



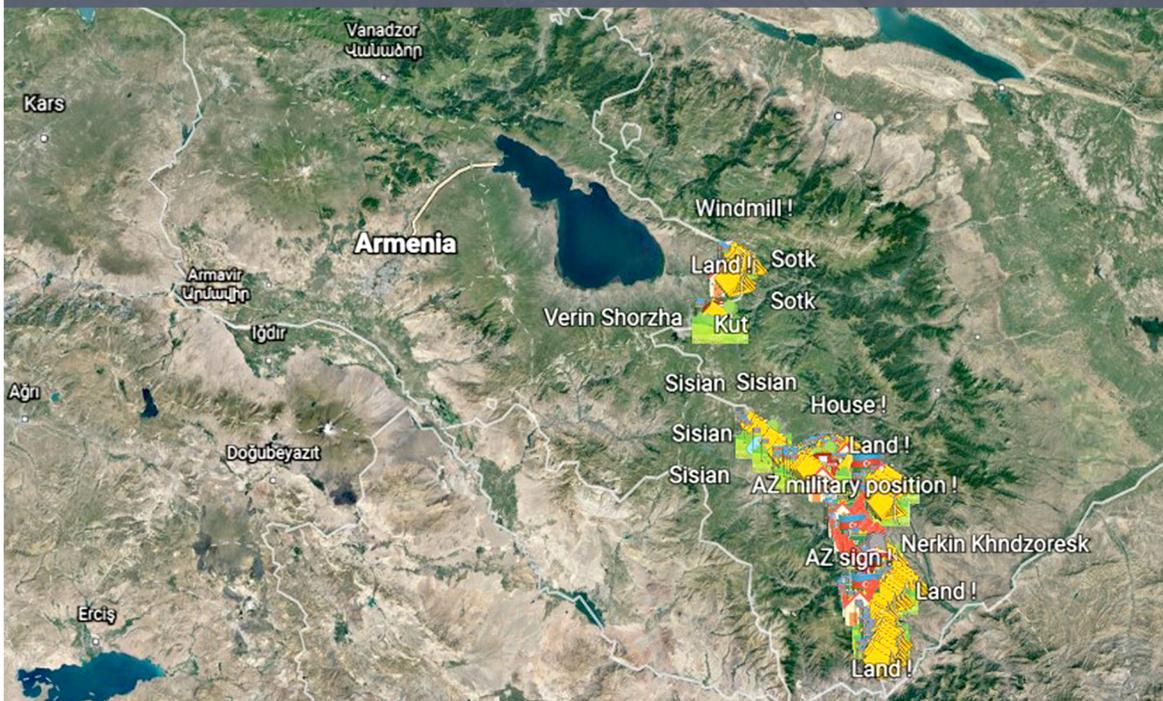
**THE HUMAN RIGHTS DEFENDER
OF THE REPUBLIC OF ARMENIA**



AD HOC PUBLIC REPORT

**URGENT NECESSITY FOR A DEMILITARIZED SECURITY ZONE
IN THE AREAS OF CONTACT WITH THE AZERBAIJANI
MILITARY FORCES AS A FUNDAMENTAL SAFEGUARD TO
PROTECT THE RIGHTS OF POPULATION IN ARMENIA**

**EVIDENCE-BASED ANALYSIS IN THE CONTEXT OF ONGOING
SITUATION IN GEGHARKUNIK AND SYUNIK PROVINCES**



YEREVAN

NOVEMBER 2021



**REPUBLIC OF ARMENIA
HUMAN RIGHTS DEFENDER**



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I. THE SCOPE OF THE CURRENT REPORT AND THE METHODOLOGY APPLIED

Armenia's Human Rights Defender's legal mandate is established by the Constitution.

The Human Rights Defender is an independent official, who observes the maintenance of human rights and freedoms on the part of state and local self-government bodies and officials, as well as contributes to the restoration of violated rights and freedoms and improvement of the regulatory legal acts related to human rights and freedoms. The legal mandate of the Defender also includes the monitoring of implementation of international human rights standards, *inter alia*, in the frame of its conventional mandates¹. The current Human Rights Defender of Armenia Mr. Arman Tatoyan was elected in 2016 and is in exercise of his full mandate.

The main international minimum standards of National Human Rights Institutions (NHRI) related to their legitimacy, credibility and effectiveness in promoting and protecting human rights are enshrined in the Paris Principles, adopted by the United Nations General Assembly². The Human Rights Defender of Armenia, as an Ombuds and National Human Rights Institution with the highest "A" international status, is in full compliance with the Paris Principles and other relevant international norms.

The core mandate of a National Human Rights Institution in state of emergency situations including during and after war crises is widely accepted in international standards and practice.

The *Kyiv Declaration on the Role of National Human Rights Institutions in Conflict and Post-Conflict Situations* adopted during the 21-22 October 2015 International Conference in Kyiv, Ukraine, calls for a stronger role of NHRIs in conflict and post-conflict settings³.

In particular, the Declaration *establishes that National Human Rights Institutions in conflict and post-conflict situations, guided by the principles of humanity, impartiality, independence, objectivity, in*

¹ Constitutional Law of the Republic of Armenia on the Human Rights Defender

"Article 2. Human Rights Defender

(...)

2. *The Defender shall be entrusted with the mandate of the National Preventive Mechanism provided by the Optional Protocol — adopted on 18 December 2002 — to the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (...).*

3. *The Defender shall conduct monitoring of the implementation of the provisions of the UN Convention on the Rights of the Child adopted on 20 November 1989, as well as carry out prevention of violations of the rights of the child and the protection thereof.*

4. *The Defender shall conduct monitoring of the implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities (CRPD) adopted on 13 December 2006, as well as carry out prevention of violations of the rights of the persons with disabilities and the protection thereof.*" Available at: **Error! Main Document Only..**

² Available at: <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>.

³ Available at: https://www.ua.undp.org/content/dam/ukraine/docs/DG/NHRI_Kyiv_Final_Report_20Apr16.pdf.

cooperation with civil society, and aiming to ensure the respect and protection of human rights are required to:

- **Take measures to identify early signs of possible conflict and steps to prevent conflict, including through addressing the violations of human rights;**

- **Monitor the situation of human rights in accordance with international and regional human rights standards, documenting and responding to violations (...);**

- **Objectively and impartially assess the human rights situation and advise on the respect, promotion and protection of human rights and humanitarian law in conflict and in post-conflict periods;**

- **Take measures for the prevention of human rights violations, including against the most vulnerable, marginalized and minorities groups in fragile situations;**

(...)

- **Advise and advocate for the promotion, protection and respect of the rights of refugees and IDPs (displaced as a consequence of conflict),**

- **Take measures to overcome the consequences of conflict in society, address past human rights violations that occurred in the context of conflict(s), contribute to the fight against impunity, **promote transitional justice processes**, facilitate access to justice for those affected by the conflict, including through effective investigations and reparations, **to build peace, reconciliation and strengthen social cohesion;****

- **Hold information campaigns, undertake human rights education, training and awareness raising, including for armed forces and law enforcement agencies and monitor compliance with standards of international human rights and humanitarian law in the context of conflict;**

- **Involve international organizations in ensuring the protection of human rights in a conflict area;**
and

- **Support the development of equality and human rights, including economic and social rights, in building a peaceful and just society.**

The Declaration also underlines that ***in no way do the above objectives limit National Human Rights Institutions in taking other measures they consider necessary for the promotion and protection of human rights.*** However, the guarantees of fulfillment by National Human Rights Institutions of the above-mentioned obligations should be supported as follows:

- **International bodies, national authorities, and representatives of the conflicting parties should support the activities of National Human Rights Institutions in a conflict or post-conflict situation;**

(...)

- The ICC and its regional networks, as well as their partners at the United Nations – building on the UNDP-OHCHR-ICC Tripartite Strategic Partnership - should continue to support NHRIs' cooperation, capacity building, and sharing of experiences in relation to conflict and post-conflict situations.

Thus, NHRIs have an indispensable role in protecting and promoting human rights in conflict and post-conflict situations. They must be entrusted with the necessary mandate and provided with resources needed to implement their important functions in that regard. Their activities must not be hindered by any party, and moreover, they must receive support from state entities and the international community, parties to the conflict and other relevant entities.

Thus, the purpose of this specific report is to document and to illustrate the human rights situation after the September-November 2020 war, as well as to submit proposals aimed at protection of human rights and prevention of further violations.

Hence, the activities of Armenia's Human Rights Defender are based on:

1. Investigations of complaints addressed to the Defender (e.g. written and oral complaints, hot-line alarms) and monitoring of the human rights situation (right to life; right to freedom of movement; right to property, etc.);
2. On-site visits to the border communities and areas around contact line of Armenian and Azerbaijani military, as well as meetings with the bordering communities;
3. Monitoring of mass media and social networks;
4. Cooperation with relevant authorities in Armenia; submission of reports and response analyses;
5. Analysis of international and domestic legal framework.

The Human Rights Defender's activities have revealed gross and systematic human rights violations of Armenia's population by the Azerbaijani Military occurred during and after the September–November Nagorno Karabakh war. The border population of the Republic of Armenia has been hit particularly hard by these violations.

Due to the ongoing human rights violations in the areas of contact with the Azerbaijani Military forces, urgent steps must be taken in order to ensure the restoration and protection of the rights of Armenia's population, to safeguard the dignity of the affected Armenian border population.

It should be highlighted that all fact-finding missions and investigations, monitoring of the Office of the Human Rights Defender were carried out by the central office located in Yerevan, as well as the Syunik and Gegharkunik regional divisions. All works were carried out under the direct guidance of Armenia's Human Rights Defender Mr. Arman Tatoyan.

Below is the online link to the Azerbaijani illegal locations around and in Syunik and Gegharkunik provinces; all the data is based on the Human Rights Defender's fact-finding missions and investigations and are presented through the Google Earth Application:
https://earth.google.com/earth/d/1pBOViOfMoQ5C2djw4v_cWr5X63RJrt2y?usp=sharing

Thus, the current report of the Human Rights Defender of Armenia seeks to expose the nature of the human rights situation and violations of the civilian population's rights; reveal and analyze root-causes of the violations and propose a creation of a demilitarized security zone around the contact areas with the Azerbaijani Military forces on the example of Syunik and Gegharkunik Provinces, as a fundamental safeguard. The real reasons for all the documented human rights violations are deeply rooted in the state sponsored policy of hatred and animosity towards Armenians; this is the source of ongoing violations; all human rights safeguards must be considered in this context.

II. AZERBAIJANI POLICY OF ORGANIZED HATRED AND ANIMOSITY AGAINST ARMENIANS AS A ROOT CAUSE OF HUMAN RIGHTS VIOLATIONS AND ETHNICALLY MOTIVATED CRIMES

Monitoring and evidence-based analyses, fact-finding missions of the Human Rights Defender of Armenia confirm that the Azerbaijani policy of organized hate speech and animosity have become root causes of gross and massive human rights violations and ethnically motivated crimes by the Azerbaijani Military forces⁴.

In the absence of delimitation and demarcation, appearance of the Azerbaijani Military forces in the immediate vicinity of Armenia's villages of Geghrakunik and Syunik provinces and on the roads between the Syunik communities took place in the context of Azerbaijani genocidal policy and under the threats of war against Armenia and its entire population, as well as against Artsakh (Nagorno Karabakh) and its population. This policy is the source for the human rights violations before the September-November 2020 war, during the war and after the war.

In their public speeches and messages, the political authorities of Azerbaijan continue to insult, spew ethnic hatred and Armenophobia, as well as carry out public propaganda of animosity against Armenians and everything 'Armenian'. It is institutional in nature and is based on ethnic and religious grounds with an open target of every Armenian and their dignity in Armenia, Artsakh or in any other place (e.g. calling Armenians dogs and jackals, evils and wild beasts, predators, etc.).

Below are some examples of messages of the President of Azerbaijan (selected citations are not exhaustive).

"Armenia as a country is of no value. It is actually a colony, an outpost run from abroad, a territory artificially created on ancient Azerbaijani lands" ⁵.

⁴ In the context of the current document no distinctions have been made as to the precise type of the service to which the Azerbaijani serviceman belong to in specific cases.

⁵ <https://twitter.com/presidentaz/status/270827003521929216>

“We will continue to expel these (Armenians) liars. They have neither conscience nor morality. They don’t even have the brain”⁶.

“Azerbaijani soldiers expel them [Armenians] like dogs”⁷.

“For 30 years, it [meaning Nagorno Karabakh (Artsakh)] was in the hands of wild beasts, in the hands of predators, in the hands of jackals. The remains of the city of Fuzuli are a manifestation of Armenian fascism and a witness to Armenian fascism”⁸.

“Armenia is not even a colony, it is not even worthy of being a servant”.⁹

“We must not and will not forget about our historic lands. This must determine our future activity, and we are already working in that direction. Our historic lands are the Yerevan Khanate, Zangezur, Geycha [lake Sevan]. Both the young generation and the world should know about this”¹⁰.

“Yerevan is our historical land we, the Azerbaijanis will go back to these historical lands. It is our political and strategic goal, and we gradually reach it”.¹¹

⁶ Nationwide address of President Ilham Aliyev (20 October 2020) <https://defence.az/en/news/147408/azerbaijani-president-ilham-aliyev-addresses-nation-on-tv-%C2%A0live>

⁷ The video is available in Russian at <https://www.youtube.com/watch?v=6eAVs7fjUFM> // <https://www.voltairenet.org/article211050.html>

⁸ President Ilham Aliyev addresses the nation (17 October 2020) <https://en.trend.az/azerbaijan/politics/3318553.html>; the video is available at <https://www.youtube.com/watch?v=PvdWkPPlle4>

⁹ Available at: <https://twitter.com/presidentaz/status/560718307515318272>

¹⁰ See the publication, <https://ria.ru/20180209/1514274051.html>

¹¹ Available at: <https://www.trend.az/azerbaijan/politics/3408319.html>

“An Armenian is a barbarian who digs graves, digs and removes golden teeth of dead bodies.”¹²

“Armenians have a distorted psychology, they need a good doctor, the poison of Armenians is from the Diaspora”.¹³

“Various generations of our compatriots have contributed to and invested their efforts into this Victory. However, I must mention that the biggest weight, the main responsibility is vested in the young generation. Those who were 10-15 years old in 2003 are now 27-32. It is their upbringing with the spirit of patriotism, their hatred towards the enemy that have brought us to Victory and have restored Azerbaijan’s historic justice”¹⁴.

