregnant women, and the elderly—were facing severe healthcare problems due to malnutrition. Artsakh was lacking the most essential foodstuffs and vitally important products. Against this backdrop, Azerbaijani authorities deliberately proposed replacing the Berdzor (Lachin) road with an Akna (Aghdam) road, without any intention to open the Lachin Corridor.

On September 19th, 2023, Azerbaijan launched a military attack on Artsakh. Following a series of airstrikes, drone assaults, and extensive shelling of areas populated by civilians, including children, the terrified inhabitants of Artsakh were kept hostage within the enclave, unable to escape from the control of the Azerbaijani military. There were reports of atrocities, massacres, and rapes of women and children. With no fuel, electricity, and gas, certain villages completely lost connection with the capital Stepanakert.

The attacks against Artsakh were part of Azerbaijan's deliberate criminal policy and were aimed at the forced displacement and annihilation of Artsakh Armenians. Azerbaijani armed forces targeted the civilian populations and infrastructure. These attacks began while the children were in schools or kindergartens and the parents were at work or at home.

² See, "The Azerbaijani government's "eco-activist" agents who blockaded the only road of life connecting Artsakh to Armenia and the outside world" report, Center for Law and Justice "Tatoyan" Foundation and Human Rights Ombudsman of Artsakh. Available with the following link: https://tatoyanfoundation.org/wp-content/uploads/2023/09/ECO_ACTIVISTS.pdf

³ See, "Children of Artsakh in Azerbaijani blockade: inflicting sufferings by ethnic cleansing (evidence-based analysis)" joint report of the Center for Law and Justice "Tatoyan" Foundation and Human Rights Ombudsman of Artsakh. Available with the following link: https://tatoyanfoundation.org/wp-content/uploads/2023/09/Childrens-rights_-report.pdf

In Artsakh, thousands of people were reported missing. Due to communication breakdowns, determining their fates—whether they were alive or deceased—was particularly challenging. Many families were separated, with parents unable to find their children and vice versa, and siblings separated from each other. Residential areas were isolated from one another, leaving people's whereabouts uncertain. Furthermore, the lack of essential supplies such as food, communication, electricity, gas, and medicine exacerbated the suffering of the population.

What happened in Artsakh was a real tragedy. Tens of thousands of civilians were forcibly displaced from their homes and communities after nearly 10 months of blockade. The exhausted population of Artsakh, stripped of all belongings and homes, without access to communication, electricity, or gas, endured days and nights under constant fire, seeking refuge in streets and basements.

After enduring this 10-month blockade, these actions can only be described as genocide against 120,000 ethnic Armenians. This represents a deliberate policy by Azerbaijani authorities and constitutes a series of criminal acts in a coordinated campaign (See the evidence "Picture 1").

From the 2020 [44-day war] until September 2023, approximately 150,000 Armenians were forcibly displaced from Artsakh due to Azerbaijani massive armed attacks, numerous cases of unpunished torture, inhumane and degrading treatment, humiliations, and other war crimes and crimes against humanity. These crimes stem directly from years of anti-Armenian racist and xenophobic policies by Azerbaijani authorities.

"Picture 1": The evidence of Azerbaijani authorities intended policy: The sign of Grey Wolves⁴ near the Parliament of Artsakh in Stepanakert⁵



⁴ The wolf salute, the gray wolf salute or the gray wolf gesture (Turkish: *Bozkurt işareti*) is a hand symbol used to symbolize Pan-Turkism and Turkish nationalism. The same gesture, referred to as "silent fox" or similar terms, is often used in schools to indicate that pupils should be silent.^[1] It is often a topic of controversy. Use in this context has decreased, and been forbidden in some places including France and Austria, due to its far-right use (available at: https://en.wikipedia.org/wiki/Wolf_salute). Commonly described as ultranationalist, neo-fascist, Islamo-nationalist (sometimes secular), and racist, the Grey Wolves have been described by some scholars, journalists, and governments as a death squad and a terrorist organization. The Grey Wolves were banned in France in November 2020 for hate speech and political violence,^[40] and calls for similar actions are made elsewhere. In May 2021, the European Parliament also called on member states of the European Union to designate it as a terrorist group (available at: https://en.wikipedia.org;https://www.ombuds.am/en_us/site/ViewNews/1359). The Lemkin Institute for Genocide Prevention also gave its opinion about this organization's terroristic activities (for example, Belgium) in Europe (available at: <https://www.lemkininstitute.com/statements-new-page/statement-on-the-rise-of-the-grey-wolves-terrorist-organization-in-belgium->).

⁵ Available at: <https://twitter.com/CanbackRasmus/status/1721108597730320421>.

A. INTERNATIONAL LEGAL FRAMEWORK AND FINDINGS RELATED TO RESPONSIBILITY OF AZERBAIJAN FOR HUMAN RIGHTS VIOLATIONS OF ARTSAKH ARMENIANS

1. Azerbaijan's failures to abide by the 2020 ceasefire agreement's terms regarding transit through the Lachin corridor and suspension of hostilities amount to "material breaches" of the agreement. These breaches are defined by the Vienna Convention on the Law of Treaties as "violation of a provision essential to the accomplishment of the object or purpose of the treaty" (art. 60(3)). The law governing material breaches of a ceasefire is found in the Regulations annexed to the 1907 Hague Convention IV (the treaty uses the term "armistice" to refer to what is today labeled a "ceasefire"), which reflect customary international law.
2. Article 36 of the Hague Regulations provides that parties to a ceasefire may resume their operations despite the ceasefire so long as they provide advance notice to the adversary.
3. The United Nations Charter establishes universal obligation to take action for the achievement of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."⁶

This fundamental regulation mandates that states must respect internationally recognized human rights, which are universal values and must be guaranteed to all individuals regardless of whether the territory is a recognized state or not.
4. Additionally, Azerbaijan has ratified four of the core United Nations human rights treaties: the Convention on the Rights of the Child (CRC); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of Persons with Disabilities (CRPD); and the International Covenant on Economic, Social and Cultural Rights (ICESC). In doing so, Azerbaijan consented to be bound by the obligations articulated in these treaties and accepted that domestic laws and practices cannot be invoked to justify a failure to comply.
5. Under the Convention on the Rights of the Child (CRC), Azerbaijan is obligated to guarantee that all persons under the age of 18 years—children—enjoy the rights to life, survival, development, and preservation of identity. They must be registered at birth and

⁶ United Nations Charter, arts. 55(c) and 56.

acquire nationality, receive protection from all forms of physical or mental violence, injury, and abuse, including sexual abuse, access the highest attainable standard of health, receive education, and be safeguarded against torture, the death penalty, and other cruel or degrading treatment or punishment⁷. Children also enjoy the rights to freedom of expression, freedom of peaceful assembly and association, and freedom of religion. Children belonging to ethnic, religious, or linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language. Under the CRC, governments must do everything they can to protect and care for children affected by armed conflicts. Importantly, the CRC puts States parties under an explicit obligation to respect and ensure these rights to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or their parents or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status⁸.

6. As a party to the Convention on the Elimination of All Forms of Discrimination against Women, Azerbaijan is committed to undertaking measures to end discrimination against women in all forms, including abolishing discriminatory laws and ensuring the elimination of all acts of discrimination against women by persons, organizations, or enterprises. Violence against women and girls, including sexual and gender-based violence, is a form of discrimination prohibited by the Convention and is a violation of human rights⁹.
7. The obligations of state parties do not cease in periods of armed conflict or in states of emergency resulting from political events or natural disasters. These obligations apply without discrimination to both citizens and non-citizens, including stateless persons. Under the Convention on the Rights of Persons with Disabilities, States parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities, without discrimination of any kind based on disability¹⁰.

⁷ See, Convention on the Rights of the Child (CRC), arts. 1, 4, 6, 7, 19, 24, 28, 34, 37.

⁸ See, CRC, art. 2.

⁹ United Nations Committee on the Elimination of Discrimination against Women, "General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW/C/GC/28), para. 9; "General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations" (CEDAW/C/GC/30), para. 34; "General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19" (CEDAW/C/GC/35), para. 21.

¹⁰ See, Convention on the Rights of Persons with Disabilities, article 4.

8. The International Covenant on Economic, Social, and Cultural Rights requires State parties to undertake steps, to the maximum of their available resources, with a view to progressively achieving the full realization of the rights recognized in the Covenant. These include the right to work, the right to the enjoyment of just and favorable conditions of work, the right to form trade unions, the right to social security, the right to an adequate standard of living including adequate food, clothing and housing, the right to enjoy the highest attainable standard of physical and mental health, the right to education, and the right to take part in cultural life. These rights apply to everyone including non-nationals, such as stateless persons, regardless of legal status and documentation¹¹. Complaints of violations should be promptly, impartially, and independently investigated and adjudicated, providing the complainant access to an effective remedy where appropriate.
9. On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR). Although the UDHR was not intended at the time to be a legally binding document, it is generally considered an authoritative interpretation of the human rights provisions in the (binding) United Nations Charter. The UDHR is considered a “common standard of achievement for all peoples and all nations”¹² and it sets out the fundamental human rights that are to be universally protected. It is accepted that many of its provisions – if not the entire document – are reflective of customary international law¹³. This means that States are bound by the norms captured in these provisions, regardless of whether they are codified in a binding treaty and ratified by the State concerned.
10. Specific relevant examples of these norms are the right to life¹⁴, the right to equality, and the prohibition of discrimination¹⁵. The principle of non-discrimination is set out in article

¹¹ See, United Nations Committee on Economic, Social and Cultural Rights, “General Comment No. 20: Non-discrimination in economic, social and cultural rights” (E/C.12/GC/20), para. 30.

¹² See, UDHR, Preamble.

¹³ See, H. Hannum, “The Status of the Universal Declaration of Human Rights in National and International Law”, *Georgia Journal of International and Comparative Law*, vol. 25 (1995/6) 287- 397; O. De Schutter, *International Human Rights Law*, 2nd ed. (Cambridge, Cambridge University Press, 2014), p. 63 (and references listed there).

¹⁴ See, N. Rodley, “Integrity of the Person”, in *International Human Rights Law* (2nd ed.), D. Moeckli, S. Shah and S. Sivakumaran, eds. (Oxford, Oxford University Press, 2014), p. 185.

¹⁵ See, At minimum on the grounds of race, religion and sex. See, D. Moeckli, “Equality and NonDiscrimination”, *International Human Rights Law* (2nd ed.), D. Moeckli, S. Shah and S. Sivakumaran, eds. (Oxford, Oxford University Press, 2014), p. 160-161. The International Court of Justice has described the prohibition on racial and ethnic discrimination as an obligation erga omnes: ICJ, *Barcelona Traction (Belgium v. Spain)*, Judgment of 5 February 1970, ICJ Reports 1970.

55(c) of the United Nations Charter and further detailed in article 2 of the UDHR. The latter provision states that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Article 7 of the UDHR further stipulates that “all are equal before the law and are entitled without any discrimination to equal protection of the law”. At its first session, the General Assembly declared that it was in the higher interests of humanity to put an immediate end to religious and racial persecution and discrimination, suggesting these were contrary to the letter and spirit of the Charter. Non-discrimination and equality are also fundamental, crosscutting norms in all major international and regional human rights treaties and texts. The principles of equality and non-discrimination underpin the entire human rights system.

11. Some human rights provisions have not only attained the status of customary international law but are also considered peremptory norms of international law, or *jus cogens*. This means that these norms are accepted and recognized by the international community of States as a norm from which no derogation or limitation is permitted¹⁶. While there is no exhaustive list of recognized peremptory norms, it is commonly accepted that these include the prohibitions of the arbitrary deprivation of life, torture, enforced disappearance, slavery, forced labor, prolonged arbitrary detention, systematic racial discrimination, apartheid, genocide, crimes against humanity, and war crimes (including hostilities directed at a civilian population)¹⁷.
12. In addition to the human rights norms articulated in treaties, a range of other instruments assist in understanding and delineating the human rights obligations of States, even if these texts are not binding as such.
13. Azerbaijan is a party to the four Geneva Conventions of 12 August 1949. It is also a party to the Hague Convention and Protocol for the Protection of Cultural Property¹⁸.
14. Of particular relevance is common article 3 of the Geneva Conventions. This article contains protections for civilians and other persons not taking direct part in hostilities. It

¹⁶ See, Vienna Convention on the Law of Treaties, art. 53.