Direct consequences of the mentioned policies are the atrocities and torture, beheadings, killings of Armenian military servicemen and civilians by Azerbaijani Armed forces in the 2020 September-November war; the 2016 April war or other Azerbaijani armed attacks. These are numerous documented cases of brutal torture and willful killings of Armenian servicemen and civilians, acting with open faces and without even thinking about responsibility, being confident that they would only be applauded for their actions.

It must be highlighted that on 28 October 2021, the Freedom House publicly stated: "It’s time for democratic nations across the world—including the US—stop ignoring the threat President Aliyev’s corrupt authoritarianism poses to freedom and democracy in the region"¹⁵.

One of the documents proving the existence of the state policy of Armenophobia is the 2020 joint evidence-based Report of the Human Rights Defenders of Armenia and Artsakh “On organized hate speech

¹² Available at: <https://president.az/articles/51067>

¹³ Available at: <https://en.president.az/articles/51216>.

¹⁴ Official Webpage of the President of the Republic of Azerbaijan, Ilham Aliyev lays foundation of Fuzuli-Shusha road and airport in Fizuli region, visits Shusha (January 15, 2021), available at https://president.az/articles/50184?fbclid=IwAR0-NIZ5F1rTbMZEaHGekhibz11G-Zf2MOWsEkaaXFqk_8BQJ5gy_b3Edw (the visit of January 27, 2021).

¹⁵ Available at: <https://twitter.com/freedomhouse/status/1453355806305488900>.

and animosity towards ethnic Armenians in Azerbaijan as root causes of ethnically-based torture and inhuman treatment by Azerbaijani Armed forces”¹⁶. This report documents Armenophobia by public authorities, including high-ranking officials and public figures (cultural, sports representatives, etc.) of Azerbaijan, as well as the use of hate speech amongst the general public.

Speeches and words of cultural representatives and artists, as well as Government bodies and politicians containing hatred towards ethnic Armenians mean that spread of hatred is in a closed chain and is encouraged by public figures in Azerbaijan.

The Government institutions and high-ranking officials have followed President Aliyev’s racist lead. Among many examples, Azerbaijan’s Ministry of Defense had announced the production of military drones formally emblazoned with the words “Iti Qovan,” or “dog chaser” in Azerbaijani, and Azerbaijani General Huseynov Camal directly addressing Armenians as “dogs.”¹⁷.

The PR and media manager of the Azerbaijani football club “Qarabag”, Nurlan Ibrahimov: “We must kill Armenians. No matter whether a woman, a child, an old man. We must kill everyone we can and whoever happens. We should not feel sorry; we should not feel pity. If we do not kill (them), our children will be killed.”

This is a continuation of long-lasting state policy of Armenophobia and systemic hate speech against ethnic Armenians which is coordinated and supported by Azerbaijani authorities. It had been thoroughly analyzed and documented by independent experts and published by the Human Rights Ombudsman of Artsakh in the report of 2018 on Armenophobia in Azerbaijan organized hate speech and animosity towards Armenians¹⁸.

The results of Azerbaijani state supported hate speech against ethnic Armenians were revealed also during the outbreak of Nagorno Karabakh conflict in April 2016. Within their ad hoc reports, the Ombudsman of Artsakh presented Azerbaijani’s hatred policy towards people of Armenian ethnicity and its

¹⁶ Ad Hoc Public Report is available in English at <https://www.ombuds.am/images/files/2032f021fe81176414a649d588ad0e86.pdf>

¹⁷ See the documented words available at: <https://www.icj-cij.org/public/files/case-related/180/180-20210916-APP-01-00-EN.pdf>

¹⁸ Artsakh ombudsman: “Interim public report on Armenophobia in Azerbaijan organized hate speech and animosity towards Armenians” 25 September, 2018, <https://artsakhombuds.am/hy/document/570>

horrific consequences, including cases of beheading, torture, and mutilation of combatants' and civilians' dead bodies, as well as indiscriminate shelling of civilian objects¹⁹.

As studies show, while torture of Armenians, live beheadings, mutilating the bodies of the victims, cutting ears, and committing other atrocities, the servicemen of the Azerbaijani Armed forces use the same rhetoric and expressions as the President of Azerbaijan.

For example, in the video, the Azerbaijani military tortures and humiliates a civilian only because he is Armenian. “Anyway, we will kill everyone, your lousy jackal. We are Azerbaijanis, we are Turks, we will kill all of you, jackals. Anyway, you live as dogs, we will expel you like dogs. You are jackals, not humans”²⁰.

The state supported hatred towards Armenians and the policy of Armenophobia promoted by the Azerbaijani authorities at the state level and the fact of ethnic cleansing of Armenians in Artsakh (Nagorno Karabakh) are substantiated by new developments.

In particular, immediately after the war **the Ministry of Transport, Communication and High Technologies of Azerbaijan had issued “Azerbaijan 2020” postage stamps, which constitute an open propaganda of the extermination of the Armenians of Artsakh. In the stamp, a man in a medical uniform chemically disinfects Artsakh from Armenians with a special tool, openly presenting them as “dirt”²¹.**

¹⁹ Artsakh ombudsman: “Interim public report on atrocities committed by Azerbaijani military forces against the civilian population of the Nagorno Karabakh Republic and servicemen of the Nagorno Karabakh Defence Army on 2-5 April 2016, <https://artsakhombuds.am/ru/document/560>

²⁰ Available at: <https://www.youtube.com/watch?v=ljdYziDKVfw&t=2s>

²¹ https://ombuds.am/en_us/site/ViewNews/1485; <https://jam-news.net/postage-stamp-karabakh-war-armenia-azerbaijan-news/>;



The opening of the Trophy Park in Baku is another clear evidence of Armenophobia, an evidence of policy of racism and propaganda of animosity amounting to fascism. In the “Park”, along with the Armenian military equipment, wax figures of the Armenian military servicemen have been displayed, all of which are presented in a degrading manner, in a manner violating human dignity. This is made to ensure the widest possible publicity.

It is obvious from the published videos and photos of the “Park” that the exhibition was designed to increase and encourage hatred and animosity towards the population of Armenia and Artsakh, the citizens of Armenia. Exhibitions are created to publicly humiliate the memory of the victims of the war, the rights of missing persons and captives, and to violate the rights and dignity of their families. Existence of this “Park” again reveals that Azerbaijan’s State-sponsored indoctrination of hatred of Armenians in the next generation of Azerbaijanis is having its intended effect.

The monitoring activities of the Armenia’s Human Rights Defender’s office revealed posts in Azerbaijani social media about the exhibition which only welcomed and encouraged the initiative of the Azerbaijani authorities and the comments illustrating its impact on the state of hatred and hostility towards Armenians. This was confirmed by the Human Rights Defender’s report entitled “**A Park of killed**

Armenian soldiers and chained prisoners of war in Baku: A museum of human sufferings and promotion of racism”²².

A question asked by a journalist: Did you create Armenian images based on any examples or is it a product of your fantasies? The answer of creators of Armenian wax figures. R. Maharramov: “I researched facts about Armenians in the media. Of course, this is a product of my ideas, and not images of any specific people.” K. Asadov: “We tried to create the ugliest images. We usually try to do something beautiful. But now it was the other way around. It was a long and difficult process. We gave them hooked noses, flat heads and other features.”²³

This report illustrates some of the photos of wax figures of the killed Armenian soldiers and prisoners of war, as well as their helmets, although it was reported that they were removed immediately before the trials that took place at the International Court of Justice. However, the removal does not change the real situation since these figures and helmets were removed because the Azerbaijani authorities had to (against their will). **One of the factors disclosing the real motives of creating this “Park” are the words of creatures of the mentioned figures: “We tried to create the ugliest images. We usually try to do something beautiful. But now it was the other way around. It was a long and difficult process. We gave them hooked noses, flat heads and other features”²⁴.**

²² Available at <https://ombuds.am/images/files/96e6d55d169a784b6424e4d565b29dba.pdf>

²³ Available at: <https://ombuds.am/images/files/fec534aee0fe528fe043e41e90cd83b5.pdf>

²⁴ See the documented words available at: https://zartokmedia.com/2021/04/14/creators-of-armenian-wax-figures-we-tried-to-create-the-ugliest-images/?fbclid=IwAR0nmfczWCDJol-MvKIf_ITtOoROO4EwRjSSsUoDo7iSg88OOzD5X4U-J2w







Hatred and animosity against Armenians with open references towards the Armenian Genocide organizers and perpetrators were expressed by the President of Turkey in December 2020. Namely, on December 10, 2020, i.e. the international Human Rights Day at the military parade of Baku, the president of Turkey glorified the organizers and perpetrators of the Armenian Genocide during the times of the Ottoman Empire and the mass atrocities against Armenians committed in Baku in September 1918. He openly mentioned that December 10 is the day of glorification of the souls of Ahmed Jevad pasha, Nuri pasha, Enver pasha, and members of the Caucasus Islamic Army. It is an established fact that these individuals were the members of the Young Turks, who had organized and committed the Armenian Genocide in Ottoman Empire as well as the 1918 massacres of Armenians in Baku – both events marked by mass killings, torture, and rape²⁵.

This rhetoric is the manifestation of an ingrained hatred of Armenians that finds expression also in State media and the education system, as provided in the official application of the Republic of Armenia submitted to the International Court of Justice. **A widely disseminated video shows a group of kindergarteners who are asked “who is our enemy?” and together they shout: “Armenians.”**

²⁵ See the statement of the Human Rights Defender of Armenia available at: https://ombuds.am/en_us/site/ViewNews/1429

Referring to “infidels in black clothes,” a fifth-grade textbook speaks of Armenians as the source of most of the calamities that have befallen on Azeris throughout history. Similarly, a tenth grade history textbook refers to Armenians as “wily and corrupt,” and states that they always pursue “dirty goals.”²⁶.

During the war the monitoring of the Azerbaijani social media (mostly, Telegram and Instagram) by the Human Rights Defender’s Office revealed cases of using hate speech to encourage and incite violence against children (these cases are reflected in the report mentioned above). It covers not only written communication but also any other form of expressions such as surveys, polls that encourage killings and cruel treatment of Armenian children.



“The fight started and you are also at the scene of hostilities. At that moment, an Armenian child appears in front of you. Will you kill him or will you feel sorry for him?”

The state-sponsored nature of hatred and animosity propaganda against Armenians have recently took extremist forms being directed at ‘othering’ Armenians as ‘lesser’ human beings. Thus, by openly inciting animosity between the peoples of the 2 countries, openly encouraging and glorifying any crimes against Armenians for the recent 30 years, Azerbaijani authorities have intentionally have disrupted and continue to disrupt perspectives for peace and security in the region. This deeply rooted phenomenon which goes against foundations of democracy and human rights require fundamental

²⁶ See the official application available at: <https://www.icj-cij.org/public/files/case-related/180/180-20210916-APP-01-00-EN.pdf>

safeguards to properly ensure human rights protection of the population in Armenia. Moreover, horrific crimes committed against Armenians during the war require time and space for the populations to heal and reconcile. Similarly, the same principles should be applied refers to Armenians living in Artsakh.

III. ETHNICALLY MOTIVATED HUMAN RIGHTS VIOLATIONS AND CRIMES AGAINST ARMENIANS COMMITTED BY THE AZERBAIJANI ARMED SERVICEMEN

The pogroms, war crimes and other gross human rights violations committed by the Azerbaijani Armed Forces against Armenian civilians and servicemen should be considered in the context of state sponsored Armenophobia and animosity policies against Armenians that have been openly carrying out by the authorities of Azerbaijan for many years. The Azerbaijani ethnically motivated atrocities are direct consequences of these existing policies posing a real threat to lives, peace and security of the Armenian people and the region in general.

This chapter of the current report reveals direct links between the Azerbaijani state-sponsored policy of hatred against Armenians and the cruelties, torture, executions, beheadings and other atrocities of Azerbaijani Armed Servicemen, as horrific consequences of the mentioned policy. Establishment of this link is vital in the context of the Human Rights Defender's proposal of a security zone to safeguard human rights of the population in Armenia and their dignity.

Towards the end of 1980s, when the Nagorno Karabakh (Artsakh) conflict escalated, in cities and other civilian communities of Artsakh and Azerbaijan ethnic Armenians were pursued, killed and subjected to inhuman treatment. Massacres were accompanied with hate speech, further exacerbated by the Azerbaijani authorities.

The Sumgait massacres of 1988 (February 27-29) clearly demonstrate the mentioned realities. The evening of February 26 started with killings and burning Armenians alive, destroying their houses and other properties, paralyzing Armenian communities.²⁷

This marked the beginning and continuation of atrocities against Armenians in Gandzak (Kirovabad), Baku, Maragha, Shahumyan, and more than 320 other Armenian-populated towns and villages. In 1988, there were over 45000 Armenians living just in Gandzak.

From April 29 to Mid-August of 1991, the Azerbaijani Special Police Detachment (OMON) carried out the Operation Loop, as a result of which the Armenian population of Khanlar, Shahumyan, Hadrut, Shamkhor, Ghazakh and Getabek regions were deported.