¹⁷ See, ICJ, Questions Relating to the Obligation to Prosecute or Extradite (Belgium v Senegal), Judgment of 20 July 2012, ICJ Reports 2012, para. 99; E. De Wet, “Jus Cogens and Obligations Erga Omnes”, in The Oxford Handbook on International Human Rights Law, Dinah Shelton ed. (Oxford, Oxford University Press, 2013), pp. 543-547; M.C. Bassiouni, “International Crimes: Jus cogens and obligatio erga omnes”, Law and Contemporary Problems, vol. 59(4), 1996, p. 68.

¹⁸ See, Azerbaijan is a party to the 1954 Hague Convention but has not ratified the 1999 Second Protocol.

obliges all parties to respect, as a minimum, that persons taking no active part in hostilities shall be treated humanely, without any adverse distinction. It prohibits violence to life and person, including murder of all kinds, mutilation, cruel treatment, and torture, as well as taking of hostages and outrages upon personal dignity. It also prohibits passing sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, respecting the generally recognized principles of fair trial and due process. Furthermore, parties to armed conflicts must, at all times, abide by the principles of distinction, proportionality, and precautions in attack¹⁹. This means distinguishing between civilian persons and objects, on the one hand, and lawful military targets, on the other. Attacks are prohibited where they are expected to cause incidental loss of life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated. Parties must also take all feasible precautionary measures to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians, and damage to civilian objects.

15. Azerbaijan is responsible for all violations of international humanitarian law committed by its armed forces or those acting under its direction or control²⁰.
16. Taking into account the aforementioned international legal norms, it is necessary to mention that from the perspective of international criminal law, Azerbaijan's actions in their entirety- from closing the Lachin Corridor and subjecting the 120,000 person Armenian population to starvation for over 10 months, to the war unleashed against Artsakh on September 19-20, 2023, and the committed crimes-are considered genocide and crime against humanity.
17. A crime against humanity is among the gravest concerns to the international community as a whole. The jurisdictions of international courts support the evolution of this concept, namely in the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, under international customary law. Prohibitions against genocide, crimes against humanity, and war crimes amount to peremptory norms of international law (*jus cogens*), meaning that no derogation from the rule is allowed. The recognition of a crime under international law as *jus cogens*

¹⁹ See, J.M. Henckaerts and L. Doswald-Beck, "Customary International Humanitarian Law. Volume I: Rules" (Cambridge, ICRC/Cambridge University Press, 2005), rules 1-24. (hereafter ICRC/Customary IHL").

²⁰ International Law Commission Articles on State Responsibility (General Assembly resolution 56/83), art. 8.

imposes a duty on the State to prosecute and punish perpetrators, eliminates statutes of limitation for such crimes, and establishes universal jurisdiction over such crimes regardless of where they were committed, by whom, or against whom. Moreover, under various sources of international law and United Nations policy, amnesties are impermissible if they prevent prosecution of individuals who may be criminally responsible for war crimes, genocide, crimes against humanity or other gross violations of human rights.

18. The 1998 Rome Statute establishing the International Criminal Court reflects the latest consensus among the international community on crimes against humanity and offers the most extensive list of specific acts that may constitute that crime.

19. According to Article 7, “crime against humanity” means any of the following acts, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- 1) Murder;
- 2) Extermination;
- 3) Enslavement;
- 4) Deportation or forcible transfer of population;
- 5) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- 6) Torture;
- 7) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- 8) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, or gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- 9) Enforced disappearance of persons;
- 10) The crime of apartheid;
- 11) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

20. According to Article 6, “genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

21. The blockade of the Lachin Corridor by the Azerbaijani security forces, which impeded access to any food, medical supplies, and other essentials should be considered a Genocide under Article II, (c) of the Genocide Convention: “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.” There were no crematories, and there were no machete attacks. Starvation is the invisible Genocide weapon. Without immediate dramatic change, this group of Armenians would have been destroyed in a few weeks²¹.

- 1) The principle of distinction, described by the ICJ as one of the cardinal principles of international humanitarian law²², requires parties to a conflict to distinguish between combatants or those taking a direct part in hostilities, and civilians, as well as between military objectives and civilian objects. . Parties to an armed conflict must refrain from targeting civilians or civilian objects, but instead must direct attacks solely against lawful military targets. In a NIAC, members of an organized armed group engaged in a “continuous combat function” can be considered akin to armed forces, thus falling outside the category of civilians²³. Civilians participating in hostilities lose their protection only for such time as they directly participate in hostilities²⁴. Intentionally directing

²¹ See, Luis Moreno Ocampo, Expert Opinion, Genocide against Armenians in 2023, New York, August 7, 2023. Available at: https://luismorenoocampo.com/wp-content/uploads/2023/08/Armenia-Report-Expert-Opinion.pdf?utm_source=Wb&utm_medium=Landing&utm_campaign=Downloads

²² See, Legality of the Threat or Use of nuclear weapons, Advisory Opinion, ICJ Reports 1996, p. 257, para. 78.

²³ See, ICRC, Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law, pp.33-34.

²⁴ See, Additional Protocol II, art. 13(3); ICRC Study on Customary International Humanitarian Law, rule 6.

attacks against the civilian population as such or against individual civilians not taking direct part in hostilities constitutes a war crime²⁵.

- 2) For an object or building to be considered a military objective, it must fulfill a two-pronged test: firstly, it must effectively contribute to military action due to its nature, location, purpose, or use; , secondly, its total or partial destruction, capture, or neutralization, in the circumstances ruling at the time, must offer a definite military advantage²⁶. Towns, cities, villages, residential areas, dwellings, buildings, schools, civilian means of transportation, hospitals, places of worship, and cultural property are normally civilian objects. If, however, a civilian object is being used for a military purpose, it loses its protection for the duration of such use. An attack against a civilian object in a non-international armed conflict can constitute the war crime of destruction of the property of an adversary unless it is “imperatively demanded by the necessities of the conflict”²⁷.
- 3) Arising out of both the principle of distinction and the principle of proportionality²⁸, is the international humanitarian law prohibition on parties to an armed conflict carrying out indiscriminate or disproportionate attacks. Indiscriminate attacks are those that target both military objectives and civilians or civilian objects without distinction. This can include attacks not aimed at a specific military target, such as an aerial bombardment that treats several clearly separated military objectives in an area as a single target, where there is a concentration of civilians or civilian objects. Using methods or means that cannot be directed at a specific military objective (e.g., indiscriminate weapons) or whose effects cannot be limited as required by international humanitarian law also constitute indiscriminate attacks. Disproportionate attacks are attacks that are expected to cause an incidental loss of life, injury to civilians and/or damage to civilian objects that would be excessive vis-à-vis the concrete and direct military advantage anticipated. Parties must undertake the necessary assessments to properly inform their targeting processes to avoid such disproportionate attacks (see further under “Failure to take all Feasible Precautions”). Launching an indiscriminate attack resulting in death or injury to

²⁵ See, Rome Statute, art. 8(2)(e)(i).

²⁶ See ICRC Study on Customary International Humanitarian Law, rule 8.

²⁷ See, Rome Statute, art. 8(2)(e)(xii).

²⁸ The principle of proportionality requires that the effects of the means and methods of warfare used must not be disproportionate to the military advantage anticipated.

civilians, or conducting an attack with the knowledge that it will cause excessive incidental civilian harm, is recognized as a serious violation of international humanitarian law applicable in non-international armed conflicts, constituting a war crime under customary international law.²⁹

- 4) Parties to a conflict are required to take all feasible measures to avoid and minimize the incidental loss of civilian life, injury to civilians, and damage to civilian objects. There is an obligation to take all feasible precautionary measures in relation to attacks launched (“precautions in attack”)³⁰. This includes taking precautions in the choice of means and methods of warfare; verifying that targets are military objectives; undertaking appropriate proportionality analysis; selecting the target which may be expected to cause the least danger to civilian lives and objects where there is a choice of military objectives with similar military advantage; suspending an attack if it becomes apparent that the target is not a military objective or that it would be a disproportionate attack; and giving effective advance warning of attacks which may affect the civilian population (unless the circumstances do not permit such warning). A party must also take all feasible measures to protect civilians from the effects of attacks within areas under their control (“precautions against the effect of attacks”). This includes an obligation to avoid situating military objectives within or near densely populated areas to the extent feasible, as well as taking all feasible measures to relocate civilian individuals and objects controlled by a party to the conflict away from military objectives³¹.

²⁹ See, ICRC Study on Customary International Humanitarian Law, rules 11-14; 156.

³⁰ See, ICRC Study on Customary International Humanitarian Law, rule 15 for the general principle, and rules 16-21 for subsidiary rules.

³¹ ICRC Study on Customary International Humanitarian Law, rules 22-24.

**I. Indiscriminate and deliberate targeting of civilians by the Azerbaijani armed forces:
evidence-based analysis**

1. Facts were assessed in light of international human rights law, international humanitarian law and international criminal law, as applicable in the Artsakh case.
2. According to the testimonies of the witnesses and the results of the fact-finding activities of the Foundation, the Azerbaijani authorities intentionally created panic and chaotic conditions. Moreover, the facts prove that the Azerbaijani side targeted civil infrastructures of vital importance for people. For example, they immediately seized the water supply system of Stepanakert city, due to which it was not possible to filter drinking water, forcing people to drink cloudy water.
3. Direct testimonies of citizens and the facts presented by colleagues (NGOs, Human Rights Ombudsman of Artsakh, and Defense army representatives) in Artsakh, confirm that the Azerbaijani armed forces not only targeted military facilities but also attacked systems and infrastructures of vital importance to the state or the civilian population (such as electricity, water supply, communication systems, local government buildings, schools, civilian houses and shelters).
4. After nine months of blockade, these actions cannot be described as anything other than genocide of 120,000 ethnic Armenians. This reflects a deliberate policy of the Azerbaijani authorities and constitutes a series of criminal acts.
5. Furthermore, Azerbaijani forces conducted artillery and air strikes on communities, resulting in dozens of civilian casualties and hundreds of injuries in places like Stepanakert, Sarnaghbyur, and Vardadzor villages. There have also been recorded cases of civilian killings. For example, on the road from Stepanakert to Harav village, a grandfather who was going to find his grandson was killed in a civilian car.
6. On September 19, at 5:30 p.m., civilian Mr Shabo Grigoryan, driving his car from Khachmach village, was killed as a result of firing by Azerbaijani armed forces at the intersection of Khachmach village.

"Picture 2": As a result of the Azerbaijani armed attacks, 18 civilians, including 6 children, as well as women and elderly, were killed in Artsakh on September 19-20, 2023

FACT-FINDING ACTIVITIES

AS A RESULT OF THE AZERBAIJANI ARMED ATTACKS, 18 CIVILIANS, INCLUDING CHILDREN, WOMEN AND ELDERLY, WERE KILLED IN ARTSAKH ON SEPTEMBER 19-20, 2023.

1.	Edik Janyan	Born in 1944, Stepanakert city
2.	Shabo Mard (patronym) Grigoryan	Born in 1950, Sarushen village
3.	Alexander Garegin (patronym) Alesanyan	Born in 1939, Sarnaghbyur village
4.	Gohar Suren (patronym) Grigoryan	Born in 1967, Sarnaghbyur village
5.	Nver Rudik (patronym) Ghazaryan	Born in 2015, Sarnaghbyur village
6.	Mikael Rudik (patronym) Ghazaryan	Born in 2013, Sarnaghbyur village
7.	Davit Garik (patronym) Aleksanyan	Born in 2009, Sarnaghbyur village
8.	Sergey (patronym) Hovoyan	Born in 2007, Vank village
9.	Melsik (patronym) Baghdasaryan	Vank village
10.	Ruben Alexan (patronym) Konjoryan	Born in 1966, Zaglik village
11.	Aram Aram (patronym) Khachatryan	Born in 1987, Nor Ghazanchi village
12.	Armen Suren (patronym) Martirosyan	Born in 1978, Getavar village
13.	Julia Gasparyan	Born in 1963, Nerkin Horatagh village
14.	Areg Hakob (patronym) Gasparyan	Born in 2013, Nerkin Horatagh village
15.	Vladimir Aramais (patronym) Avanesyan	Born in 1976, Vardadzor village
16.	Hayk Berzhik (patronym) Hovsepyan	Born in 1978, Vardadzor village
17.	Arnoldik Mikael (patronym) Zalyan	Born in 1955, Martuni city
18.	Child (name-surname is being verified)	8-year-old child, Stepanakert city

YEREVAN
26.09.2023

 **TATOYAN**
FOUNDATION
Center for Law & Justice

7. The population of Artsakh, exhausted and deprived of all possessions and homes, without access to utilities such as electricity and gas, was forced to endure days and nights in the streets and basements amidst ongoing attacks. During this time, Azerbaijani armed servicemen also killed and injured civilians including women, children, and the elderly³².
8. In a video uploaded to Telegram channel Hayeli.am on September 19th, several civilians of the Republic of Artsakh were depicted in the Stepanakert hospital suffering from wounds inflicted by the Azerbaijani armed forces during the war³³.
9. One of our partners, ISGAL media, has provided videos that reveal the crimes committed by Azerbaijani forces against the civilian population of Artsakh. According to the videos and the information collected by them, Azerbaijan initiated a large-scale military offensive against Artsakh on September 19, 2023. They began massive shelling from artillery and other military equipment, specifically targeting civilian communities with great intensity³⁴.

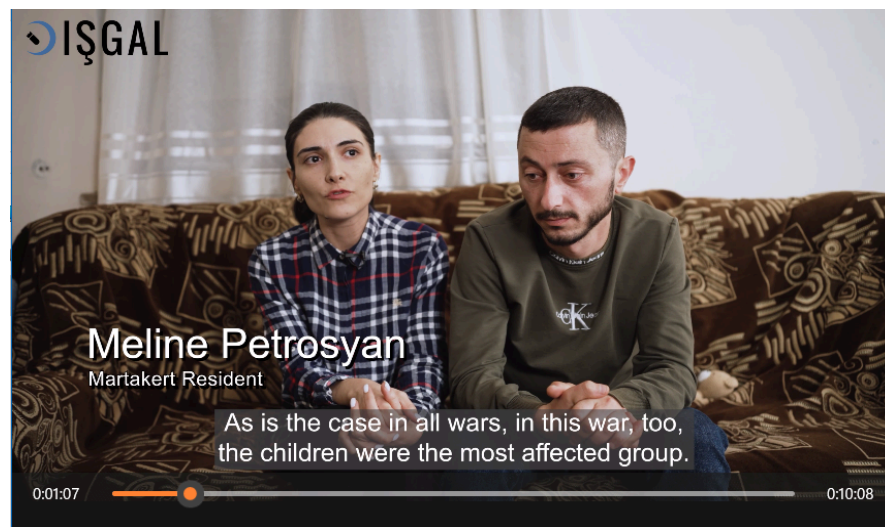
³² Detailed information is available at <https://tatoyanfoundation.org/phastahavakh-ashxatankhneri-ardiyunkhner/> .

³³ Video available at: https://t.me/HAYELI_am/18293 .

³⁴ Video available at: <https://www.facebook.com/lshgalNews/videos/2023-was-a-dark-year-for-nagorno-karabakh-starting-with-azerbaijans-blockade-whi/6968504039902632/>

10. Gev Iskanjan, the representative of the Armenian National Committee, mentioned that the first alarming incident was the cutoff of their internet connection. Shortly after, within five to ten minutes, they heard the shelling and bombing of civilian objects. Mr. Iskanjan stated, 'The first reason for these tragic cases is that they started on September 19 by targeting schools and kindergartens as well.'³⁵
11. A resident of the Martakert region of Artsakh, Ms. Meline Petrosyan, mentioned that, as in all wars, children were the most affected group. The difficulties it caused to their psychological well-being would continue to negatively impact them throughout their lives. She was displaced with her two daughters Ani and Nane. Ani was 1.5 years old and Nane 8 months old when they had to go through that hell. Ani had already been displaced twice in her life³⁶ (See "Picture 3").

"Picture 3": Ms. Meline Petrosyan and her husband speaking about the impact of war on children: A Personal History from Martakert, Artsakh



12. Before the military aggression in September, Mrs Meline Petrosyan and her husband tried to prepare their daughter by telling her that there would soon be a loud thunder, and that she shouldn't be afraid.
13. The husband of Mrs Petrosyan, Mr. Spartak Petrosyan said that they encountered Azerbaijanis in 3 different places. There were many, not just a few with tanks. It is true that they gave us a corridor to pass through but made it very difficult. It was like they were

³⁵ Ibid.

³⁶ Ibid.

trying to provoke the heads of the families to do something because there were women and children in the cars. They kept leering at the beautiful women, who had husbands next to them, and who could not forgive themselves for not speaking up. But who also knew what the consequences could be if they did speak up. When one of the cars broke down, the Azerbaijani soldiers started to threaten the owner, so he left the car in the middle of the road and ran to someone else's car.

14. On the road, Azerbaijanis were flashing the Grey Wolves sign and making noises. Horrendous noises, like pirates, as if they were the winners (See "Picture 4").

"Picture 4": Azerbaijanis were flashing the Grey Wolves sign and making noises, like they were the winners



15. Ms. Petrosyan also said that this conflict was not only an issue of territorial integrity, but also that of ethnic cleansing. And if they went back, Azerbaijan would do the same as they did during the Baku and Sumgait pogroms. She stated that their only restraint was that they left peacefully, which was in their best interest. If they left, Azerbaijan could pretend to be civilized in front of the world and say; "What can we do? The local population decided to leave". But no one, no conscious Armenian can live there. It's just a matter of life and

death, because living with them is impossible. The Artsakh people who lived there after 2020, fought to the end³⁷.

16. Another resident of Martakert region Ms. Gohar Hovyan is the mother of the 16-year-old victim Serojik Hovyan. She said that they were having breakfast when they heard shelling. At first, they thought it was thunder, but it wasn't cloudy. Then they heard the sound again and understood that the war had started. At that time, they were at home, and she was trying to get some bread from the kitchen when Azerbaijani military forces started shelling the civilian houses. Ms. Hovyan was wounded, her hands were bleeding and swollen. Her husband screamed, "Gohar, Serojik!". Then she saw that her younger son was standing, but bleeding, while her eldest son was on the ground³⁸(See "Picture 5").

"Picture 5": Ms. Gohar Hovyan story and the targeting of their home by Azerbaijani forces resulting in the killing of her son³⁹

³⁷ Ibid.

³⁸ Ibid. Video moments since 03.09.

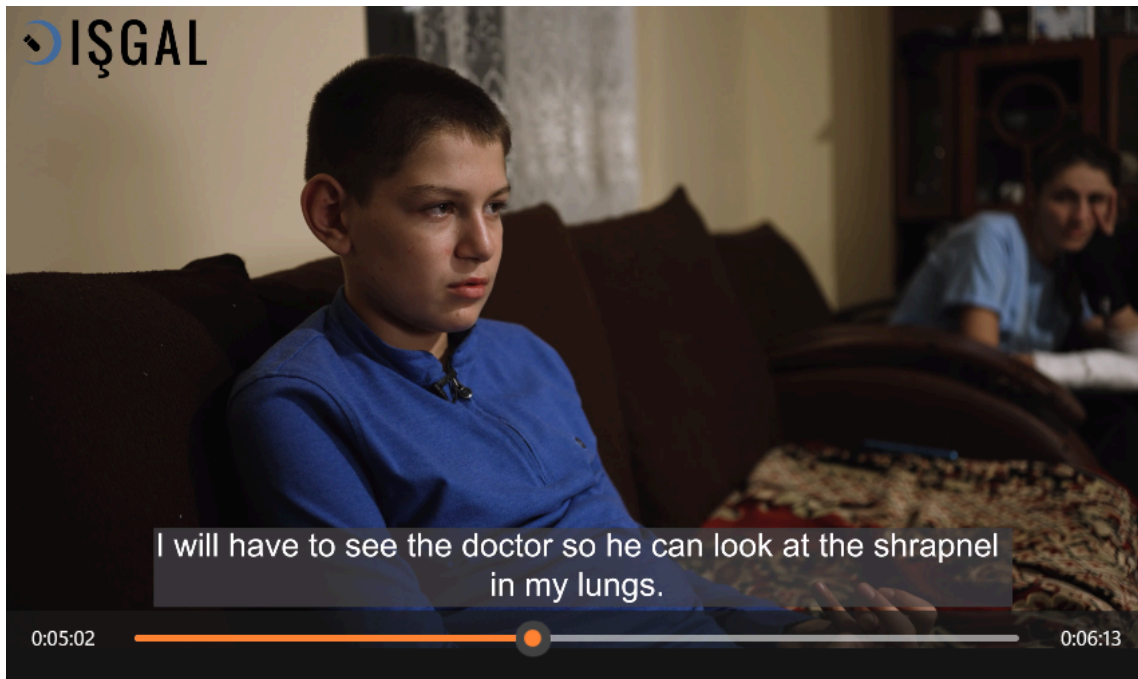
³⁹ Video available at:
<https://www.facebook.com/lshgalNews/videos/2023-was-a-dark-year-for-nagorno-karabakh-starting-with-azerbajans-blockade-who/6968504039902632/>.



17. They took the children to the hospital in Stepanakert and the mother could see that the doctors were trying to save her oldest son. Then she saw that they turned off all the equipment, realizing that the doctors couldn't save her son.
18. The witness, Mkrtych Hovyan, who was the brother of the killed child, stated that the day started like any other. They woke up and began getting ready when Azerbaijani armed forces initiated shelling. Initially scared, he hoped they would be able to get out like they did in 2020, but they couldn't. The child said that he stood up and saw everything was broken, covered in dust, with the floor and ceiling damaged. After which, the parents rushed the child to the hospital in Stepanakert⁴⁰ (See "Picture 6").

"Picture 6": *The witness Mkrtych Hovyan talked about what happened during the shelling of their house initiated by Azerbaijani military forces' attack*

⁴⁰ Ibid. Video moments since 05.02.



19. The child's face was aching and it had been stitched up, his lips hurt most and wounds were so large. He mentioned needing more surgeries to reattach his stoma and that there was shrapnel in his lungs, making it necessary for the doctors to encapsulate the shrapnel before proceeding.⁴¹
20. The deliberate targeting of the civilian population and infrastructure by the Azerbaijani armed forces, particularly the severe violations of children's rights, is further evidenced by numerous videos and findings from fact-finding missions. One of which is the testimony of 10-year-old Karlen.
21. Ten-year-old Karlen lived in the Martakert region of Artsakh when the war started. Initially, fleeing from the Azerbaijani attack, he, along with his mother and grandfather, moved from Martakert to Stepanakert, where they resided in a hotel for several days⁴² (See "Picture 7").

"Picture 7": The evidence of ten-year-old Karlen injury from Azerbaijani armed attacks

⁴¹ Video available with the following link: https://t.me/HAYELI_am/19100 .

⁴² Video evidence available at: <https://www.azatutyun.am/a/32679779.html> .



22. In an almost empty Artsakh, with no possibility of calling an ambulance, Karlen hastily rode his bicycle to find a doctor for his 85-year-old grandfather. On the way, when he reached the monument of "Grandma-Grandpa," he heard an explosion and, as he described it, felt a sharp puncture in his leg. Then he realized he had been shot in the heel and noticed two Azerbaijani cars in the distance. During those days, Azerbaijani forces had already reached the outskirts of Stepanakert⁴³.
23. Upon returning, he felt a burning pain in his leg and discovered it was bleeding. Karlen, due to his injury, was unable to locate any doctors and his grandfather tragically passed away.
24. In this chaotic situation, people were unable to transport the bodies of the victims to forensic examinations so that they could bury them, due to Azerbaijani armed servicemen keeping communities isolated from each other and shelling civil population and infrastructures. There were also cases when people were forced to do funerals without forensic expertise.

"Picture 8": The evidence posted by the friendship circle France-Armenia (Cercle d'amitié France-Arménie), showing pictures of wounded Artsakh children due to the September attack of Azerbaijani forces⁴⁴

⁴³ Ibid.

⁴⁴ Photo available with the following link: [\(1\) CERCLE D'AMITIÉ FRANCE-ARTSAKH on X: "Le Cercle D'Amitié France-Artsakh Appelle À Des Sanctions Le Cercle d'Amitié France-Artsakh condamne avec la dernière vigueur l'injustifiable agression militaire dont s'est à nouveau rendu coupable l'Azerbaïdjan envers les populations arméniennes de la République d'Artsakh.... https://t.co/tdn1srqevO" / X \(twitter.com\)](https://t.co/tdn1srqevO)



25.In an interview with Ms. Sofik in an Artsakh hospital on September 21, 2023, she recounted how Azerbaijan bombed her village of Sarnaghbyur, leading to several civilian casualties, with some being children⁴⁵.