²⁷ Gevorgyan, L. (2019) *Massacres and attacks against the Armenian population in Sumgait on February 27-29, 1988* [Online]. Available at: http://www.genocide-museum.am/eng/28.02.2019_Sumgait.php

On April 10, 1992, in the Maragha village of Martakert Region, the Azerbaijani Armed forces carried out the ruthless eradication of the civilian Armenian population, where the number of deaths reached 57. Most of them were women, children and elderly, whose bodies had been burnt both before and after murders.

Facts prove that the mentioned atrocities were committed only because these people were Armenians. All of the Armenians (including children, women and elderly) were forcibly deported or brutally killed, tortured to death and their bodies were mutilated, properties destroyed²⁸.

Evidence confirms that in the following years, the state policy of hatred of Armenians and propaganda of hostility towards Armenians underwent new developments. Cases of killings and tortures of Armenians were escalated by the open encouragement of the highest political authorities in Azerbaijan.

Existence of this policy and ethnically motivated crimes against Armenians in Azerbaijan was confirmed by the European Court of Human Rights judgment in the case of “Makuchyan and Minasyan v. Azerbaijan and Hungary” (application no. 17247/13). The event had taken place in 2004 and was an indirect effect of a continued policy of propaganda and anti-Armenian hatred pursued by Azerbaijani state policies.

According to the short description of the case facts: on the night of 19 February 2004, the Azerbaijani officer Ramil Safarov, who was participating in a course organized within the NATO-sponsored “Partnership for peace” program in Budapest, murdered an Armenian officer Gurgen Margaryan while he was asleep by decapitating him with at least twelve blows of an axe. He also tried to murder another Armenian officer, Hayk Makuchyan. The Hungarian Court had sentenced Ramil Safarov to life imprisonment. A few years after his conviction, he was transferred from Hungary to Azerbaijan, pardoned and glorified for killing an Armenian. In particular, he received a number of privileges: he was paid eight years of salary arrears; granted a flat in Baku and promoted to the rank of major at a public ceremony.

The European Court had found that these measures taken by the Azerbaijani authorities in respect of R.S., leading to his virtual impunity and coupled with the glorification of his extremely cruel hate crime, had a causal link to the Armenian ethnicity of his victims and had thus been racially motivated.

According to the ECtHR, this had been evident from the statements of the Azerbaijani high-ranking officials expressing their support for Ramil Safarov and his case.

To show the true level of hatred against ethnic Armenians, we propose to read statements of the Azerbaijani Ombudsperson Ms. Elmira Suleymanova about Ramil Safarov which were duly recorded in the European Court of Human Rights judgment. Particularly, the Azerbaijani Ombudsperson said that

²⁸ Available at: https://ombuds.am/en_us/site/ViewNews/1553

"Ramil Safarov should become an exemplary model of patriotism for the Azerbaijani youth." Immediately after Ramil Safarov's pardon by the President of Azerbaijan, the Azerbaijani Ombudsperson stated that "It has become yet another proof of humanism of President Ilham Aliyev, of his care for Azerbaijani citizens." ²⁹.

The case of "Saribekyan and Balyan v. Azerbaijan" (application no. 35746/11) is another proof of existence of ethnically motivated, state encouraged killing and torture of ethnic Armenians in Azerbaijan. The case concerned the death of an Armenian citizen, who at the time was under military police detention in Azerbaijan. The European Court had held that there was a violation of the right to life and a violation of prohibition of torture, because the victim had been tortured before he was killed³⁰.

More than 25 cases were admitted by the Strasbourg human rights court and are at their final stage of resolution³¹.

Furthermore, the Human Rights Defender's Office of Armenia in cooperation with the Human Rights Ombudsman of Artsakh (Nagorno Karabakh) recorded massive gross human rights violations, including atrocities, torture, and targeted destruction of civilian communities during the 2016 April war; the 2020 July hostilities in Tavush, as well as the 2020 September-November war. These violations were ethnically motivated and were carried out by the Azerbaijani Armed forces, as well as terrorists and jihadist fighters used by the Azerbaijani Government against civilians and servicemen of Armenian origin.

Many atrocities were filmed not only by the Azerbaijani servicemen, but also terrorists and jihadist fighters deployed by the Azerbaijani authorities; the perpetrators were acting cynically with their faces open for everyone to witness. They were convinced that they would remain unpunished and would be only praised for how they beheaded Armenian civilians and servicemen alive, how they cut off their ears or desecrated their bodies. All of these atrocities were duly documented and reported by the Office of the Human Rights Defender of Armenia,

²⁹ See the judgment in the case of "Makuchyan and Minasyan v. Azerbaijan and Hungary" (application no. 17247/13), available at:

<https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22makuchyan%22%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22itemid%22:%5B%22001-202524%22%5D%7D>; https://www.ombuds.am/en_us/site/ViewNews/1205.

³⁰ See the judgment in the case of "Saribekyan and Balyan v. Azerbaijan" (application no. 35746/11), <http://hudoc.echr.coe.int/eng?i=001-200439>.

³¹ See the cases *Badalyan v. Azerbaijan* (<http://hudoc.echr.coe.int/eng?i=001-159138>), *Petrosyan v. Azerbaijan* (<http://hudoc.echr.coe.int/eng?i=001-172622>), *Khojuyan and Vardazaryan v. Azerbaijan* (<http://hudoc.echr.coe.int/eng?i=001-159139>), *Khalapyan v. Azerbaijan* (<http://hudoc.echr.coe.int/eng?i=001-169756>), *Ghazaryan and Bayramyan v. Azerbaijan* (<http://hudoc.echr.coe.int/eng?i=001-204087>), *K.S. and N.A. v. Azerbaijan* (<http://hudoc.echr.coe.int/eng?i=001-169755>) and 21 other applications, which concern the beheadings of dead bodies, cut off of ears, mutilation, some of which had taken place while the victims were still alive during the 4-days war of 2016.

It should be underlined that the results of the Azerbaijani state supported hatred and animosity propaganda against ethnic Armenians were reported also during the April 2016 war against Artsakh. In particular, detailed cases of beheadings and mutilations of civilians and military servicemen were presented within the reports of the Artsakh Human Rights Ombudsman. The very beginning of 2020 war was marked with the execution and mutilation of bodies of Armenian elderly couple (see, the photo below) in Talish village of Artsakh. This horrific war crime was followed by the brutal beheading of the Artsakh Defense Army soldier, Mr. Kyaram Sloyan³².



On 27 September 2020 Azerbaijan began launching indiscriminate military aggressive air and artillery attacks against Artsakh (Nagorno Karabakh) along the entire line of the border, indiscriminately targeting civilian communities and peaceful population.

Throughout the whole 44 days that the war had lasted, villages and towns in Armenia and Artsakh were under shelling. Numerous casualties among peaceful population and destructions in civilian communities were also reported by independent bodies.³³ In numerous cases the Azerbaijani forces had conducted targeted attacks against residential areas.

³² See the Artsakh Ombudsman Interim Public Report Atrocities Committed by Azerbaijani Military Forces Against the Civilian Population of the Nagorno Karabakh Republic and Servicemen of the Nagorno Karabakh Defence Army on 2-5 April 2016 available at <https://artsakhombuds.am/ru/document/560>.

See the Artsakh Ombudsmans Second Interim Report on Atrocities Committed by Azerbaijan During the 2016 April War available at <https://artsakhombuds.am/ru/document/568>.

³³ See the publications available at: 1) https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-Nagorno_Karabakh, 2) https://www.amnesty.org/en/latest/press-release/2021/01/azerbaijan-armenia-scores-of-civilians-killed-by-indiscriminate-use-of-weapons-in-conflict-over-Nagorno_Karabakh/, 3) <https://www.amnesty.org/en/latest/press-release/2020/12/armenia-azerbaijan-decapitation-and-war-crimes-in-gruesome-videos-must-be-urgently-investigated/> and 4) <https://www.amnesty.org/en/documents/eur55/3502/2021/en/>.

During the war Azerbaijani Armed forces had carried out beheadings of living persons, executed and tortured Armenian civilians and military servicemen with cynicism and impunity. The civilian communities, vital infrastructures were deliberately targeted. The attacks on Armenian religious and cultural heritage sites in Artsakh (Nagorno Karabakh) were another notable tactic used by the Azerbaijani government.

The results of fact-finding activities of the Human Rights Defender created strong grounds to conclude that those activities of the Azerbaijani Armed forces are ethnically motivated. They are based on the state policy of hatred and Armenophobia against ethnic Armenians, which itself is supported, organized and solicited by the high-ranking officials of the Republic of Azerbaijan.

1. Executions, beheadings and torture of Armenian military servicemen and civilians

As mentioned above, the Artsakh (Nagorno Karabakh) September–November 2020 war was accompanied by torture and inhuman treatment, massive destruction of civilian communities through targeted shelling, use of prohibited cluster-warhead missiles, use of terrorists and jihadist fighters and other gross violations of human rights, along with active dissemination of hatred and animosity.

It is noteworthy, that atrocities and cruelties were recorded by the servicemen of Azerbaijani Armed forces and widely disseminated through Azerbaijani social network pages and accounts (“Telegram”, “Instagram”, “Facebook”, etc.). These videos of extreme violence were specifically targeting Armenian social media, including children, women and elderly, causing sufferings to the Armenian society, playing with emotions of the relatives of those involved, as well as the population in general.

The aforementioned activities had been accompanied by jubilant comments and glorification on Azerbaijani social media. These sentiments were widely supported by cultural and other public figures. In addition, such cruelties were being openly encouraged by the political authorities of Azerbaijan.³⁴

Immediately after the initial Azerbaijani military attacks, the torture and inhuman treatment of Armenian servicemen and civilians captured by Azerbaijani Armed forces had taken a new spin. With the war expanding, the number of cases and the level of cruelty demonstrated by Azerbaijani militia had dramatically expanded, which is evident from the volume of visual and audio files disseminated online.

Fact finding activities of Armenia’s Human Rights Defender have revealed over 300 video and photo materials of torture and humiliations, executions, beheadings, mutilation of bodies of Armenian military

³⁴See the 2020 joint evidence-based Report of the Human Rights Defenders of Armenia and Artsakh “On organized hate speech and animosity towards ethnic Armenians in Azerbaijan as root causes of ethnically-based torture and inhuman treatment by Azerbaijani Armed forces” available at <https://ombuds.am/images/files/2bb83fd52ae0011eeaa6e77f42210cd3.pdf>.

servicemen and civilians by the Azerbaijani Armed forces. Analyses of these materials have revealed that members of the Azerbaijani Army have been inspired by the public speeches of the Azerbaijani President and as a result, they have actively used such vocabulary and expressions while committing atrocities.³⁵ These atrocities were documented and analyzed in a special report of the Human Rights Defender³⁶ (it remains unpublished due to their 18+ sensitive content).

From September 27, 2020 to September 27, 2021, according to the fact-finding activities of the Ombudsman of the Artsakh Republic, 80 civilians of Armenian origin were identified who were killed by the Azerbaijani Armed Forces: 42 of them were killed as a result of targeted strikes, 38 - in captivity. Cases of torture and mutilation of corpses inevitably targeted civilian deaths were recorded. 52 persons out of the mentioned 80 were killed at places of their residence, 15 – in public places, 11 – at workplaces, 2 in Azerbaijani prisons. 163 cases of civilian injuries were recorded, most of which resulted from strikes that resulted in the deaths of others³⁷.

A vivid example of extremely atrocious behavior of Azerbaijani servicemen is illustrated in video footages [released in several parts] of one single case. These videos illustrate the process of beheading of an Armenian civilian (G. P., born in 1951) from the Madatashen village of Stepanakert region of Artsakh (Nagorno Karabakh) with extreme cynicism and savagery.



³⁵ See the photo and video database of war crimes committed by the Azerbaijani Armed forces against Armenians (hereinafter, Database), <http://cloud.ombuds.am/index.php/s/YprA6DwjPPTNQ7P>.

³⁶ Available at: <http://cloud.ombuds.am/index.php/s/j5mRMEjwRoD5CLP>

³⁷ See the Artsakh Human Rights Ombudsman’s Updated Interim Report on the cases of the killing of civilians in Artsakh by the Armed forces of Azerbaijan, <https://artsakhombuds.am/en/document/785>.

This case has been largely disseminated through Azerbaijani internet sources. In particular, in the mentioned video members of Azerbaijani Armed forces cut off the head of G.P. [the whole process is illustrated in the video], put his severed head on a body of a dead animal [a pig, apparently]. In the video, Azerbaijani soldiers are mocking and insulting the body of the ethnic Armenian claiming that it is their “revenge”. In addition to that, one of the soldiers tells others “to bring petrol to burn the body”.

Furthermore, the same video illustrates an Azerbaijani serviceman putting his foot on the chest of G.P.’s beheaded body and brutally pushing it to squeeze out blood from the severed neck.

G.P.’s bleeding body, its position, the color of the head and the body, as well as the facial reflexes of the severed head indicate that the person was murdered in a ruthless way and that he was beheaded while he was alive. It was later proved by another video, that G.P. was in fact beheaded alive³⁸.

Another video of execution was disseminated on social networks, showing the process of beheading of Y.A., an elderly Armenian (born in 1938) from the Azokh village of the Hadrut region of Artsakh (Nagorno Karabakh) by the Azerbaijani soldier. In the video Y.A. is begging the Azerbaijani soldier to change his mind. However, as the second part of the video illustrates the Azerbaijani soldier beheading Y.A. alive³⁹.