26.“Azerbaijan started bombing everywhere. Some kids got killed; some were wounded. Some had their brains spilled out...Horrific scenes...Some were able to get evacuated, some were left behind. Some don’t know where their kids are...all are dispersed.... They shot the village and surrounding areas. We gathered the kids in one area under some trees, to see if we could get them to safety and that’s where they hit. Some children died, and some were wounded”, said Ms. Sofik. She had five children and during that interview in the Stepanakert’s hospital three of her children were wounded. One was in the city, hiding in the basement, and the other one was at school, in the neighboring village, Nakhichevanik, when wounded⁴⁶.

27.The above facts, along with several others, attest to the direct and deliberate targeting of civilians and civilian objects during armed attacks. These gross violations of International

⁴⁵ Video available at: <https://twitter.com/nmatini/status/1704914589039677839>

⁴⁶ Ibid.

Humanitarian Law confirm that these crimes were planned, developed, and carried out by Azerbaijan.

28. Mr. Shura Ghulyan, who was displaced from the Martakert region, was born in Chldran village of the Martakert region of Artsakh in 1963. In an interview, he described how Azerbaijani armed forces attacked his house and forced them to leave their village (See "Picture 9").

"Picture 9": The evidence of the Interview of a woman in an Artsakh hospital recounting how Azerbaijan bombed her village of Sarnaghbyur, leading to several civilian casualties, including children.



29. "We had never left our homeland. During the 44-day war of 2020, my daughter-in-law went out with her children, but after the war, they returned. I was working in the Drombon mine, and every day a column of Azerbaijanis passed by us to Karvachar, looking at us very badly. On September 19, 2023, the war started at 12:10, and I was on duty at that time. I was on duty all day, and during that time, my neighbors took my children to the shelter. The children stayed in the shelter. I came back at night, but I didn't know their locations. At 6 o'clock, my son and I were at home when another shell hit the house. There was a big

iron water reservoir near the house, and that prevented the shell from reaching us. We left everything we had there: the house, household, livestock, pigs...", said Mr. Ghulyan⁴⁷.

30. Among the aforementioned incidents, the Azerbaijani armed forces also killed two brothers, eight-year-old Nver Ghazaryan and ten-year-old Mikayel Ghazaryan, in Sarnaghbyur village of Artsakh. They were left home alone with their two brothers, 6-year-old Seyran and 1-year-old Karen, in Sarnaghbyur village during the Azerbaijani attack on September 19. Their mother, 33-year-old Zarine, had walked to Askeran to get bread and food due to the blockade, as there was nothing to eat in the village. She had to walk for 4 hours several times a week to Askeran in search of food. Six-year-old Seyran was also seriously injured, with a fragment lodged in his head. Initially, the Azerbaijanis did not allow them to remove the children's bodies. The International Committee of the Red Cross only found the brutally murdered child on September 24, 2023. The mother found the children's bodies four days later at the Stepanakert hospital⁴⁸ (See "Picture 10").

"Picture 10": Evidence of Azerbaijani indiscriminate shelling of Artsakh villages and the murder of 8-year-old Nver and 10-year-old Mikayel

⁴⁷ Video evidence available at: https://www.youtube.com/watch?v=tFbq_pk7V8U .

⁴⁸ Video evidence available at: https://www.youtube.com/watch?v=wB_K5sAzwNQ , [Siranush Sargsyan on X: "Zarine is still in a traumatic shock. She lost her two sons—Mikayel, 8, and Nver, 10—in Azerbaijan's indiscriminate shelling of her village in #NagornoKarabakh by #Azerbaijan. Read her story in our new @BBCWorld article below. #EthnicCleansing https://t.co/PG73gD2fku" / X \(twitter.com\)](#)



31. "I have heard that they brought them already. I went to see both of them. I just want their father to come...It is horrible.... Can't even say.... Horrible situation.... I have only seen this part. The neck was severed.... I haven't seen much, only their faces. One was injured in the back of the head, all bloody. The other one had severed head..."- said Zarine⁴⁹.
32. "Azeris killed three people on the road from our village to Stepanakert. One was wounded and killed, and the other, who went back to bring the car and transport people in his own car, fell into the hands of the Azeris and was also killed. The two people were together in one car, and the third, a 73-year-old man, was alone in his own "Pisatri" (the model's name of the car). They were my neighbors; I knew them," said Mkhitar Gasparyan, forcibly displaced from Artsakh⁵⁰.
33. The lack of food, electricity, gas, and medicine compounded the suffering described above. Ultimately, people have been forcibly displaced from their homes and historical communities. All of this is a deliberate policy by Azerbaijan, stemming from Armenophobia, which includes torture, murder, and causing inhumane suffering.

⁴⁹ Video evidence available at: [Siranush Sargsyan on X: "Zarine is still in a traumatic shock. She lost her two sons—Mikayel, 8, and Nver, 10—in Azerbaijan's indiscriminate shelling of her village in #NagornoKarabakh by #Azerbaijan. Read her story in our new @BBCWorld article below. #EthnicCleansing https://t.co/PG73gD2fku" / X \(twitter.com\)](https://twitter.com/SiranushSargsy1/status/1681111111)

⁵⁰ Video evidence is available at: <https://www.youtube.com/watch?v=t1A8TSDUImE&t=508s>.

II. The forced displacement of the civilian population of Artsakh as part of Azerbaijan's planned state policy to depopulate Artsakh

1. The prohibition of forced displacement of populations and related regulations by International Humanitarian Law customary rules 129 to 133 is a core part of the legal protection of civilians in both international and non-international armed conflict. These customary rules align with the provisions set forth for international armed conflicts. The study on the rules of customary IHL published by the ICRC in 2005 prescribes that according to Rule 129:
 - (a) Parties to an international armed conflict may not deport or forcibly transfer the civilian population of an occupied territory, in whole or in part, unless the security of the civilians involved or imperative military reasons so demand.
 - (b) Parties to a non-international armed conflict may not order the displacement of the civilian population, in whole or in part, for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.
2. The prohibition of forced displacement of the civilian population in non-international armed conflicts is set forth in Additional Protocol II⁵¹. Under the Statute of the International Criminal Court, “ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand,” constitutes a war crime in non-international armed conflicts⁵². This rule is contained in other instruments pertaining also to non-international armed conflicts⁵³. It should also be noted that under the Statutes of the International Criminal Tribunals for the former Yugoslavia and Rwanda and of the International Criminal Court, deportation or transfer of the civilian population constitutes a crime against humanity⁵⁴.
3. In a resolution on basic principles for the protection of civilian populations in armed conflicts, adopted in 1970, the UN General Assembly affirmed that “civilian populations, or

⁵¹ See, Additional Protocol II, Article 17 (adopted by consensus) (cited in Vol. II, Ch. 38, § 10).

⁵² See, ICC Statute, Article 8(2)(e)(viii) (ibid., § 19).

⁵³ See, See, e.g., Agreement on the Application of International Humanitarian Law between the Parties to the Conflict in Bosnia and Herzegovina, § 2.3 (ibid., § 28); Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law in the Philippines, Part IV, Article 3(7) (ibid., § 35).

⁵⁴ See, ICTY Statute, Article 5(d) (ibid., § 31); ICTR Statute, Article 3(d) (ibid., § 32); ICC Statute, Article 7(1)(d) (ibid., § 16).

individual members thereof, should not be the object of ... forcible transfers”⁵⁵. In a resolution on the protection of women and children in emergency and armed conflict, adopted in 1974, the UN General Assembly declared that “forcible eviction, committed by belligerents in the course of military operations or in occupied territories, shall be considered criminal”⁵⁶. The UN Security Council, UN General Assembly, and UN Commission on Human Rights have condemned instances of forced displacement in international armed conflicts but also in non-international armed conflicts. One example being the context of the conflicts in Bosnia and Herzegovina, Burundi and Sudan⁵⁷.

4. The 26th International Conference of the Red Cross and Red Crescent adopted two resolutions stressing the prohibition of forced displacement of the civilian population⁵⁸. The ICRC has called on parties to both international and non-international armed conflicts to respect this rule⁵⁹.
5. The Article 49 of the Fourth Geneva Convention specifies that evacuations may not involve displacement outside the bounds of the occupied territory “except where for material reasons it is impossible to avoid such displacement”. With respect to non-international armed conflicts, Additional Protocol II specifies that evacuations may never involve displacement outside the national territory⁶⁰.
6. During the Foundation's fact-finding activities, Artsakh Armenians who were forcibly displaced from Artsakh stated that, during the military operations, they had no time to evacuate the settlements of the Martakert region. Many of them left barefoot because the Azerbaijani armed forces swiftly invaded the settlements, cutting off communication, and preventing people from warning each other to leave. The chaotic and crisis situation was further exacerbated by a 9-month blockade, resulting in a lack of fuel in civilian

⁵⁵ See, UN General Assembly, Res. 2675 (XXV) (adopted by 109 votes in favor, none against and 8 abstentions) (ibid., § 204).

⁵⁶ See, UN General Assembly, Res. 3318 (XXIX) (adopted by 110 votes in favor, none against and 14 abstentions) (ibid., § 205).

⁵⁷ See, e.g., UN Security Council, Res. 752 (ibid., § 193) and Res. 819 (ibid., § 194); UN Security Council, Statement by the President (ibid., § 201); UN General Assembly, Res. 55/116 (ibid., § 212); UN Commission on Human Rights, Res. 1995/77 (ibid., § 212) and Res. 1996/73 (ibid., § 213).

⁵⁸ See, 26th International Conference of the Red Cross and Red Crescent, Res. II (ibid., § 228) and Res. IV (ibid., § 229).

⁵⁹ See, e.g., ICRC, Memorandum on the Applicability of International Humanitarian Law (ibid., § 237) and Memorandum on Respect for International Humanitarian Law in Angola (ibid., § 240).

⁶⁰ See, Additional Protocol II, Article 17(2) (adopted by consensus).

settlements. Despite having multiple cars, the absence of fuel hindered a timely and organized evacuation. Consequently, they had to leave their cars in Artsakh.

7. Forcibly displaced Artsakh Armenians from the Martakert region mentioned that some were only able to get out of the village due to the fact that one villager had fuel in his tractor.
8. As a result of the actions of the Azerbaijani armed forces, the population of the villages of the Martakert region left their settlements with a difference of a few minutes compared to the invasions of the Azerbaijani armed forces, fearing capture or death. For instance, a 60-year-old Baghdasaryan Nersik was killed in the airstrikes of Azerbaijan's armed forces, while a 4-year-old child and one of his parents were injured.
9. Moreover, residents of Sarushen village of Askeran region during the fact-finding missions stated that around 400 people miraculously escaped from the Azerbaijani blockade. Ms. Alisa Arustamyan, a resident of Sarushen village, remembered September 19, a day when they had to move from place to place to save themselves. According to the collected information, the attack on the positions started at 11:00 am. The Azerbaijani armed forces positions were 200-300 meters away from the village, and after a very short time, the Azerbaijani armed forces initiated shooting and military attacks on the village.
10. Forced to leave their homes, some residents were in home wear, while others didn't even have time to take their documents. As the village roads were already closed, the people of Sarushen had no choice but to flee into the forest.
11. They described how they navigated through gunfire to reach the forest and, after waiting five tense hours, decided to follow the village mayor's advice and move through the forest towards Msmna village in the Martuni region.
12. "At night, we set off on foot to go to Msmna. We walked five to six kilometers, arriving at three in the morning. In the morning, the head of the village brought cars, and we came to Stepanakert. I didn't go to our house again; we left empty-handed, without even taking our documents"⁶¹said Ms. Alina Arustamyan.

⁶¹ See, the detailed information with the following link:

<https://forrights.am/2023/11/06/%D5%A9%D5%B8%D6%82%D6%80%D6%84%D5%A5%D6%80%D5%A8-%D5%AF%D5%BF%D6%80%D5%A5%D6%81%D5%AB%D5%B6-%D5%BE%D5%AB%D6%80%D5%A1%D5%BE%D5%B8%D6%80%D5%B6%D5%A5%D6%80%D5%AB-%D5%A1%D5%BC%D5%A1%D5%BB%D5%A8/> .