Another case of a beheading was recorded on 19 October. On that day the Human Rights Defender of Armenia received an alarming call certifying that several Azerbaijani servicemen had beheaded an Armenian soldier. The initiated fact-finding actions revealed the following data:

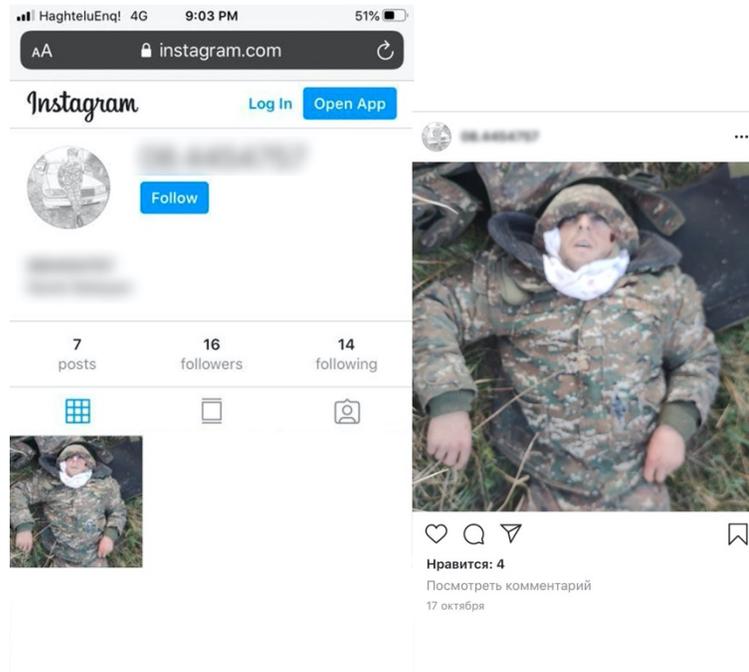
On 16 October, at around 1PM a member of the Azerbaijani Armed forces called the mother of an Armenian soldier and said that they had beheaded her son N.B., a member of the Artsakh Defense Army. Shortly after, they called N.B.’s brother and said that N.B. was with them; they had beheaded him and were going to post his photo on the Internet. Afterwards, several hours later, the brother found the photo of his murdered brother’s own Instagram social media page (apparently, they had access to the page).

These were members of Azerbaijani army who posted N.B.’s photo on his own social media page. There were 2 phone calls from Azerbaijani soldiers who used hate speech humiliating the Armenian killed soldier’s mother and brother⁴⁰.

³⁸ See Annexes 3.1.1. and 3.1.2. of the Database, <http://cloud.ombuds.am/index.php/s/YprA6DwjPPTNQ7P>.

³⁹ See Annex 3.7. of the Database, <http://cloud.ombuds.am/index.php/s/YprA6DwjPPTNQ7P>.

⁴⁰ See the statement of Armenia’s Human Rights Defender available at https://ombuds.am/en_us/site/ViewNews/1337.



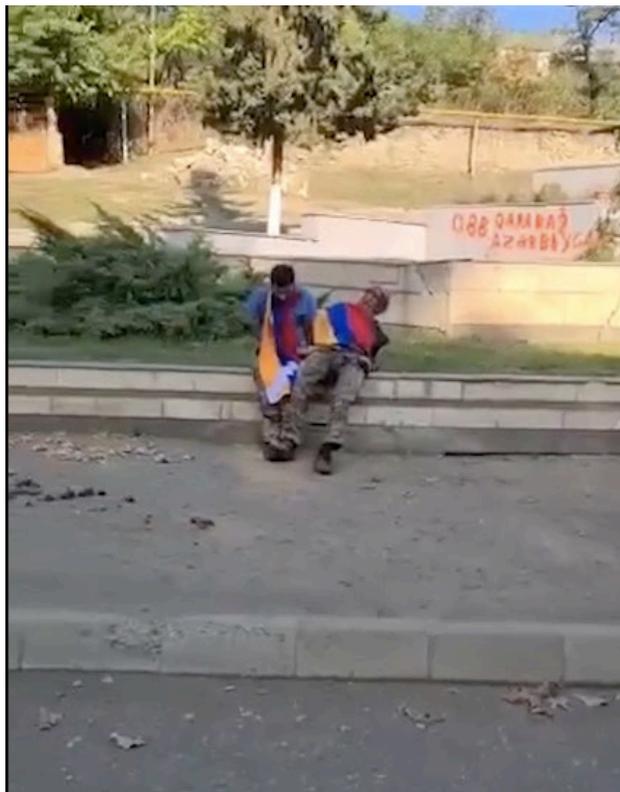
A 73-years old civilian B.H. and a volunteer Y.A. were captured and executed by Azerbaijani servicemen. Their surrender and the following cult execution of the two men, having their hands bound behind and draped in the flags of Armenia and Artsakh, is videotaped⁴¹. The credibility of the video and the exact location of the execution is confirmed by the BBC material⁴².

The mentioned execution was reflected in the statement of the UN High Commissioner for Human Rights⁴³.

⁴¹ See annexes 3.2.1. and 3.2.2. of the Database, <http://cloud.ombuds.am/index.php/s/YprA6DwjPPTNQ7P>.

⁴² See the BBC publication, <https://www.bbc.com/news/world-europe-54645254>.

⁴³ See publication, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26464>.



These are only some of the examples of brutalities committed by the Azerbaijani Armed forces during the war (all the videos and photos are presented in the Database).

In another case, Azerbaijani internet sources uploaded an extremely cruel footage demonstrating the process of cutting of the ear off an Armenian elderly civilian S.S. by Azerbaijani soldiers.

The video illustrates S.S. lying on the floor with his face down and with his hands tied up behind his back moaning in pain. The video shows how an Azerbaijani soldier grabs S.S. by the hair and slams his head to the ground twice, resulting in significant blood splatter. At the same time, another person kicks the shoulder of the captured Armenian, who is still lying face down on the floor⁴⁴:

In another video the Prisoner of War A. S. is shown. He is wounded and fallen on the tank, and, the Azerbaijani soldier tramples him with his foot and demands to repeat certain expressions, such as: “Karabakh is Azerbaijan.”⁴⁵

Another case of torture and severe humiliation of an Armenian elderly civilian K. M. by Azerbaijani soldiers took place on December 3. K.M. is originally from the Sznek village (Askeran region, Artsakh). Because of Azerbaijani military attacks K.M. had to leave his village and move to Artashat (Artashat

⁴⁴ See Annex 8.26. of the Database, <http://cloud.ombuds.am/index.php/s/YprA6DwjpPTNQ7P>

⁴⁵ See Annexes 8.8.3. and 8.8.4. of the Database, <http://cloud.ombuds.am/index.php/s/YprA6DwjpPTNQ7P>

Region, Armenia) with his family on October 25. On November 2 he decided to visit his native village and his native home. On the way to the village he was captured and severely tortured and humiliated by the Azerbaijani soldiers. Everything was filmed by the Azerbaijani soldiers and later widely spread through Telegram and other social networks. The video was duly documented, translated and analyzed by Armenia's Human Rights Defender's Office.⁴⁶

Furthermore, coming to widespread cases of mutilation of bodies of Armenian military servicemen and civilians by the Azerbaijani Armed forces some of them are underlined below.

In one of the videos a young Armenian soldier is lying on the ground; his ears are cut off and are in the hands of an Azerbaijani military serviceman. In a particularly brutal manner, he stabs the young Armenian soldier, including in the face. He throws the severed ear and starts brutally torturing the body⁴⁷.

Another video shows 2 dead bodies of Armenian soldiers: the first soldier has a major head injury (only half of his head is left), whereas the second soldier is covered in blood. Both soldiers' legs are tied to a vehicle, and, as the vehicle starts to move, their bodies are dragged in an unknown direction. The video shows 2 mercenary soldiers talking to each other⁴⁸.

As underlined above, Azerbaijani Servicemen had committed torture and atrocities not only during the war, but also after it. Post-war human rights violations were revealed, duly documented and analyzed in the reports of Armenia's Human Rights Defender. These are dozens of cases of torture and humiliation, cruelties against Armenian military servicemen and civilians.

Particularly, the Human Rights Defender of Armenia published evidence-based special reports on **“Treatment of the Armenian prisoners (servicemen and civilians) in Azerbaijan (with focus on their questionings)”** and on **“Responsibility of Azerbaijan for Torture and Inhuman Treatment of Armenian Captives: Evidence-based Analysis”**.⁴⁹ These reports present the atrocities of the Azerbaijani Armed forces, reveal unlawfulness of keeping Armenian captives in Azerbaijan and unlawfulness of investigations and court trials launched against captives. The reports also reveal that all these investigations are based on “confessions” taken from the captives through torture and humiliations.

Torture and cruel treatment of Armenian prisoners of war by Azerbaijani Armed forces were also reported by the Human Rights Watch. According to its findings:

⁴⁶ See Annex 8.32. of the Database <http://cloud.ombuds.am/index.php/s/YprA6DwjpPTNQ7P>

⁴⁷ See Annex 7.2. of the Database <http://cloud.ombuds.am/index.php/s/YprA6DwjpPTNQ7P>

⁴⁸ The files provided in the Database contain other cases of mutilation of Armenian soldiers' dead bodies by Azerbaijani Armed forces; see Annex 1.4. of the Database <http://cloud.ombuds.am/index.php/s/YprA6DwjpPTNQ7P>

⁴⁹ See the 2 reports: 1) <https://www.ombuds.am/images/files/1138b156720bec6ae0fd88dc709eb62c.pdf>, 2) <https://ombuds.am/images/files/8f33e8ccaac978faac7f4cf10442f835.pdf>.

“Azerbaijani forces have inhumanely treated numerous ethnic Armenian military troops captured in the conflict over Nagorno Karabakh, (...). They subjected these prisoners of war (POWs) to physical abuse and humiliation, in actions that were captured on videos and widely circulated on social media since October.

The videos depict Azerbaijani captors variously slapping, kicking, and prodding Armenian POWs, and compelling them, under obvious duress and with the apparent intent to humiliate, to kiss the Azerbaijani flag, praise Azerbaijani President (...). In most of the videos, the captors’ faces are visible, suggesting that they did not fear being held accountable.

Although some of the prisoners depicted in videos Human Rights Watch reviewed have, in subsequent communications with their families, said they are being treated well, there are serious grounds for concern about their safety and well-being.

The Human Rights Watch specialists made their conclusions based *inter alia* on the interviews with family members of the prisoners of war. As it is mentioned in the statement, *[T]he families confirmed that they saw their loved ones in the videos, provided photographs and other documents establishing their identity, (...).*⁵⁰

2. Targeted attacks against civilian objects, including by the use of banned weapons

Civilian objects of Armenia and Artsakh have been under constant military attacks by Azerbaijan both during the September-November war and before that.

These facts were confirmed by fact-finding activities of Armenia’s Human Rights Defender’s and Artsakh’s Human Rights Ombudsman’s and reflected in their publicly available separate and joint reports.

As reported by the Human Rights Ombudsman of Artsakh, *170 peaceful communities of the Artsakh Republic were severely damaged, in particular, 13800 private immovable property, 2100 private movable property, 3100 infrastructures, public and industrial objects.*⁵¹

Below are several examples of use of banned weapons against the civilian objects of Artsakh.

On 2 October 2020, the Azerbaijani Armed forces fired several rockets at the city of Hadrut from multiple rocket launch systems "Smerch". As a result of shelling with cluster munitions, civilians were

⁵⁰ See the statement “Azerbaijan: Armenian Prisoners of War Badly Mistreated”, <https://www.hrw.org/news/2020/12/02/azerbaijan-armenian-prisoners-war-badly-mistreated>.

⁵¹ See the Artsakh Human Rights Ombudsman’s “Updated Interim Report On The Killing Of Civilians By The Azerbaijani Armed forces”, <https://artsakhombuds.am/en/document/785>.

injured. This is evidenced by all official publications in the media, as well as information received from the civilian population of Artsakh and individual appeals to the Human Rights Defender.

On 3 October 2020 uninterrupted shelling of Stepanakert and Shushi with the use of “Smerch” multiple rocket launchers equipped with banned cluster munitions had been continued by Azerbaijan. Multiple casualties reported in both cities.

On October 28, the Azerbaijani Armed forces struck more than 15 times at different parts of the capital city Stepanakert and Shushi town, deliberately targeting the Maternity Hospital and Child Health Center⁵², some residential and public objects⁵³.

Furthermore, on November 1 Azerbaijan also targeted the mosque in Shushi⁵⁴.

From October 29 to 31, 2020 the Azerbaijani Armed forces used incendiary ammunition of mass destruction containing chemical elements in Artsakh (Nagorno Karabakh). According to the publicly available information the ammunition contained white phosphorus.

For example, on October 29, at around 6:20 PM the Azerbaijani Armed forces had launched targeted attacks against the forest areas of Artsakh in the closest vicinity of civilian communities, causing massive fires and a large-scale environmental disaster. Furthermore, according to experts and local population, the used means were likely to have contained white phosphorus or other similar chemical elements, which is an incendiary and toxic chemical substance used as a filler in a number of different munitions⁵⁵.

The use of incendiary ammunition of mass destruction containing chemical elements (possibly white phosphorus) was thoroughly analyzed in the context of the International Humanitarian Law, International Human Rights Law and Environmental Law in the joint ad hoc report of the Human Rights Defenders of Armenia and Artsakh⁵⁶.

Azerbaijani Armed forces launched targeted attacks against civilian communities of Armenia, as well. On 30 September 2020, the Human Rights Defender of Armenia visited Gegharkunik Province for a fact-finding mission related to the Azerbaijani air and artillery attacks towards civilian settlements. Fact-finding

⁵² See the publications, <https://www.facebook.com/100017676420633/videos/740864879846053/>, <https://www.facebook.com/100017676420633/videos/749248819007659/>.

⁵³ See the publication of the Human Rights Ombudsman of Artsakh, <https://www.facebook.com/ArtsakhOmbuds/posts/1700925256741296>

⁵⁴ See the publication, <https://www.youtube.com/watch?v=IVHLoOjn4y8>.