- 13.** Forcibly displaced Artsakh Armenians from the forest witnessed how Azerbaijani soldiers shot the wounded people being transported to the medical hospital from the Sarushen positions. The soldiers of the Azerbaijani armed forces cut off the road of the wounded and started killing and torturing them with weapons. Residents stated that they recognized some of the soldiers' faces during the torture and killing, and later identified these killed soldiers, whose heads were missing, in the Stepanakert hospital. During the fact-finding mission, the residents said that if they had left the village of Sarushen a little later they would have been killed by the Azerbaijani armed forces⁶². These attacks and crimes forced the civilian population to be displaced to Berkadzor, Askeran city, and Ivanyan airport.
- 14.** Anahit Hovakimyan married and lived in the village of Vardadzor, Artsakh (which is located near the Kashen mine). The displaced woman recalled the difficulties and challenges caused from the blockade. Her condition seemed better than that of the city population since she resided in a village with cows and chickens⁶³.
- 15.** "For the last two months, there was no flour at all, there was no sweet, and where did the villagers produce it? It was very difficult. There was no gas, there was no fuel to move, go somewhere, do something: if you are sick, go to the doctor. In any case, the children endured. Now, if you ask the child, he will tell you. When she says I want candy and we say there is none, she says, did the Turks (Azerbaijani) block the road, they don't let bring it⁶⁴?"
- 16.** "On September 19, we were sitting in the house in our village when the war started. The only panel house in the village was ours, which was considered safe. We all went to the basement to be safe, because they were constantly shooting from the Azerbaijani side. The next day, at 8 a.m., we went upstairs with the child (meaning we went up from the basement to the house), even though they were constantly shooting. For 2-3 weeks, there was no communication, no electricity – nothing. We were cut off from the outside world. If someone had died, we wouldn't have known because there was no telephone. At that moment, everyone was trying to save himself as best he could. My husband went out and came and told us to leave because the Azerbaijanis were already in the village. The Turks (meaning Azerbaijanis) were already in the village, but we were not aware of anything.

⁶² Ibid.

⁶³ Video evidence available at: <https://www.youtube.com/watch?v=dCKBGr5BMfl&t=710s>

⁶⁴ Ibid.

Sitting at home how would we know?... We had no idea at all, but they were already in the village. Our boys' cries for help reached us: "My hand, my leg, help!". The Azerbaijanis were already insulting. It wasn't one, it wasn't two... It didn't matter to them whether he was a civilian or not. We ran out of the house with what we were wearing at that moment. We had three cars, we left them and went out because we couldn't do anything. I only took my bag with my passport and phone in my pocket⁶⁵" said Ms. Hovakimyan.

17."We went out to the forest, maybe we climbed 1 km. Before that, it rained for 10 days, there was a mudslide, and after that, you entered the forest, what would happen? Can you go up by car, can't you?

We went up 1 km and the car stopped and did not go. Everyone tried to get out through the forest, and the drones were shot from above. Running through the forest, we reached the "Ural" (car model) to put the children in and save them. There was no other option because we were walking...I don't know how that car drove through stones and trees to save the children. It was full of children, and adults.... At that moment, he was taking us to the road to go to Drmbon, and then he would come back to save the rest. There was no other car, we had no other option, only that "Ural". I can't describe what was happening: children were crying, adults were lying on the ground. We were just standing there when a soldier who was recruiting nearby and had connected to someone to solve the issue of evacuating us, was asking where to take these people. At that very moment, a drone struck near us. The car was a military Ural, but it was full of children. Now, my granddaughter Anahit, tells me that the drone hit and that man fell to the ground. Can you imagine, right in front of the child's eyes?⁶⁶".

18.Mrs. Hovakimyan also said that they were forced to leave, and their sons stood 100 meters away from them so that the Azerbaijani soldiers would not kill them. During the interview, she remembered that they had already been in the village. It wasn't one, it wasn't two, it was a group, armed to the teeth." Mrs. Hovakimyan also mentioned that her son-in-law's friend was killed by Azerbaijanis in the village. That boy did not know that his parents had gone out with them through the forest. As a result, he was killed and his

⁶⁵ Ibid.

⁶⁶ Ibid.

son-in-law was injured near the village's school. Mrs Hovakimyan said that the Azerbaijanis allegedly opened the way, but the car full of children was hit by drones.

19. "What is this, if not an attack on the civilian population? This does not become genocide. How else does genocide happen? We endured hunger and thirst for 9 months, but now we will never live there with our children. It is impossible. Even if they promise us mountains of gold, we cannot raise our children in Azerbaijan," said Mrs. Hovakimyan⁶⁷.
20. During fact-finding activities in public media, the Foundation collected a massive amount of information about how people were forced to leave their villages through the forests. One of the residents of Sarushen village said that on September 19, 2023, at 10 am, the children came home from school and said that they were sent home because they had sounded an alert.
21. The resident said: "After the attack started, my son told us to go to the basements and hide. After a while, the head of the village sent someone from the position and said that we should leave the village. We could not grab clothes, slippers, or anything, we didn't even take the documents. The whole village went out to the stadium. Then they came and said that it was dangerous there, so we had to go to the forest. At that time, Azerbaijani armed forces were shooting from everywhere with different weapons. Then our village's head came and said that it was very dangerous there, and we should go to Msmna village. Msnma village was also a few kilometers away from our village. We thought it was a bit safe there. We stayed in the forest with the children for 5 hours. We sat in the forest and waited to see what they would say, whether we would go back to the village or not. We intended that we would go back to our village again. But then they came and said that the Turks (Azeris) had already entered the village. The head of the village brought the wounded with him and said that we had to go to Msmna village, we had no other choice. The village of Msmna was about 5-6 km away from us, but we set off on foot to go there. It was already 3 a.m. when we reached the village of Msmna. We stayed in that village until the head of our village brought cars early in the morning and they took us to the city of Stepanakert. We never returned home. The villagers left empty-handed, not even bringing our documents along⁶⁸."

⁶⁷ Ibid.

⁶⁸ Video evidence available at: <https://www.youtube.com/watch?v=UZWQoJe2TJw> .

- 22.** A resident of the village described that they initially had 300-400 residents in the village, but all that had the means to had left. The only people remaining were the wounded and elderly. When the villagers came out, the Azerbaijanis cut off their path and started torturing and killing them with machine guns. The wounded were taken by car from Sarushen village to Stepanakert hospital. When the bodies were taken to the city of Martuni, relatives contacted their sons to identify the deceased and confirm if they were from their village. Her son described that the bodies were in very bad condition, with half of the heads of those killed missing. The resident claimed that if they left a little later, the Azerbaijanis would have entered the village and killed everyone there⁶⁹.
- 23.** Regarding the question of returning, her response is firm. She will not return to Artsakh under any circumstances. If Azerbaijan grants autonomy and declares Artsakh as autonomous without Azeris, she would consider returning to her home. However, if integration involves obtaining an Azerbaijani passport, she unequivocally states that she will not go back⁷⁰.
- 24.** Ms. Lyudmila Petrosyan, who was forcibly displaced from the Getavan village of the Martakert region, also shared facts testifying to the forced displacement. In a published video, she said that on September 19, she and her 13 grandchildren sat in the basement and waited until the next day at 5:30 a.m., when the head of the village came and said that the children should be taken out of the village, as Azerbaijani military forces had already taken Charektar village. Miraculously, the cars that had been standing for 2 years without fuel found fuel and they left the village with two cars, taking nothing with them, as the Azerbaijanis were already approaching.⁷¹
- 25.** Ms. Lyudmila said that when they arrived in Horatagh, they found out that they too were being evacuated. The shells were already reaching the villages, as the Azerbaijanis were shooting from all sides. They stayed in Stepanakert for a few days. When they were leaving, her eldest son, Arayik, realized his car did not have enough fuel to cross the Shushi crossroads, so he went to find more fuel to ensure their safe passage. Ms. Lyudmila recalled the desperate scene: cars lined up in four rows, stretching all the way to the Shushi crossroads, with a lot of fuel needed to make the journey. Her eldest son,

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Video available at: <https://www.youtube.com/watch?v=F96JtYJIANI>.

Arayik, went to get the fuel they needed, but he never returned. He went missing during a devastating explosion at the fuel station, leaving his family to face the uncertainty and heartbreak of his disappearance.⁷².

26.Ms. Lyudmila also stated that her nephew was killed in a defensive position during the village's defense, but they could not find the body because an Azerbaijani tank entered the position, rammed the bodies, and left. One of the boys, who was from Nerqin Horatagh village, witnessed and told that Arshak (nephew) was wearing red clothes, and because his appearance was unrecognizable, the parents could not find and recognize the body. Ms. Lyudmila had been displaced for the 4th time already. "It was a real displacement; we were thinking of saving the children. All of them are poor and naked, without documents...", said Ms. Lyudmila⁷³.

27.Mrs. Hersile Arustamyan became a single mother on September 19, 2023, and she, along with her daughter Mane, was forced to leave their home in Chartar during the war. The only way to survive was to walk for kilometers with the child in her arms. They walked from Chartar to Khnusinak on foot, and the child cried due to the noises, tightly hugging her mother out of fear. Like everyone else, Mrs. Hersile spent those days in the basement with her daughter. Mrs. Hersile's husband, Nver, was a soldier and died during the war. He was buried in Chartar. The woman didn't even have a chance to bid farewell to her husband⁷⁴.

28.The people of Artsakh who were forcibly displaced from Chartar told us during our fact-finding missions in Goris that they held funerals for their relatives without medical examinations. These funerals were conducted at night, silently, and without crying, to avoid detection and targeting by enemy drones.

29.Mrs. Hersile mentioned that the pain of losing her husband and leaving her homeland was compounded by the difficulties of the displacement path. On the way to forced displacement, two-year-old Mane didn't even have bread to eat, so they gave her nuts to play with to not cry⁷⁵.

30.The aforementioned facts and evidence prove that Azerbaijan carried out ethnic cleansing and forced displacement of Artsakh Armenians, forcing them to leave their homeland

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Video available at: <https://www.youtube.com/watch?v=FF-3DIHtIJ8>.

⁷⁵ Ibid.

under the threat of genocide and ethnic cleansing. All this was carried out by directly and deliberately targeting the civilian population and settlements, without providing people with a safe and peaceful way to leave or respecting the rights of the civilian population as defined by international humanitarian and human rights law. Children, who endured the greatest stress during the 9-month-long blockade, hunger, and war, were directly under the Azerbaijani target.

31. This is further evidenced by the story of Tigran and Taron Titanyans, 10-year-old brothers who played dhol (an Armenian musical instrument). They, along with their family, were displaced from the city of Martuni in Artsakh. Unfortunately, they had to leave behind their musical instruments, including dhols and the Kanun (an Armenian musical instrument) belonging to their older sister, 12-year-old Mari. Despite their desire to take these instruments with them, there was no room on the bus. Moreover, their grandfather warned them that the Azerbaijanis might take the dhols on the way and not return them. The boys recounted that if they had left just 5 minutes later, Azerbaijanis would have entered the village. As they left and reached the section known as Gishva crossroads, the Azerbaijanis passed by them. One of the boys mentioned that the Azerbaijanis, all along the way, showed them the sign of the Grey Wolves⁷⁶(See “Picture 11”).

"Picture 11": Evidence of the Armenophobic policy of Azerbaijan: Tigran and Taron Titanyans, who were displaced from the city of Martuni, Artsakh, tell how the Azerbaijanis showed them the sign of the Gray Wolves



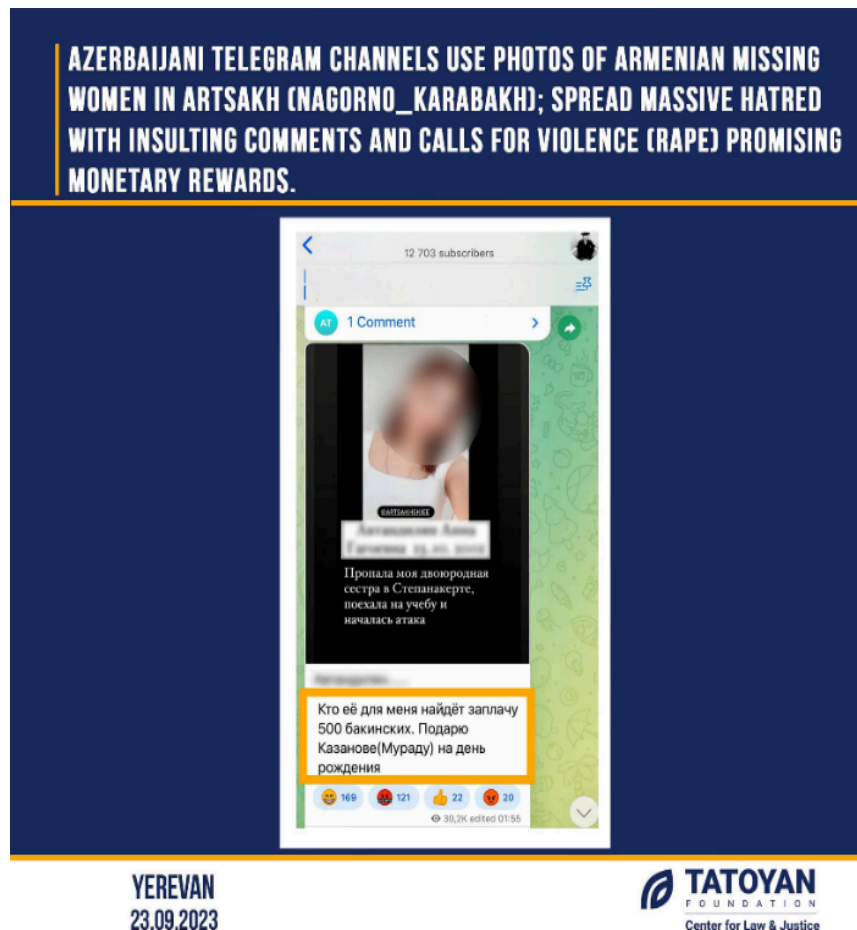
⁷⁶ Video available at: <https://news.am/arm/news/800432.html> , <https://www.youtube.com/watch?v=eyAFjvnleUY>

32.As a result of Azerbaijani Anti-Armenian racist and xenophobic policies the peaceful population of Artsakh, especially the children, have endured several wars, lived under blockade conditions, and faced constant fear under the sound of shells and shootings as they took refuge in basements and shelters.

III. Evidence of Anti-Armenian racist and xenophobic policies in Azerbaijan

Below there is objective evidence of hatred towards Armenians that has been sponsored by the Azerbaijani authorities for years. This hatred has led to atrocities against Armenians. The existing Azerbaijani state policies sponsor impunity for these crimes.

“Picture 12”: Azerbaijani telegram channels using photos of Armenian missing women in Artsakh; spreading hatred with insulting comments and calls for violence(rape) promising monetary rewards



“Picture 12”: Azerbaijani telegram channels’ mass appeals for killing and dismembering the Artsakh Armenian children (with their pictures) promising \$500 reward for these children’s ears

AZERBAIJANI TELEGRAM CHANNELS' MASS APPEALS FOR KILLING AND DISMEMBERING THE ARTSAKH (NAGORNO KARABAKH) ARMENIAN CHILDREN (WITH THEIR PICTURES) PROMISING \$500 REWARD FOR THESE CHILDREN'S EARS.

Этим двух маленьких гадёнышей нужно будет расчленить и кусками отправить их родителям.
The bodies of these two little bastards must be dismembered and sent in pieces to their parts parents.

Объявляем охоту, за уши этих гадёнышей админы готовы заплатить по 500\$.
We are announcing hunting the ears of these two bastards; admins are ready to pay 500\$ for each of them.

YEREVAN
22.09.2023

TATOYAN
FOUNDATION
Center for Law & Justice

"Picture 13": Azerbaijani telegram channels using photos of elderly Armenians of Artsakh to spread hatred and insulting comments; calls for violence based on their ethnic identity

AZERBAIJANI TELEGRAM CHANNELS USE PHOTOS OF ELDERLY ARMENIANS OF ARTSAKH (NAGORNO KARABAKH) TO SPREAD HATRED & INSULTING COMMENTS; CALLS FOR VIOLENCE BASED ON THEIR ETHNIC IDENTITY.

Старая армянская блядина, сиктир и страдай

177 🗨️ 72 🗨️ 40 🗨️ 10 🗨️

53 Comments

Добро
Можно я ей глаза выколю? 🤡🤡
🤡🤡🤡🤡🤡🤡🤡🤡 этой тварине
7 👍 1 ❤️ 17:15

Fridzhi Zadeh
ты думаешь они уедут?
я и такие как вы не дадим им жизни
7 👍 edited 17:11

Ёпарь Всея Армян admin
чтоб сдохла не доехав до дома
10 👍 17:11

YEREVAN
26.09.2023

TATOYAN
FOUNDATION
Center for Law & Justice

IV. Torture and inhuman treatment of civil population by Azerbaijani armed forces in Artsakh

1. The treatment of civilians, prisoners of war, and soldiers who are otherwise rendered as *hors de combat* or incapable of fighting is one of the key principles of *jus in bello* and *jus post bellum*. It guarantees the rightful protection of individuals who fall into the circumstances of war and puts them at the centerfold as one of the main subjects of war. Ensuring the protection of *hors de combat* is a major part of maintaining a humanitarian world order and ensuring that the lives and dignity of human beings are at the center of global development.
2. Fact-finding activities in Goris, including interviews with forcibly displaced Artsakh Armenians, revealed war crimes committed by the Azerbaijani armed forces in the village of Sarnaghbyur in the Askeran region. Specifically, the Azerbaijani armed forces in Sarnaghbyur village killed 89-year-old Elira Atayan, who had health problems and disabilities. Amid the panic and forced displacement, the son of the murdered woman was unable to evacuate his mother by car due to space limitations. Then, upon his return from evacuating his family, Aram Atayan found his mother brutally murdered. According to the information from a relative, the Azerbaijani military servicemen dismembered her body.
3. On September 19-20, 2023, Azerbaijani armed forces kidnapped an elderly woman from the Khnkavan village of the Martakert region. She was alone in the village because she was left to take care of the animals. While watering the garden in the yard, she heard the commotion. Upon turning around, she saw six Azerbaijani soldiers descending armed with rifles. The woman says that they pushed the door with their foot and entered. Then they tied her hands, threw her in the car and took her directly to Karvachar. In Karvachar, they questioned her about whether she had a son serving as a soldier. Then, they accused her of killing a Turk (Azerbaijani). She responded, emphasizing that she was an elderly woman, unarmed, and had no reason to harm anyone. Then, they contacted their commander and asked whether they should kill the woman or not⁷⁷.

"Picture 14": The captured elderly woman tells how Azerbaijani soldier tortured her

⁷⁷ Video evidence available at: <https://www.youtube.com/watch?v=N1H4nmYMcdk&t=17s>



4. The woman said that they beat her with a machine gun so severely that her arm was completely bruised. When she attempted to make a sound due to the pain, the Azerbaijani soldiers threatened to kill her on the spot if she did. She endured six days of hunger and thirst while she was being tortured, the Azerbaijani the military also tore up her documents. For the entire duration of six days, they tortured and cursed her. Each day, they only gave a small glass of water and nothing more. The elderly woman also mentioned that she had a gold ring on her hand, which they forcibly removed after beating her⁷⁸.
5. In another case, Kamo Balayan, who was forcibly displaced from the Chartar village of the Martakert region, said that on the road from Chartar to Stepanakert, near the village of Nngi, where the Azerbaijanis had established a checkpoint and blocked the road, they stopped his car to check it. He had forgotten to remove his medals from the drawer inside the car door, and the soldiers discovered them. In Azerbaijani, they cursed at him while someone with basic Russian skills asked if he had served in the military. Throughout the exchange, insults persisted, and Balayan replied in Russian, insisting they communicate in either Armenian or Russian.

⁷⁸ Ibid.

6. As soon as he said those words, someone hit him from behind, slamming his chest against the car door. Subsequently, three soldiers hit him with the back part of a machine gun several times, ordering him to remove everything from the car. He fell to the ground and they kicked and beat him in the presence of his family. They took the medals and told him to leave. After these beatings, he somehow managed to get back on his feet and drive the car to reach Stepanakert, where he was forced to stay for a few days because he could not drive the car due to pain⁷⁹.
7. On September 19, 2023, 45-year-old Mr. Mavrik Pashayan, who had a 2nd-degree disability, was captured by Azerbaijani armed forces during an attack on the Sznek village, after which he remained in captivity for about six weeks. As there were no cars available to leave the village, Mavrik, along with his 80-year-old uncle Shura and 80-year-old fellow villager Nvard, tried to escape on foot, hiding in the forest near the village. In the forest, they met the father of Sznek's mayor in a helpless state, but due to his inability to walk, they left him on the forest road, and his fate is still unknown. Later, near the village of Karmir, Azerbaijanis captured both Mavrik and Nvard. They wounded Mr. Mavrik with a gun and then proceeded to beat him. Although he claimed not to understand anything, they continued to beat him, accusing him of deceit in Russian. While the Azerbaijanis were beating Mr. Mavrik, an elderly woman started scolding them, telling them not to beat and torture Mr. Mavrik. However, they mocked the old woman, and eventually, they were separated and taken to Shushi, where they were held for about three days⁸⁰.

"Picture 15": Captured and tortured Mavrik Pashayan tells about how Azerbaijani soldiers captured and tortured him

⁷⁹ Video available at: <https://www.youtube.com/watch?v=OTXMuLSjQDw&t=549s>

⁸⁰ Video evidence available at: <https://www.youtube.com/watch?v=D8bJdwrehz4&t=42s>



8. Their torture did not end in Shushi either, they beat him and forced him to do push-ups with his injured and broken arms, and forced him to stand on one leg. When he was unable to do the ordered push-ups because of the pain in his hands, they kicked him in the chest. Then they started mocking and touching him. After returning him through the Red Cross, his brother's wife says that Mavrik's head was swollen, there were bruises on his body, and his hand was injured. Later, the brother's wife informed that Mavrik's brother, 52-year-old Mr. Melikset Pashayan, was also captured. Mavrik went to free his brother and uncle, but was also captured. Mr. Melikset Pashayan called from Baku and said that he was captured and did not know when he would return⁸¹.

⁸¹ Ibid.

V. Evidence of targeting civil infrastructure in Artsakh by Azerbaijani armed forces

1. During fact-finding activities in the Goris and Kornidzor communities, following the forced displacement of Artsakh Armenians, the Foundation collected and examined a significant amount of evidence currently documented on public and social media. This evidence testifies to the deliberate targeting of civilian infrastructures and the destruction of property belonging to Artsakh Armenians by Azerbaijani military forces during and after the war that began on September 19, 2023.

"Picture 16": Azerbaijani armed attacks towards civilian houses



2. This video evidence⁸² proves that the Azerbaijani armed servicemen attacked civilian communities in Artsakh on September 19, 2023. This is Charektar village in Artsakh. By collecting different video parts, the Foundation was able to establish that the Azerbaijani armed servicemen fired shots at civilian houses, obviously knowing that civilians remained in the houses of villages and towns.

⁸² Available with the following link: <https://www.youtube.com/watch?v=76Pje9tF4vU&list=PLxle3iWZPc3lIJ0phxxKQuMf8HjtNfvYo>.