⁵⁵ See the video on use of incendiary ammunition of mass destruction containing chemical elements (possibly white phosphorus), https://www.youtube.com/watch?feature=emb_title&v=0NLA5jID5Iw&fbclid=IwAR3_F_jzyPS5ii105_yE5mzmkd2fX8

⁵⁶ Available at: <https://www.ombuds.am/images/files/ea04773e0fcf3a7e4dadb87e9b73d360.pdf>.

activities were carried out in the city of Vardenis, as well as Sotk, Shatvan, Kut and other villages in the immediate vicinity.

The working group headed by the Human Rights Defender recorded evidence at the location indicating that the Azerbaijani air and artillery attacks were indiscriminate. The fact-finding mission also determined that targeted attacks against civilian settlements of the Armenian Gegharkunik Province were conducted in the early morning of September 27.

The attacks continued and grew more aggressive on 28 and 29 September, during which one civilian was killed. Artillery and air attacks, including by remote-controlled unmanned aerial vehicles (UAVs), were carried out against villages every day, mostly in the early morning and afternoon. Intensive shillings were carried out during the night of September 29-30.

The results of the fact-finding mission are reflected in the Human Rights Defender's public ad hoc report⁵⁷.

Furthermore, on October 30 and 31 hotline calls were received from civilian population, alarming that the Azerbaijani Military launched air attacks against Davit Bek and Agarak villages of Syunik Province.

In Agarak village the artillery attacks resulted in damages of civilian houses and infrastructure. Private vehicles and other property in the village had also been damaged. Two civilians had received severe injuries.

In comparison Agarak, the situation had been even more tense in Davit Bek community, Syunik province. As the head of Davit Bek community confirmed, for ten days the Azerbaijani army had been shelling the peaceful community. The rocket attacks resulted in damages of 38 residential houses, 2 barns, 20 cattle, 5 vehicles. Gravestones in the village were also damaged.

All analyses clearly confirm that the Azerbaijani military attacks against the civilian communities were purposefully aimed at causing casualties, damages to vital civilian infrastructures and environment areas, including with the use of banned weapons (cluster-warhead missiles, incendiary weapons, etc.)⁵⁸.

3. Destruction of Armenian cultural and religious heritages, tombs etc.

Except physical and existential attacks against ethnic Armenians, as well as targeted and indiscriminate attacks against civilian objects and vital infrastructures of Artsakh (Nagorno Karabakh), during and after the

⁵⁷ Available at: <https://www.ombuds.am/images/files/dc1b379419a1a9aaeec5191128277502.pdf>.

⁵⁸ For the video and photo materials on the use of banned weapons as well as its results, including human casualties see the Folder 9 of the Database, <http://cloud.ombuds.am/index.php/s/YprA6DwjPPTNQ7P>.

war Azerbaijani Armed forces also destroyed Armenian cultural and religious heritage sites, including churches, tombs and khachkars amongst others.

*As a result of military aggression against the Republic of Artsakh, at least 1456 overwhelmingly Armenian historical and cultural prominent immovable monuments, including 161 monasteries and churches, 591 khachkars (cross-stones), the ancient sites of Tigranakert, Azokh, Nor Karmiravan, Mirik, Keren, fortresses and castles, sanctuaries and other monuments remained under the control of Azerbaijan. 8 state museums also came under the control of Azerbaijan with 19 311 exhibits, as well as private museums of Armenian Carpet and Armenian dram of Shushi*⁵⁹.

Below are presented some vivid examples of the Azerbaijani vandalism.

On 8 October 2020, the Azerbaijani Armed forces launched two intentional attacks at the Holy Savior Ghazanchetsots Cathedral of Artsakh(Shushi). The Cathedral is one of the most recognizable cultural and religious symbol of Artsakh. The Azerbaijani forces had struck the cathedral two times within a few hours with use of striking and manageable drones. This act of Azerbaijani forces is in line with its continuous practice of destroying Armenian cultural heritage sites in Artsakh. It also demonstrates radical disrespect towards the Christian element of Armenian identity.⁶⁰

Furthermore, on May 3, a photo was published in the social media showing the removed dome of the Holy Savior Ghazanchetsots Cathedral of Artsakh. Other parts of the 19th-century cathedral have been covered in scaffolding.⁶¹

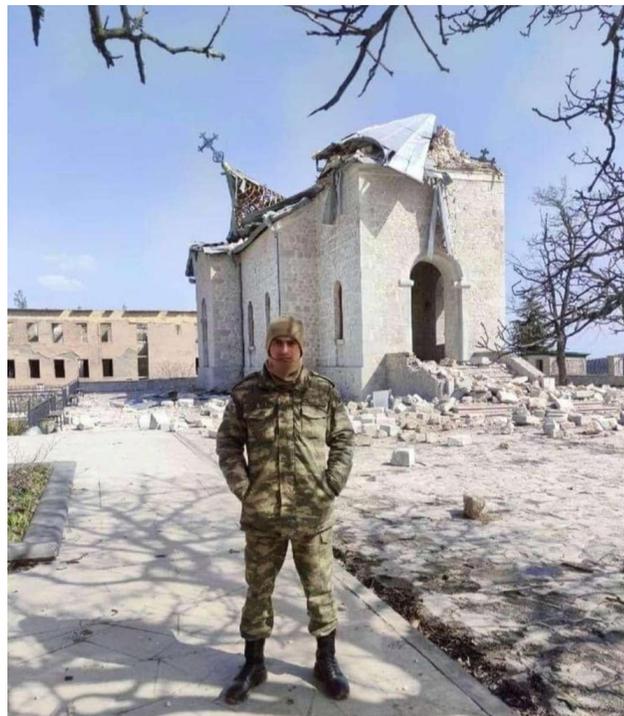
⁵⁹ Available at: <https://www.artsakhombuds.am/en/news/494>

⁶⁰ See the publication available at <https://www.facebook.com/watch/?v=2759201674324006>.

⁶¹ See the publication available at <https://en.armradio.am/2021/05/03/azerbaijan-distorting-ghazanchetsots-cathedral-under-the-guise-of-restoration-artsakh-ombudsman/>.



Shortly after the occupation of Shushi by Azerbaijan, images and a video of the partially destroyed 19th century church of Saint John the Baptist in Shushi (AKA, Kanach Zham) circulated on social media showing severe destruction to the dome and the bell tower.



Based on a comparison of the aerial images of the surrounding buildings and those shown in the video, it is undeniable that this church had been seriously damaged.

As a consequence of the September-November war of 2020, the Zoravor Surb Astvatsatsin Armenian Church in the Mekhakavan community was completely destroyed after it came under Azerbaijani control.



The destruction of the church is confirmed by a publication from BBC World News (Nagorno Karabakh: The mystery of the missing church)⁶².

Even during the war, the Azerbaijani military published a video which revealed them going about and, cynically insulting and vandalizing the church. The staff of the Human Rights Defender of Armenia translated and analyzed the video which openly attests to the religious hatred and intent to destroy the Zoravar Surb Astvatsatsin⁶³.

In another case, Azerbaijani military (the Turkish flag is also clearly visible on their uniforms) cynically dishonor and vandalize the Armenian Church, openly and deliberately insult the church, a while knowing all too well that the church is Armenian. In the video, they say the following:

After entering the church, "This belongs to the Armenians, everything here belongs to the Armenians, we have torn it."

⁶² Available at: <https://www.bbc.com/news/av/world-europe-56517835>.

⁶³ Available at: https://ombuds.am/en_us/site/ViewNews/1596.



It is clear that this is an act of open hatred, both on ethnic and religious grounds. Moreover, this is not an isolated case, but rather, it is the result of years of systematic policy of hatred and enmity against ethnic Armenians, which continues to this day⁶⁴.

There have been dozens of cases of destruction of Armenian cultural and religious heritage sites, tombs, khachkars, monuments and churches⁶⁵.

These cases are presented in the ad hoc report of the Human Rights Defender of Artsakh, entitled the Armenian cultural heritage in Artsakh (Nagorno Karabakh): Cases of vandalism and at risk of destruction by Azerbaijan⁶⁶.

All the presented facts clearly demonstrate the Azerbaijani authorities' deeply rooted state sponsored policy of hatred and animosity towards Armenians, as well as their horrific consequences and encouragement of actions leading to these consequences, glorification of violations of Armenians' rights. As it is seen from the above mentioned evidence-based analysis, this hatred and animosity is based on ethnic and religious pillars. These are clear attributes of the Azerbaijani genocidal policy that resulted in ethnic cleansing in Artsakh during the September-November 2020 War. Serious massive human rights violations were documented against the population in Armenia. After secession of hostilities this policy has taken extremist forms amounting to fascism, thus by this resulting in new

⁶⁴ See the publication available at https://www.ombuds.am/en_us/site/VideoGalleryView/520.

⁶⁵ See the folder 5 of the Database, <http://cloud.ombuds.am/index.php/s/YprA6DwjpPTNQ7P>.

⁶⁶ Available at: <https://artsakhombuds.am/hy/document/792>

violations in the bordering communities of Armenia and posing a serious threat to peace and security in the region.

Thus, the clear link is established between the Azerbaijani policies of state sponsored hatred and the horrific crimes; massive human rights violations by the analysis of this chapter. Since this policy is in its active phase and took extremist forms, fundamental guarantees are required to protect rights of Armenian populations. The chapter below proves existence of ongoing human rights [massive] violations of the population of Armenia, as direct consequences of this policy and, thus, justifies the urgent necessity for a security zone in all areas of contact with the Azerbaijani Military forces.

IV. OVERVIEW OF THE POST-WAR SITUATION IN THE BORDER COMMUNITIES OF ARMENIA AND THE ONLINE LINK TO THE AZERBAIJANI LOCATIONS

Any state border determination, including delimitation and demarcation must be based on internationally accepted principles and regulations. These principles and regulations are the indicators for the legitimacy of the border delimitation and demarcation principles.

Below is the online link to the Azerbaijani illegal locations around and in Syunik and Gegharkunik provinces; all the data is based on the Human Rights Defender's fact-finding missions and investigations and are presented through the Google Earth Application:
https://earth.google.com/earth/d/1pBOViOfMoQ5C2dJw4v_cWr5X63RJrt2y?usp=sharing

On 19 December 2017, the OSCE has published a comprehensive Guidebook called “Delimitation and Demarcation of State Boundaries: Challenges and Solutions”. The guidebook provides illustrative examples of international legal practices in state boundary-marking which includes the main stages of the boundary delimitation and demarcation process as well as recommendations for carrying out this work⁶⁷.

This OSCE document requires establishment of a working group or a commission by the Government which must instruct it to prepare a report on the legal, political, economic and technical situation with regard to the status quo of the boundary, and to make recommendations for setting the boundaries in the future.

Within the preparatory procedure the State Boundary Delimitation working group shall look into:

- legal framework concerning the boundary;**
- international practice of delimitation of boundaries;**
- maps of different purposes that display the traced administrative boundary of a subject or the applied land-use boundary;**
- historical heritage;**

⁶⁷ See the OSCE Guidebook on Delimitation and Demarcation of State Boundaries: Challenges and Solutions available at <https://www.osce.org/files/f/documents/9/2/363466.pdf>.

- possible versions of the allocation of territories;
- other materials that highlight the range of problems within border areas;
- degree of impact of the new state boundary on the economy of the country and viability of engineering infrastructure facilities and border population;
- statistics, cadastral information, a register of addresses, information on citizenship, property rights, residential addresses of border population, religious denominations, places of traditional land use and summer pastures, information on energy and water utilities and sanitation, postal and other services, as well as religious buildings and burials;
- other such information on border population and facilities as may prove to be necessary to ensure normal living conditions.

Furthermore, the OSCE standards require that based on the analysis of cartographic, cadastral, statistical and other information necessary to substantiate functioning of vital objects and ensure normal living conditions of border population, the working group or commission present a report on the state of the situation with regard to the existing boundary, and come up with proposals for setting the boundaries in the future to be further submitted for political evaluation and the approval of a negotiating position.

The negotiating position is based on two principles:

1. From the general to the particular. To make it more expressive, the principle may be figuratively rephrased as follows: firstly, find a house, and only then – buy furniture.
2. From the ultimate to the optimum. Negotiations shall begin with an ultimate position which may be reduced to the optimum one until it becomes acceptable to all parties.

Important elements of legitimate delimitation and demarcation of state boundaries are:

1) the rule of law;

2) democracy;

3) human rights;

4) inviolability of all boundaries that can only be changed peacefully through the parties' agreement⁶⁸.

⁶⁸ See the OSCE Guidebook on Delimitation and Demarcation of State Boundaries: Challenges and Solutions available at <https://www.osce.org/files/f/documents/9/2/363466.pdf>.

The international guidebook provides several other mandatory principles of delimitation and demarcation of state boundaries: i) the National Law; ii) the Customary Law (excluding radical change of way of life of the local population; ensuring their normal life, etc.) ; iii) the Cadastral Map and the Land-Use Map; iv) Maps of Border Territories for Different Purposes (maps of protected and wildlife areas; forest use maps; maps of peatlands, quarries and other deposits of minerals (geological maps); geographical maps of basins and watersheds of rivers and reservoirs;- maps of roads and railways; plans for amelioration and irrigation systems; urban area plans for cities and settlements; maps and plans for other purposes; national atlases); v) the Historical Heritage⁶⁹.

As it is seen from the mentioned document, the rule of law, human rights, democracy, protection of the normal life of the local population, as well as the peaceful process are mandatory elements of delimitation and demarcation of state borders.

Immediately after the secession of hostilities, i.e. the end of the 2020 September-November Nagorno Karabakh War, Armed Azerbaijani servicemen, Azerbaijani signs and flags appeared in the direct vicinity of Armenia's Syunik and Gegharkunik province villages, as well as on the roads between civilian communities of the Syunik province.

Immediately after Azerbaijani appearance, the Human Rights Defender of Armenia received numerous alarms, oral and written complaints from border communities of the Syunik and Gegharkunik Provinces of Armenia on their human rights violations, as well as threats to their vital human rights. Alarms and complaints were also received from other communities of Armenia (Ararat province, Yerashk community; Tavush province, Ijevan community, Vayots Dzor province, Jermuk community and others).

Taking into account the mentioned alarms and complaints, as well as public concern expressed by the Armenian population on social networks and mass media publications, the Human Rights Defender of Armenia has carried out a series of fact-finding missions to the border communities (mostly in Syunik and Gegharkunik). Special monitoring and investigation proceedings have been launched.

During the visits and launched investigations the local population in the communities of Syunik informed the Human Rights Defender that the Azerbaijani Armed Servicemen forced them to leave lands and houses that have belonged to them – in some cases since the beginning of Soviet times. **Many civilians informed the Human Rights Defender that Azerbaijani soldiers threatened to destroy their villages**

⁶⁹ See the OSCE Guidebook on Delimitation and Demarcation of State Boundaries: Challenges and Solutions available at <https://www.osce.org/files/f/documents/9/2/363466.pdf>.

and houses through UAV attacks if they did not leave their required places (e.g. Vorotan village of Goris community, Aravus village of Tegh community and more). Thus, all the visits and monitoring activities and the investigation of complaints and their results have confirmed that today's deployments by Azerbaijani Armed forces have been carried out in massive violations of international human rights standards, under real threats of war (destruction of civilian communities) and in the context of open genocidal policy by Azerbaijan.

All the mentioned data was communicated to the competent Government bodies (Ministry of Territorial Administration, Cadastre Committee, etc.) and to the relevant international bodies (the United Nations, the Council of Europe, the OSCE and more) .

In particular, vital civil rights, such as the right to life and dignity, the rights to security and peace, the right to pursuit for happiness of the civilian population in Syunik and Gegharkunik provinces remain infringed because of Azerbaijani shootings near and towards villages, threatening civilians with weapons, cases of dragging and beating civilians.

Along with protection of peaceful life and security of people, the right to freedom of movement has been violated because of Azerbaijani Armed servicemen's block posts on the roads between the communities of Syunik.

By mechanical application of these principles, various sections of the M2 interstate road from Goris to Kapan and from Kapan city to Tshakaten and several other villages have come under Azerbaijani control, which has put the movement of civilians in real danger and has already created problems affecting the rights of the border populations, including by creating humanitarian crisis situations for the local population of surrounding villages.

Particularly, on 25 August 2021, more than 50 Azerbaijani servicemen blocked the interstate M2 road leading from Goris to Kapan near Davit Bek village, for 2 days. On 26 of August, Azerbaijani armed servicemen blocked the road from Goris to Kapan near Vorotan village in the Syunik Province of Armenia (see the photo shown in the Right to Freedom of Movement section of this report). By blocking the mentioned sections of the road, Azerbaijani Armed servicemen created an intentional humanitarian crisis for several Armenian villages. These villages had been left in a blockade for several days.

Azerbaijani Armed forces have been deployed in the immediate vicinity of the Armenian civilian communities, for instance, in the larger communities of Goris, Kapan, and Tegh in Syunik Province, on interstate or inter-community roads, or directly in neighborhoods, dividing the sidewalks (e.g. Shurnukh

village of Goris community). In order to ensure the safety and security of the civilians of Armenia in those places, the border guards of Armenia and Russia have been justifiably located.

Socio-economic rights in Syunik and Gegharkunik Provinces have been grossly violated, including the deprivation of lands (including pastures, grasslands and arable lands) and houses, with respect to which, their rights [including their right to property] have been subject to state registration by the Soviet or independent state cadastre bodies of Armenia or the mentioned properties belong to them under lease contracts.

Human rights, p, regular cases of stealing their cattle. physical and mental inviolability, and other rights guaranteed by the Constitution of Armenia have been seriously endangered. The best interests of children to live and develop in a peaceful, non-violent environment have been totally violated; in many communities Azerbaijani Military forces are located in very close proximity from schools and kindergartens (in some cases at a distance of less than 500 meters). The security of the state borders of the Republic of Armenia has been endangered.

Apart from the above-mentioned violations of fundamental human rights violations, all other requirements were also violated. Namely, the local population has had no participation in the process, very often remained outside of the process. The peaceful, traditional and normal life of not only the local population, but also the population of the whole country was radically changed. The unstable situation and cases of tensions have evolved as a result of the Azerbaijani locations. but also their behaviors. Enormous social problems occurred in addition to the security issues. People were deprived of their properties (with legal documentation certifying their rights over these properties) with no compensation; quite significant number of persons still continues to pay credits for the lost properties. Losses and damages caused to local population has not been counted, no inventory was carried out. Land-use or cadastre maps were not taken into account (many people hold documentation that had been issued at the beginning of the establishment of Soviet Union). Finally, there is not a single international or local legal document that could justify actions and locations of the Azerbaijani Armed Servicemen, which in its turn confirms violation of the rule of law principle.

There have been no international documents on delimitation and demarcation of borders ever signed between Armenia and Azerbaijan.

Therefore, the facts mentioned above confirm that the whole process of the Azerbaijani appearance was in violation of international principles and requirements related to border determination. Thus, both process of appearance and locations of Azerbaijani Armed servicemen have absolutely no legitimacy.

Furthermore, it should be also mentioned that during the meeting with the Human Rights Defender the President of Armenia, H.E. Armen Sarkissian stated that there is no official demarcation and delimitation between Azerbaijan and Armenia, which means that the process of determining the state borders is at least legally uncertain at the moment. In addition to this, there are violations of the rights of RA citizens in Syunik, as well as their significant danger⁷⁰.

The Human Rights Defender sent an official inquiry to the RA Ministry of Foreign Affairs in connection with the demarcation and demarcation processes, taking into account the direct impact of these processes on human rights in the current situation. The RA Ministry of Foreign Affairs has issued the following official position:

“Demarcations are successive bilateral international processes that require the existence of a joint commission and within the framework of which professional discussions and negotiations are held. A prerequisite for the above-mentioned processes is the existence of normal bilateral relations, including diplomatic relations, between the neighboring states.

In international practice, a bilateral intergovernmental commission (chaired by representatives of the foreign ministries of the countries) is formed to carry out demarcation and demarcation processes between neighboring countries, consisting of representatives of state stakeholders (foreign policy, defense, security), experts (particularly in the field of geodesy cartography).

The first stage of the work of such commissions, as a rule, ends with a separate bilateral agreement on the legal basis of the demarcation, and later, after the demarcation, on the joint implementation of the demarcation process.

Upon successful completion of the bilateral process, the Commission concludes an agreement on the border between the two countries, which stipulates that all border issues have been resolved.

Prior to the commencement of the above-mentioned processes, “their successful completion, the deployment of Armed forces or border troops to conduct combat duty along the state border is a purely defensive” security measure, in areas actually under the control of the parties, negotiated directly or indirectly between representatives of the Armed forces.”

⁷⁰ See the statement of the President of Armenia available at <https://www.president.am/en/press-release/item/2021/03/17/President-Armen-Sarkissian-met-with-Arman-Tatoyan/>.

Therefore, the implementation of the current measures is not related to status issues, cannot be interpreted as a final agreement on demarcation, or mechanical approval of existing administrative boundaries”⁷¹.

Thus, as a consequence of everything mentioned above, appearance of the Azerbaijani Armed servicemen, the Azerbaijani signs and flags coming in direct vicinity of Armenia’s Syunik and Gegharkunik province villages, as well as on the roads between civilian communities of the Syunik province have resulted in serious violation of human rights of the civilian population and constant threats to them. These are internationally recognized and constitutionally guaranteed right to life; right to psychological and physical integrity; right to freedom of movement; right to property; right to entrepreneurship activities; children’s rights and best interests.

⁷¹ “The RA Ministry of Foreign Affairs sent to Human Rights Defender an official position related to the demarcation and delimitation processes” available at https://ombuds.am/en_us/site/ViewNews/1466

V. HUMAN RIGHTS VIOLATIONS OF THE CIVILAN POPULATION OF ARMENIA

1. *Right to life, right to live in peace and security*

In addition to the widespread cases of torture, willful killings and other atrocities committed by the Azerbaijani Armed servicemen against ethnic Armenians during and after the September-November 2020 war, there are frequent arbitrary cases of shootings in the direct vicinity of the villages of Armenia and in some cases directed towards those villages, including cases targeting civilian houses.

These facts are clear violations of the right to life guaranteed by Article 2 of the European Convention on Human Rights. This finding is based on the jurisprudence of the Strasbourg Court. Particularly, the Court established violation of Article 2 in cases when the applicant's life was seriously endangered, even if the applicant did not die (e.g. Makaratsiz v. Greece, 20 December 2004, Application no. 50385/99; R.R. and others v. Hungary, 04 December 2012, Application no. 19400/11).

A. Azerbaijani shootings from military positions deployed in the immediate vicinity of the villages of Armenia and civilians

Investigations of civilian population's complaints, as well as fact-finding missions of the Human Rights Defender revealed cases of shootings with small- and large-caliber weapons by the Azerbaijani military in the immediate vicinity of communities in Syunik and Gegharkunik Provinces of Armenia. Shootings are often targeting communities and civilian houses.

Namely, starting from December 2020 civilians and community bodies of Syunik Province communities of Tshakaten, Nerkin Hand, Shikahogh, Yeghvard, Agarak, Uzhanis have informed the Human Rights Defender that shootings take place regularly, both during the day and at night. According to the alarms, the shootings are clearly heard in the villages, aimed at intimidating civilians and, first of all, children and women.

A delegation led by the Human Rights Defender was informed about these shootings on 9 January 2021 during their visits to Tshakaten and other villages of Kapan. At that time, it was directly reported that the shootings were causing rising tensions in the local villages⁷².

⁷² Available at: https://ombuds.am/en_us/site/ViewNews/1505

On 15 February the Human Rights Defender published a video of shootings by Azerbaijani Armed servicemen near villages Agarak and Yeghvard villages of Kapan⁷³.

On 16 February 2021, during the visit to Syunik province, the residents of Shikahogh, Srashen and Nerkin Hand villages had informed the Human Rights Defender of Armenia that shots were fired during broad daylight while they were engaged in agricultural work on their lands. In some cases, they were on their lands with their children and grandchildren.

At the same time, the Azerbaijani servicemen who fired the shots were at such a distance (even less than 1 km) that the lands of the Armenian residents were visible to the naked eye. In other words, they had clearly been observing these civilians and were watching the residents' carrying out their daily chores and agricultural work on their lands.

All of these factors had also caused a direct threat to the local children. Notably, the Azerbaijani military was located less than one (1) km from the school near the village of Nerkin Hand⁷⁴. The Azerbaijani servicemen are well aware that their shots were clearly heard in the villages, aimed at intimidating civilians and, first of all, children and women⁷⁵.

1) During the visits to the communities of the Syunik Province on 19-20 April 2021, the Human Rights Defender was informed that the Azerbaijani military forces had continued shooting near the villages of Agarak, Yeghvard, and other communities. For example, residents of the village of Srashen told the Human Rights Defender that shootings had occurred even after seeing an unarmed resident working on a plot of land.⁷⁶

2) The Azerbaijani Armed forces initiated shootings in the immediate vicinity of the villages of Khnatsakh and Aravus in Tegh community on the night of 19-20 July, 2021, disrupting the peace and quiet of the villagers. The shooting stopped only as a result of preventive shootings of the Armenian Armed forces, aimed at protecting the civilian population⁷⁷.

3) In another case, in the early morning of 15 August, 2021 the Human Rights Defender received alarms that the Azerbaijani Armed forces began shooting towards Aravus village of the RA Syunik Province between 12:00am - 1:00am after midnight. This information was confirmed to the RA Human Rights Defender by villagers, who asserted that targeted shootings had been fired at the positions of Armenia's Armed forces.

⁷³ See the video-evidence depicting the firing by Azerbaijani Armed forces in the middle of Agarak and Yeghvard villages of Kapan community https://ombuds.am/en_us/site/VideoGalleryView/501.

⁷⁴ Available at: https://ombuds.am/en_us/site/ViewNews/1538

⁷⁵ Available at: https://ombuds.am/en_us/site/ViewNews/1539

⁷⁶ Available at: https://ombuds.am/en_us/site/ViewNews/1644

⁷⁷ Available at: https://ombuds.am/en_us/site/ViewNews/1810

These reports pertain to the exact part of Aravus village where the Azerbaijani Armed forces have been located a few hundred meters from civilian homes. The RA Armed forces have positioned directly in front of the Azerbaijani Armed forces. The Armenian Armed forces have the function of protecting the lives and safety of the local residents.

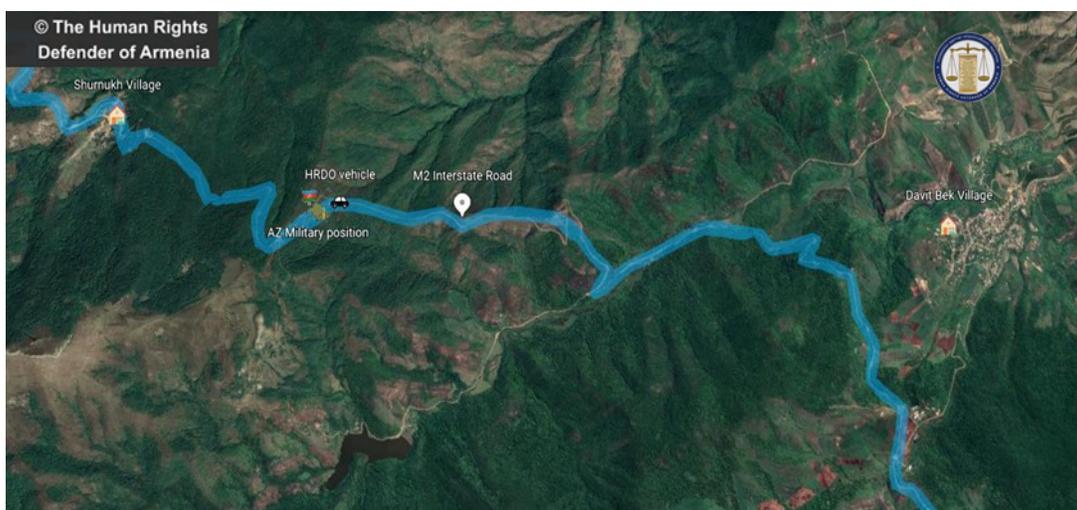
According to the facts collected by the Human Rights Defender's Office, the Azerbaijani shootings had stopped after the arrival of the local community bodies, the command of the 1st Army Corps of the Republic of Armenia and, the Russian Border Guard Service⁷⁸.