"Picture 17": Azerbaijani deliberate shootings towards civilian houses



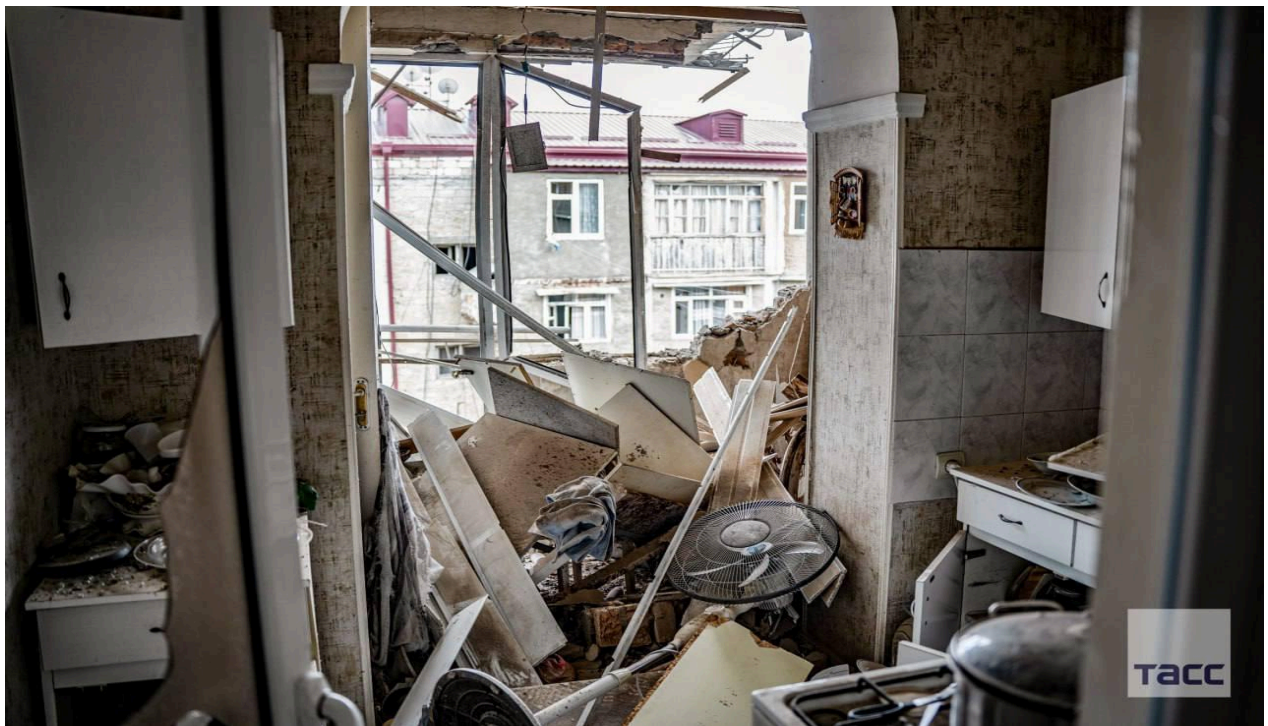
"Picture 18": The movements of Azerbaijani troops near the civilian houses



"Picture 19": A series of images sourced from TASS which depict the destruction of residential areas



"Picture 20": A series of images sourced from TASS which depict the destruction of residential areas



"Picture 21": A series of images sourced from TASS which depict the destruction of residential areas



"Picture 22": A series of images sourced from TASS which depict the destruction of residential areas



3. In Stepanakert, on Khudyakov Street 25, a shell hit the house of Mr. Gregory Budagyan's family and damaged part of the house.
4. On the same street, the shell hit the house of another civilian, Mr. Dero Harutyunyan, and damaged the entire house.

"Picture 23": Twitter post showing the kindergarten of Martuni damaged due to the shelling and firing of the Azerbaijani armed forces⁸³



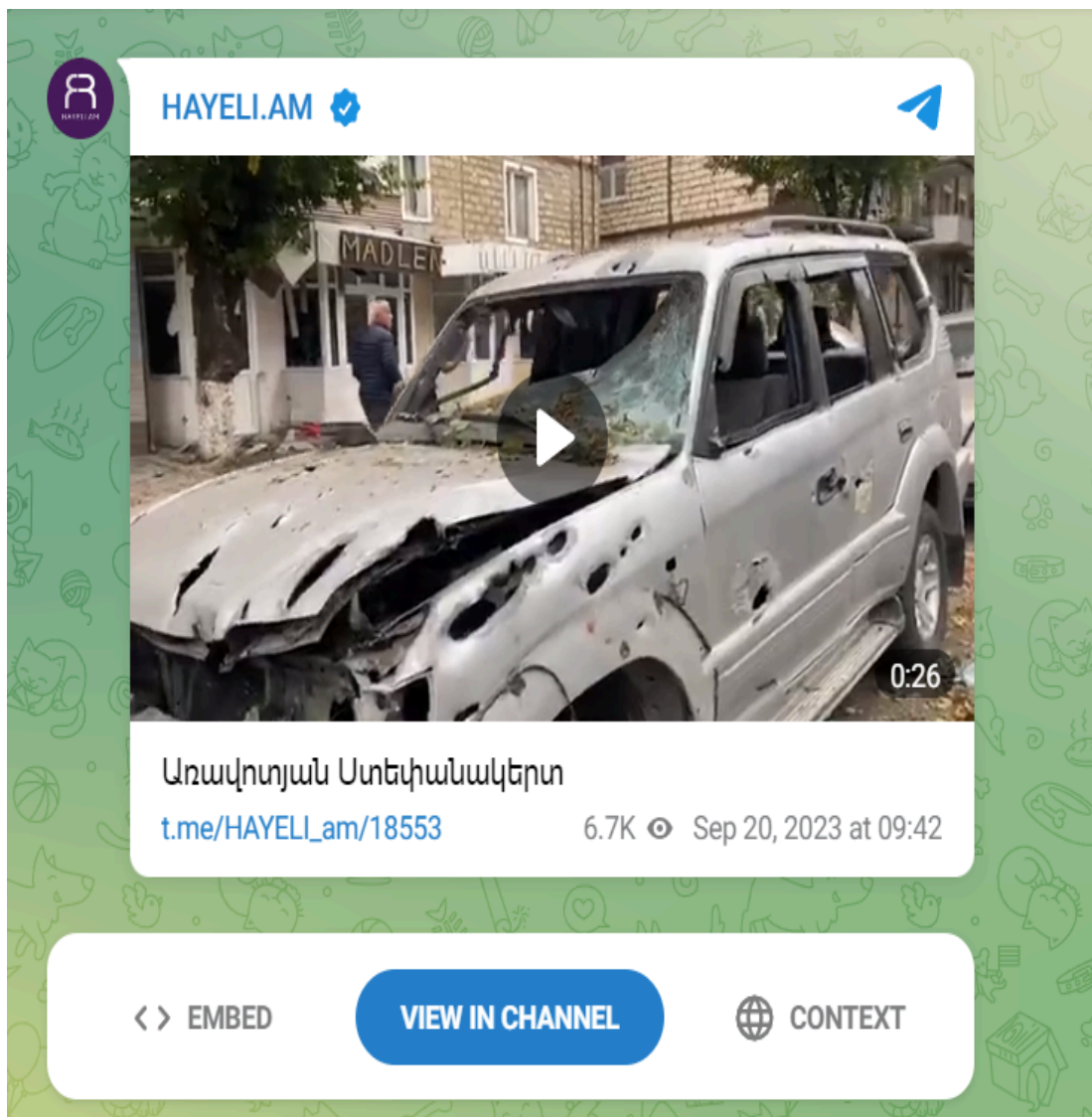
"Picture 24": Twitter post showing the kindergarten of Martuni damaged due to the shelling and firing of the Azerbaijani armed forces⁸⁴



⁸³ Available with the following link: [Liana Margaryan 🇷🇺 on X: "Kindergarten Martuni: Artsakh #StopArmenianGenocide2023 https://t.co/aaZP6MHDsV" / X \(twitter.com\)](https://t.co/aaZP6MHDsV).

⁸⁴ Ibid.

"Picture 25": A screen from the video recorded in Stepanakert and uploaded to Hayeli.am Telegram channel showing damage done to civilian infrastructure and vehicles⁸⁵



⁸⁵ Video available at: https://t.me/HAYELI_am/18553.

“Picture 26”: Azerbaijan is shelling civilian residential areas of Stepanakert. There were civil buildings next to us with no military target nearby⁸⁶



5. Mr. Aharon, who stayed with the Azerbaijanis in Harutyunagomer village for 37 days and couldn't leave due to being unable to move his elderly father, recounted in a video that the Azerbaijanis informed him he could stay in Artsakh only if he accepted Azerbaijani citizenship. He also mentioned that the Azerbaijanis broke cars, burned Armenian houses, and displayed continual aggression. Additionally, he noted that the Azerbaijanis seized any cars that had fuel in them at the time.⁸⁷
6. According to the information he provided, nearly 50 cars were left in Harutyunagomer after the forced displacement. Those that were not taken were either destroyed or set on fire by Azerbaijanis. Additionally, he reported that the Azerbaijanis would enter Armenians' basements, throw cans on the ground and break them, as well as slaughter or drive away the animals⁸⁸.

“Picture 27”: Video posted by @AWorldUnited2 depicting a group of Azerbaijani soldiers ransacking an Armenian home in Artsakh and destroying it. They wreck household appliances and break bottles on the walls⁸⁹

⁸⁶ Video available at: <https://twitter.com/SiranushSargsy1/status/1704095356022038617> . See, detailed information with the following link: <https://www.bellingcat.com/news/2023/09/21/chaos-and-crisis-as-azerbaijan-attacks-nagorno-karabakh/> .

⁸⁷ Video available at: <https://www.youtube.com/watch?v=MjuOC8KDF9I> .

⁸⁸ Ibid.

⁸⁹ Video available at : <https://twitter.com/AWorldUnited2/status/1707444076541338024>

← Post



A World United Against Terrorism
@AWorldUnited2

...

Terrorists from Azerbaijan 🇦🇿 inside an Armenian family home in Artsakh



[#ArmenianGenocide2023](#)

[#Nagorno_Karabakh](#)



9:16 PM · Sep 28, 2023 · 46.6K Views

B. DESTRUCTION OF ARMENIAN CULTURAL HERITAGE BY AZERBAIJAN AS A PART OF ETHNIC CLEANSING IN ARTSAKH

1. Cultural heritage is significant in the present, both as a message from the past and as a pathway to the future. Viewed from a human rights perspective, it is important not only in itself but also in relation to its human dimension, in particular its significance for individuals and communities and their identity and development processes⁹⁰. Cultural heritage is to be understood as encompassing the resources enabling the cultural identification and development processes of individuals and groups, which they, implicitly or explicitly, wish to transmit to future generations⁹¹.
2. A specific protection regime governs the protection of cultural heritage in times of armed conflict. Core standards include the Hague Conventions of 1899 and 1907, the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1954 and 1999 Protocols thereto, and the Rome Statute of the International Criminal Court (1998). Besides these various treaties, a body of customary international humanitarian law protects cultural heritage in armed conflict and “(m)any of the relevant conventional rules, if not declaratory of custom when agreed, has come to reflect it in the period since, while others must now be interpreted in the light of later custom”⁹².
3. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was the first international treaty dedicated solely to the protection of cultural heritage. The convention obligated member states to “respect” and “safeguard” property during conflict. It also focused on the value of such heritage by stating that any damage to cultural heritage, regardless of the people it belongs to, damages the cultural heritage of all humanity. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict defines “cultural property” broadly to include movable or immovable property, such as monuments of architecture, art, history, artworks, archaeological sites, manuscripts, books and scientific collections, as well as the institutions that house them (Article 1). Cultural heritage is a broader concept which does

⁹⁰ See A/HRC/17/38 and Corr.1, para. 77.

⁹¹ *Ibid.*, paras. 4-5.

⁹² See, Roger O’Keefe, “Protection of cultural property”, in *The Oxford Handbook of International Law in Armed Conflict*, Andrew Clapham and others, eds. (Oxford, Oxford University Press, 2014), p. 498.

not rest upon one agreed definition: it includes tangible heritage composed of sites, structures, as well as remnants of archaeological, historical, religious, cultural or aesthetic value, alongside intangible heritage, which embraces traditions, customs and practices, vernacular or other languages, forms of artistic expression, and folklore. Both concepts should be understood in a holistic manner. For instance, tangible heritage extends beyond buildings and ruins to include archives, manuscripts, and libraries, which play a critical role in preserving various aspects of cultural life, including education, artistic expression, and scientific knowledge and innovation.

4. Other cultural heritage protections include the two protocols that supplemented the 1954 Hague Convention and the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.
5. Importantly, many provisions of international law relate to the role of non-state actors, such as Article 19 of the 1954 Hague Convention, which applies to non-international conflicts, as well as Article 8 of the Rome Statute of the International Criminal Court and Article 16 of Additional Protocol II of the Geneva Conventions of August 12, 1949, and relating to the protection of victims of non-international armed conflicts. The aforementioned articles prohibit any acts of hostility directed against historic monuments, works of art, or places of worship which constitute the cultural or spiritual heritage of peoples, and apply to both State and non-state actors within the context of non-international armed conflicts.
6. Additionally, the destruction of cultural property with discriminatory intent can be charged as a crime against humanity and the intentional destruction of cultural and religious property and symbols can also be considered evidence of intent to destroy a group within the meaning of the Convention on the Prevention and Punishment of the Crime of Genocide⁹³. In 2014, the Office on Genocide Prevention and Responsibility to Protect developed a new “Framework of analysis for atrocity crimes: a tool for prevention” to assess the risk of genocide, war crimes, and crimes against humanity, in which destruction of property of cultural and religious significance is considered a significant indicator within the context of prevention of atrocity crimes.
7. The Genocide Convention as originally drafted included clauses related to vandalism. Raphael Lemkin, whose conceptualization underpins the Convention, directly linked

⁹³ See A/HRC/17/38 and Corr.1, para. 18.

“barbarity”- “the premeditated destruction of national, racial, religious and social collectivities”, with “vandalism”-the “destruction of works of art and culture being the expression of the particular genius of these collectivities.” A group could be annihilated if its identity, its collective memory, has been erased, even if many of its members remain alive. “It takes centuries, sometimes thousands of years to create a ... culture,” Lemkin wrote, “but genocide can destroy a culture instantly”⁹⁴. However, as finalized, the Convention did not include the cultural aspects. The significance of Lemkin’s concept of cultural genocide lies in its direct linkage of cultural heritage and human rights⁹⁵.

8. The concept of cultural genocide should be given serious consideration, “perhaps not to explicitly incorporate it as a form of genocide, but ... to modify the existing barriers to effective deterrence to the destruction of cultural heritage”⁹⁶. It is worth remembering that the Genocide Convention defines genocide as acts “committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group” including “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”. The idea is not to “set ‘cultural genocide’ on a par with systematic mass murder” or “dilute (its) unique nature ... as ‘the gravest and greatest of crimes against humanity’”, but rather to recognize “that the task of destroying a group” also aims at destroying “identity as expressed through language, customs, art and ... architecture”⁹⁷.
9. The UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage defines “intentional destruction” as “an act intended to destroy in whole or in part cultural heritage, thus compromising its integrity, in a manner which constitutes a violation of international law or an unjustifiable offence to the principles of humanity and dictates of public conscience”. The qualification of intentional destruction may also be applied in cases of willful neglect of cultural heritage either during armed conflicts or in times of peace, including the intent of letting others destroy the cultural heritage in question, for example, through looting.

⁹⁴ See, Rafael Lemkin, as cited in Robert Bevan, *The Destruction of Memory: Architecture at War* (London, Reaktion Books, 2006), p. 271.

⁹⁵ See, Bevan, *The Destruction of Memory*, pp. 270-271.

⁹⁶ See, Patty Gerstenblith, “The destruction of cultural heritage: a crime against property or a crime against people?”, *John Marshall Review of Intellectual Property Law*, vol. 15, No. 336 (31 May 2016), p. 344.

⁹⁷ Bevan, *The Destruction of Memory*, p. 270.

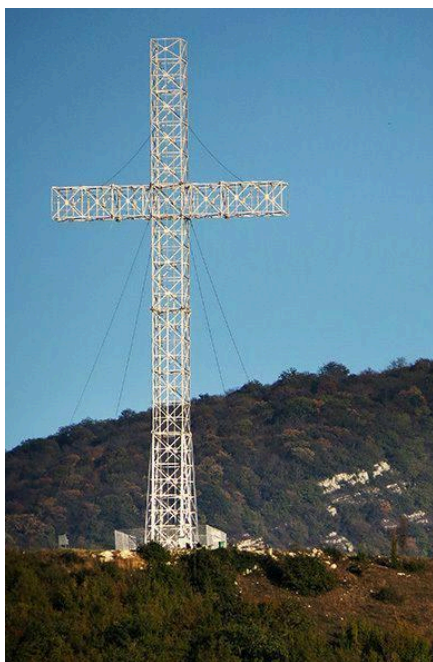
10. The destruction of Armenian cultural heritage in Artsakh or their presentation as cultural heritage belonging to the "Udi" or "Aghvan" community is also part of Azerbaijan's Armenophobic state policy. During the military operations on September 19-20, 2023, and after the forcible displacement of Artsakh Armenians, Armenian cultural heritage in Artsakh is tragically being destroyed.
11. According to the decision of the International Court of Justice of the Hague on December 7, 2021, Azerbaijan was prohibited from desecrating Armenian churches. The court decision states, "Azerbaijan is obliged to take all the necessary measures to prevent and punish the acts of vandalism and desecration that were carried out against the Armenian cultural heritage..."⁹⁸.
12. And by the PACE resolution 2583, the denial of the fact of Armenian cultural values and their belonging to the "Aghvans" was recognized as an "Azerbaijani fiction"⁹⁹.
13. At the same time, we consider it necessary to point out that the change in the function of the church, which is part of the criminal policy of Azerbaijan, violates the fundamental cultural right of the Armenian community to preserve and implement religious beliefs and rituals in their true nature. This is defined by Article 27 of the Universal Declaration of Human Rights. The act of changing the function of cultural heritage also violates the provisions of the 2003 UNESCO Convention "On the Safeguarding of Intangible Cultural Heritage", Article 11 of which requires states to respect intangible heritage values, regardless of their origin and function.
14. As a result of fact-finding activities, the Foundation confirmed the fact of the initial image of the Armenian cross near the Stepanakert city and its destruction by the Azerbaijani armed forces. The cross was visible on September 29th, 2023 but apparently was destroyed a few hours later. Azerbaijani forces have toppled a 50-meter cross in the vicinity of Stepanakert after they seized Artsakh. It was considered the second-largest cross in Europe. The cross was installed in 2017 on a hill near the Karabakh village of Dashushen

⁹⁸ See, national Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), 7 December 2021, No. 2021/34. Available at: <https://www.icj-cij.org/sites/default/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>

⁹⁹ See Parliamentary Assembly of the Council of Europe, Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict, Resolution 2391, 2021. Available at: <https://pace.coe.int/en/files/29483>

in memory of fallen Armenian soldiers¹⁰⁰.

“Picture 28”: The photo shows the cross near the city of Stepanakert



“Picture 29”: It is clear from the photo that the Azerbaijani armed forces destroyed the cross



¹⁰⁰ Available at: <https://www.gazeta.ru/social/news/2023/10/02/21406699.shtml?updated> ,
<https://monumentwatch.org/en/alerts/azerbaijan-toppled-the-cross-in-stepanakert/> ,
<https://web.telegram.org/k/#@MaidenTower> .

"Picture 30": Another photo that indicates the destruction of the cross



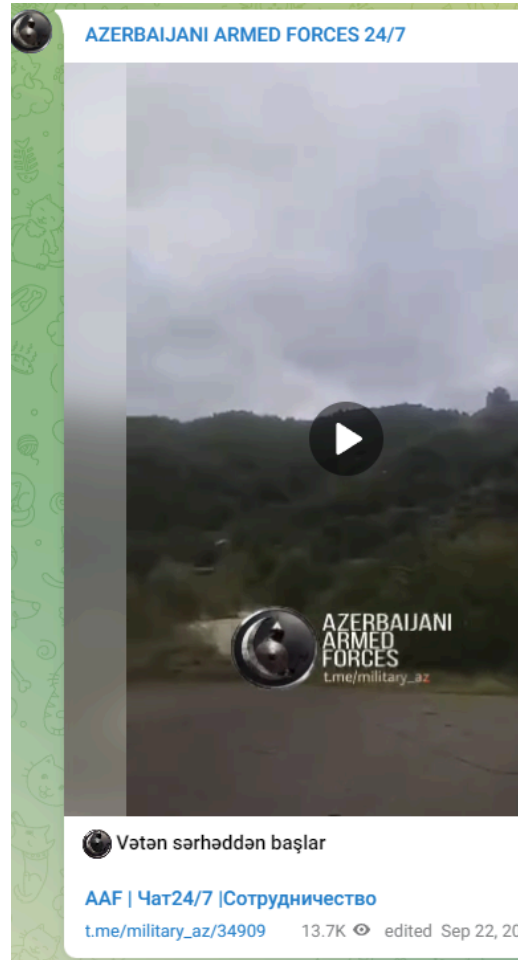
15. In the following video, one can notice an Azerbaijani soldier shooting in the direction of Charektar Monastery of Artsakh. Since the soldier is walking calmly in plain sight, this shows that the monastery does not represent a threat to the Azerbaijani armed forces¹⁰¹, and therefore constitutes a war crime according to article 53 of the Additional Protocol I of the Geneva Conventions.

¹⁰¹ Available at: https://t.me/military_az/34909
<https://yerevan.today/all/culture/129630/chareqtari-vanqn%D5%9D-adrbedjanakan-vandalizmi-tirax> .

"Picture 31": Azerbaijani soldiers shooting at a monastery in Artsakh



"Picture 32": Azerbaijani soldiers shooting at a monastery in Artsakh



16. Video recordings published on social media networks have confirmed the reasonable suspicions that arose in 2022 about the likely conversion of the Church of the Holy Ascension of Berdzor into a mosque. Currently, the church is surrounded by barriers, and it appears that construction work is either ongoing or will be conducted in the area. The published project indicates that the church will be transformed into a mosque with two minarets¹⁰².

"Picture 33": Azerbaijan is turning the Church of the Holy Ascension of Berdzor into a mosque

¹⁰² Available at: <https://www.facebook.com/share/p/32M2d6rKsgzV1w9L/?mibextid=WC7FNe> .



"Picture 34": The Church of the Holy Ascension of Berdzor is surrounded by concealers



17. The cross of the Vankasar church is missing from the photos found on Azerbaijani social media platforms. As a result of Azerbaijan's Armenophobic state policy, this church is presented as "Afghan."¹⁰³

"Picture 35": The photo shows that the cross of the Vankasar church has been removed



18. On January 15, 2024, a video was posted on the Azerbaijani Milli TV YouTube channel showing vandalism in the occupied Artsakh Haterk village at the memorial built in memory of the victims of the Artsakh war, and in the surrounding area. In particular, most of the memorial stones with portraits of the defenders of Haterk village, as well as some tombstones, were overturned. The video was shot by Azerbaijanis carrying out some work near the memorial.

¹⁰³Available

at: https://iravaban.net/460731.html?fbclid=IwAR0GasSqWyUdrw3hj5gOTH2SxWG7lr4A8u20Vc3Li8t8i7eClwtQtG0Qong_aem_AUUosTotMOzO3-hgWhRn5t491oXZK7K9nekiPcOCb33jumFjgN7EqoASGoy_LdptuRQ

The footage also shows that working tools and a gas cylinder were placed on the memorial stones¹⁰⁴.

“Picture 36”: The memorial built in memory of the victims of the Artsakh war in Haterq village is being vandalized by Azerbaijan



¹⁰⁴ Available at: <https://www.youtube.com/watch?v=JButw96OfLk&t=1s> , <https://yerevan.today/all/society/134430/adrbedjany-vandalizmi-e-entarkel-arcaxi-haterq-gyoughi-eghbayrakan-gerezmanatouny> , <https://abcmedia.am/glxavor-noruthyunner/29255/> ,

19. On January 15, 2024, a video taken by Azerbaijani soldiers at the beginning of the year was posted on some Armenian telegram channels. In the video, they are near the memorial built in memory of the participants who died in the defense of Hakaku village during the first Artsakh war. The video shows that the commemorative plaques are broken and desecrated. Azerbaijani soldiers, armed with assault rifles, are seen in the video displaying the broken commemorative plaques, moving the broken parts, and striking them. It is noteworthy that the soldiers, armed with rifles, are touching the broken memorial plaques, and some of these plaques show traces of shootings¹⁰⁵.

“Picture 37”: In the memorial dedicated to the memory of the victims of the village of Hakaku in Artsakh, the plaques are broken and desecrated



20. In another case, Azerbaijanis destroyed the Armenian khachkar commemorating Harut Babayan and Garik Mnatsakanyan on Daniel Varuzhan Street in Martakert city¹⁰⁶.

¹⁰⁵ Video available at:

<https://t.me/ararathau/21061?fbclid=IwAR1gVRoK9UZnpb83H66qEV73x6jeY4MTDz1Q5TCQPt79uGOFM8F11SXV60w> , https://web.telegram.org/k/#@Armenian_Life .

¹⁰⁶ Available at: <https://hraparak.am/post/b40caf315e823acc6831772d7d26a7b8> , <https://oragir.news/hy/material/2024/01/07/102748> , <https://panarmenian.net/arm/news/311663> .

"Picture 38": Evidence proves the fact that the Armenian khachkar was destroyed by Azerbaijan