4) During the week of 16 August 2021, the delegation headed by the Human Rights Defender had witnessed at first hand that the presence of Azerbaijani servicemen on the roads between Armenia's Syunik province is a violation of the right to life and freedom of movement of people.

In particular, on the way back from Kapan, Tegh communities, villages of Syunik province (on the M2 Interstate road), the delegation stopped for 1-2 minutes in the areas where the Azerbaijani armed servicemen were located.

It was aimed to understand what would happen if, for some objective reason, for example, a civilian car stops in that area because of a car malfunction or for some health reasons. To test this, civilian cars had been used.

These photos illustrate one of the Azerbaijani locations; the section of the road between Shurnukh (Goris) and Davit Bek (Kapan). Once the car had stopped, one of the spotted Azerbaijani armed servicemen, entered his hut, immediately came back with his rifle and directed it upon the members of the delegation.



⁷⁸ Available at: https://www.facebook.com/permalink.php?story_fbid=909541612978378&id=100017676420633



After standing for 1-2 minutes in another place, the Azerbaijani armed servicemen started making restless movements, and then they had started whistling and clamouring.

Hence, the in-person experience of the Defender had proved that itself presence of the Azerbaijani servicemen on the roads between communities of Syunik is a violation of the right to life; right to free movement and other vital rights of the RA civilian population.

The situation is similar in the civilian communities near the area of contact between Armenia and Azerbaijan in the Gegharkunik Province. According to residents, the Azerbaijani military forces have been regularly opening fire in the immediate vicinity of the communities.

Namely, on 5 June 2021, the Human Rights Defender received an alarming call that the Azerbaijani Armed forces had opened fire in the direction of a shepherd of the Kut village while he was grazing his small and large cattle in a pasture within close proximity to the village.

The urgent fact-finding activities of the Defender had established that the Azerbaijani servicemen started shooting in the afternoon between 12:30-13:00 from the moment when the animals started approaching the river in the pasture and began drinking water – the same place where they had always been doing it.

Moreover, both the shepherd and the animals were on the sovereign territory of the Republic of Armenia, and the Azerbaijani Armed forces were in the part where they illegally invaded the territory of the Republic of Armenia.

The shooting in the direction of the resident-shepherd of Kut had lasted for nearly 30 minutes. The shepherd had managed to ride away on a horse, but meanwhile, the lower limb of the horse was injured as a result of the shooting.

The fact of the shooting of the Azerbaijani Armed forces in the direction of the shepherd of the village of Kut was also confirmed by the Ministry of Defense of the Republic of Armenia⁷⁹.

On 10 June 2021, at around 16:30, the Azerbaijani Armed forces had started firing in the vicinity of the villages of Verin Shorzha and Kut in Gegharkunik Province. The shootings were clearly audible in the villages. They were most loudly heard in the pastures of Kut and Verin Shorzha villages. The shooting stopped only around 19:30.

In this regard, the Human Rights Defender had received emergency calls from the aforementioned villages, and even during the calls from the villagers, shots were heard over the phone by the Defender's office staff⁸⁰.

According to the revealed information, the Azerbaijani shootings also took place on 5 July, 2021 at around 17:00 near Verin Shorja village of Gegharkunik Province. The Office of the Human Rights Defender of Armenia revealed that they had been shooting from the position of their deployment, that was located in the sovereign territory of the Republic of Armenia. These areas are the pastures belonging to the Vardenis community, where people also reside during warmer seasons. During the spring, summer and autumn months, people live in these mountain pastures with their families, including children, and are engaged in raising livestock. In these places the residents of the communities are also engaged in agriculture. As a result of the Azerbaijani shootings, the civilian residents had either been unable to use the mentioned areas at all or had been able to use it in a very limited and cautious manner⁸¹.

1) Alarming-calls were also received on 15 July, 2021 according to which the Azerbaijani servicemen initiated shootings in the vicinity of Kut village of Gegharkunik Province. In particular, around 14:30, they had started shooting for a period of around 40 minutes in the direction of the positions of the Armenian Armed forces, using different calibers of weapons. In the vicinity of the Kut village, at a distance of 3 kms from the village, Azerbaijani Armed forces had been positioned in the sovereign territory of the Republic of Armenia and the shootings were audible to the civilian population of Kut village. Those are areas which have been used as pastures and hayfields for the civilian population. The Armenian residents have been deprived of their right to use those areas as a result of the illegal presence of the Azerbaijani military⁸².

2) On July 23, from about 20:00 to 00:30, the Azerbaijani Armed forces fired intensively towards the positions of the Armenian Armed forces from different caliber weapons. They had also fired in the direction of the community called "Saradeghy" of Verin Shorzha village. These are places where dozens

⁷⁹ Available at: https://ombuds.am/en_us/site/ViewNews/1731.

⁸⁰ Available at: https://ombuds.am/en_us/site/ViewNews/1742.

⁸¹ Available at: https://ombuds.am/en_us/site/ViewNews/1796

⁸² Available at: https://ombuds.am/en_us/site/ViewNews/1806

of civilians live in the spring, summer and autumn seasons, grazing their cattle in pastures. The civilians had managed to find corpses of one of their cows only in the morning on 24 July, at around 07:00. In addition to the above, alarms were received that the Azerbaijani Armed forces also fired on 24 July, from 11:30 to 12:00⁸³ and on 28 July, between 03:30 and 03:40⁸⁴.

Moreover, on 29 July 2021, the Human Rights Defender and Defender's staff were in the community called "Saradeghy" of Verin Shorzha village when Azerbaijani shootings started.

3) Since early morning on 26 July 2021, the Human Rights Defender's office of Republic of Armenia had received alarming-calls from the civilian residents about the fact that the Azerbaijani Armed forces were firing shots at Sotk village of the Geghamasar community in the Gegharkunik Province.

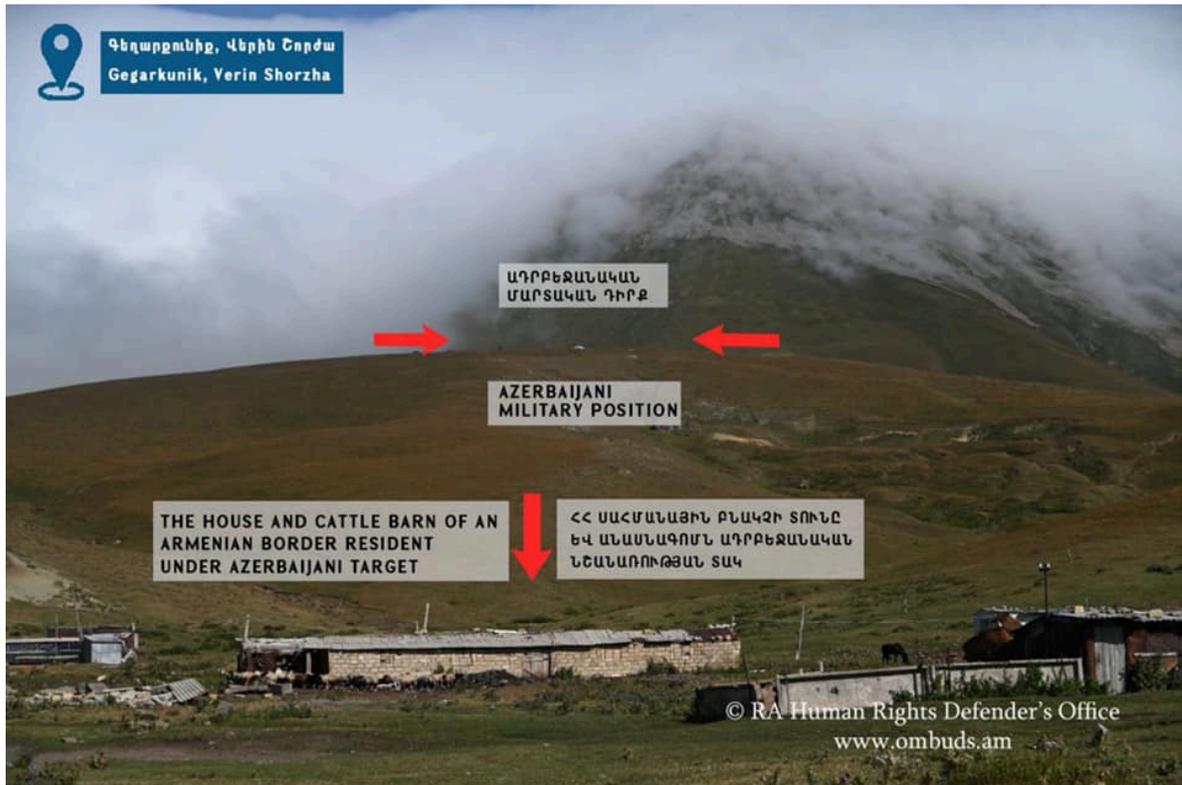
It was revealed that the shots were fired from the positions of the Azerbaijani Armed forces located in the area of the windmills of the Sotk mountain pass in Geghamasar community of Gegharkunik Province. The shootings had occurred over a long period of time with interruptions.

The shootings had been carried out by weapons of different calibers. In addition to the positions of the Armenian Armed forces, the shootings were directed at the Sotk mine. The shootings were clearly audible in Sotk village and other parts of the Geghamasar community.

4) The Azerbaijani Armed forces had initiated shootings since early morning on 26 July, at around 04:00, in the vicinity of the mountain pastures of Verin Shorja village.

⁸³ Available at: https://ombuds.am/en_us/site/ViewNews/1816

⁸⁴ Available at: https://ombuds.am/en_us/site/ViewNews/1826



5) On 28 July, as of 10:30, alarming-calls were being received from civilians that the Azerbaijani Armed forces had been firing in the direction of Sotk, Kut, Azat, Norabak, Nerkin Shorja, Verin Shorja villages of Gegharkunik Province of Armenia. In particular, the villages of Kut and Verin Shorja, situated in a vulnerable position, had been directly targeted⁸⁵.

6) In another case, on 16 August, 2021, the Azerbaijani Armed forces had opened targeted fire towards the village of Kut in the Gegharkunik Province. There were also direct shootings at Norabak village. The shootings were intense and of different caliber weapons. In an attempt to save themselves, the residents had been trying to hide in whatever shelters they could find⁸⁶.

7) The Ministry of Defense of Azerbaijan had denied Azerbaijani criminal shootings at the village of Kut of the Gegharkunik Province meaning Armenia’s Human Rights Defender’s statement. Here is a video footage from Kut village confirming the shootings⁸⁷.

8) On 16 August, 2021 the Human Rights Defender had again received alarming calls according to which the Azerbaijani Armed forces were firing in the direction of the Sotk mountain pass⁸⁸.

⁸⁵ Available at: https://ombuds.am/en_us/site/ViewNews/1827

⁸⁶ Available at: https://ombuds.am/en_us/site/ViewNews/1852.

⁸⁷ Available at: https://www.facebook.com/permalink.php?story_fbid=910231589576047&id=100017676420633.

⁸⁸ Available at: https://ombuds.am/en_us/site/ViewNews/1851.

Alarming-calls were also received that the employees of the Sotk mine had been evacuated due to the shootings of the Azerbaijani Armed forces and the tense situation provoked by them.

The fact that Geopromining Gold Ltd was forced to stop the mining overnight due to the shootings demonstrated that the Azerbaijani Armed forces had obstructed the company's legal business activity, grossly violating the rights of employees, and posing a real threat to human life.

9) Azerbaijani shootings of 27 August had damaged the wall near which a child was standing in the yard of one of the houses in Kut village. Elderly people and children were in the yard at the time of the targeted shootings. There were also children in the house at that time.



In particular, on August 27 at around 10 p.m., the Azerbaijani Armed forces had initiated intensive targeted shootings at civilian houses in Kut village of Gegharkunik province, directly targeting the civilian population.

As a result of the shootings, more than 10 civilian houses were damaged - roofs and walls on which not only traces of the shots were visible, but also the bullets that were in the walls. The shootings had taken place with weapons of different calibers and stopped at around 11 p.m. Several photos were published, one of which depicts the specific direction in which the shots were fired.⁸⁹

Furthermore, the Human Rights Defender of Armenia received alarming-calls from the border residents about the fact that in the Syunik Province there were Azerbaijani armed servicemen, openly displaying weapons⁹⁰.

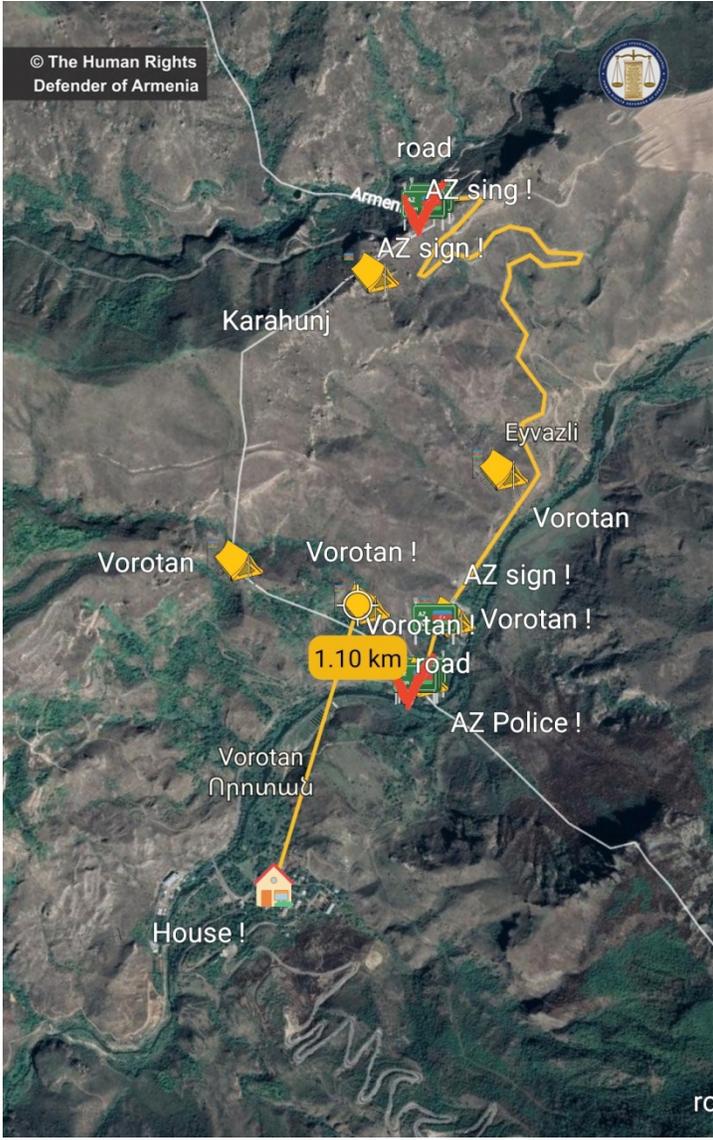
⁸⁹ Available at: https://ombuds.am/en_us/site/ViewNews/1881

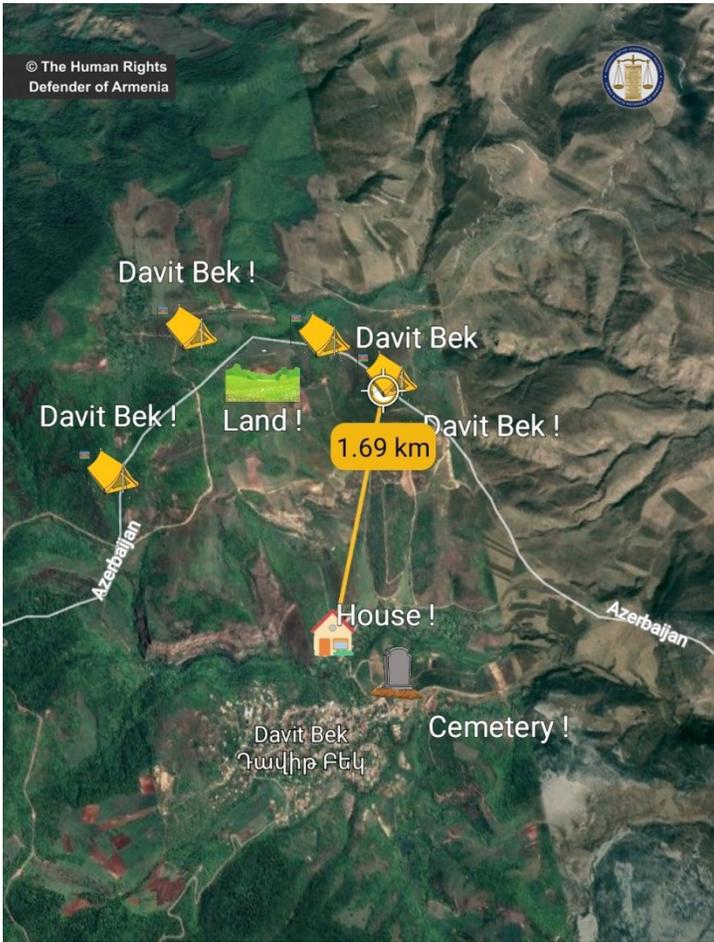
⁹⁰ Available at: https://ombuds.am/en_us/site/ViewNews/1750

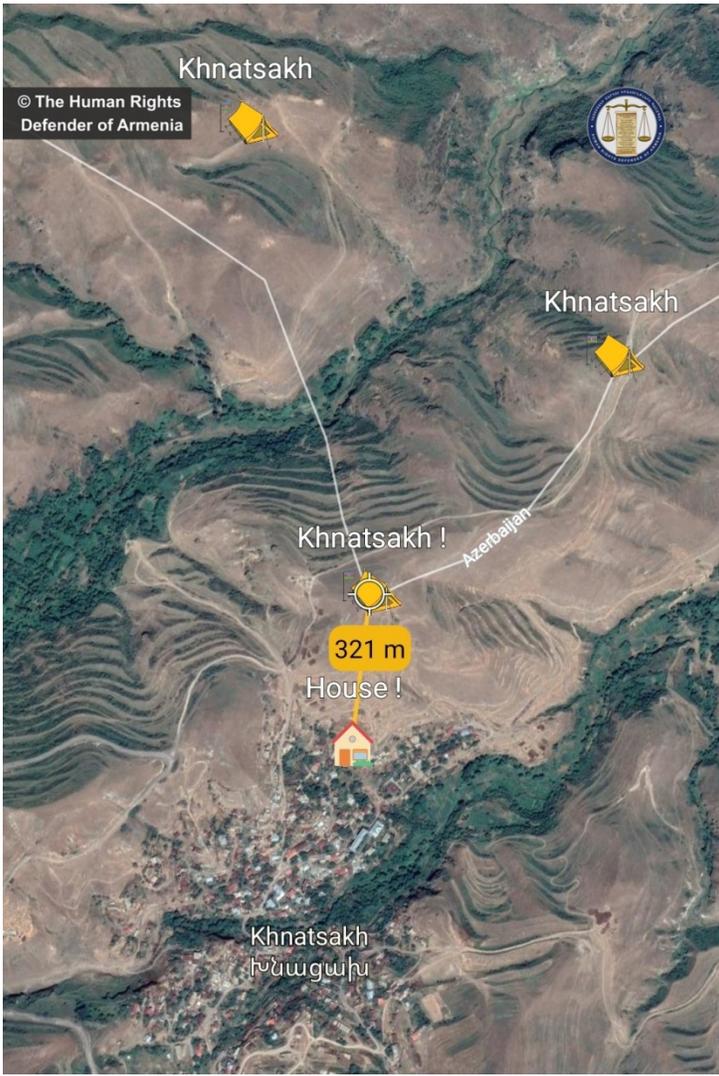
Azerbaijani servicemen are deployed in the immediate vicinity of the Armenian civilians or in the communities, for instance, in the larger communities of Goris, Kapan, and Tegh in Syunik Province (on the road from Goris to Vorotan-Shurnukh, from Kapan to Tshakaten, Shikahogh, Srashen, and the roads of a number of other communities⁹¹), on interstate or inter-community roads, or directly in neighborhoods, dividing the sidewalks. Specifically, the issue also concerns the physical security of persons and their ability to satisfy their fundamental needs, in the communities of Tsav, Nerkin Hand, Srashen, Shikahogh, Tshakaten, Davit-Bek, Shurnukh, Vorotan, Nerkin Khndzorsek, Kornidzor, Aravus, Khnatsakh, Khoznavar, Verishen, Akner, Yeghvard, Agarak.

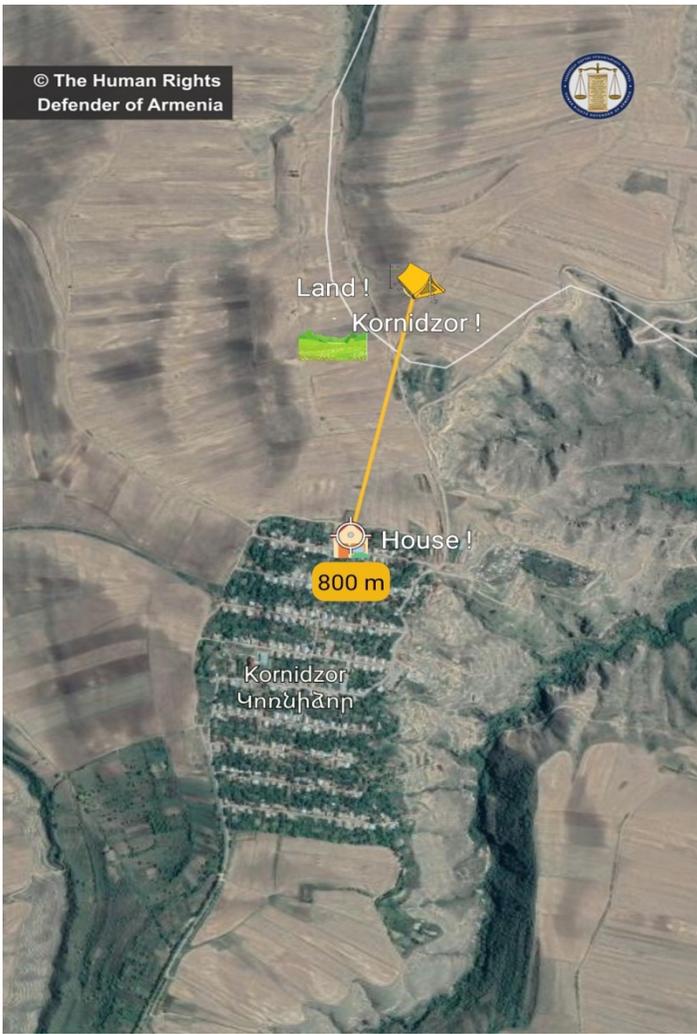
Below the distance of Azerbaijani military posts from the Armenian civilian communities are illustrated by the use of Google Earth.

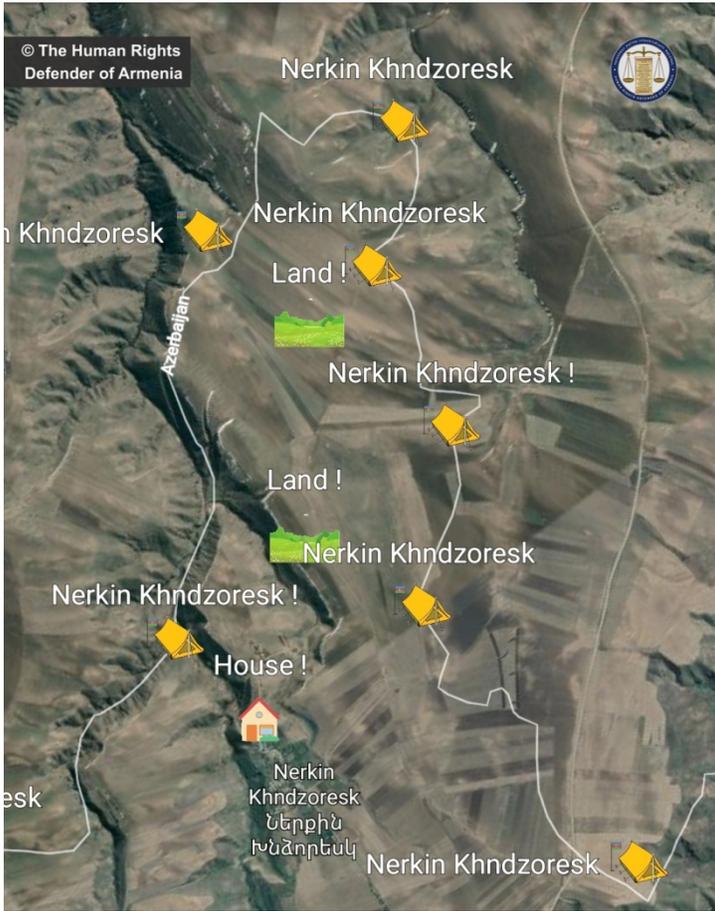
⁹¹ Available at: https://ombuds.am/en_us/site/ViewNews/1750

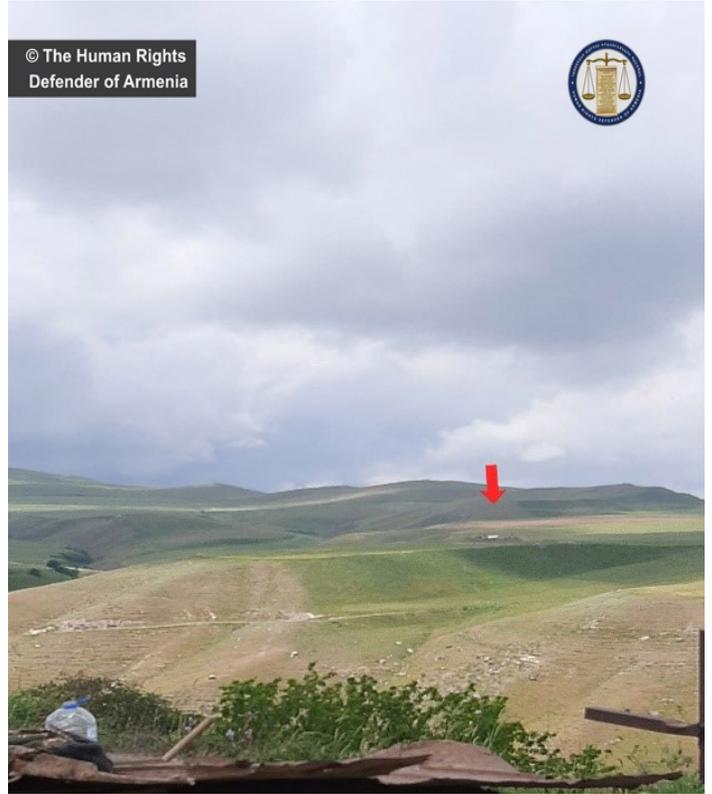
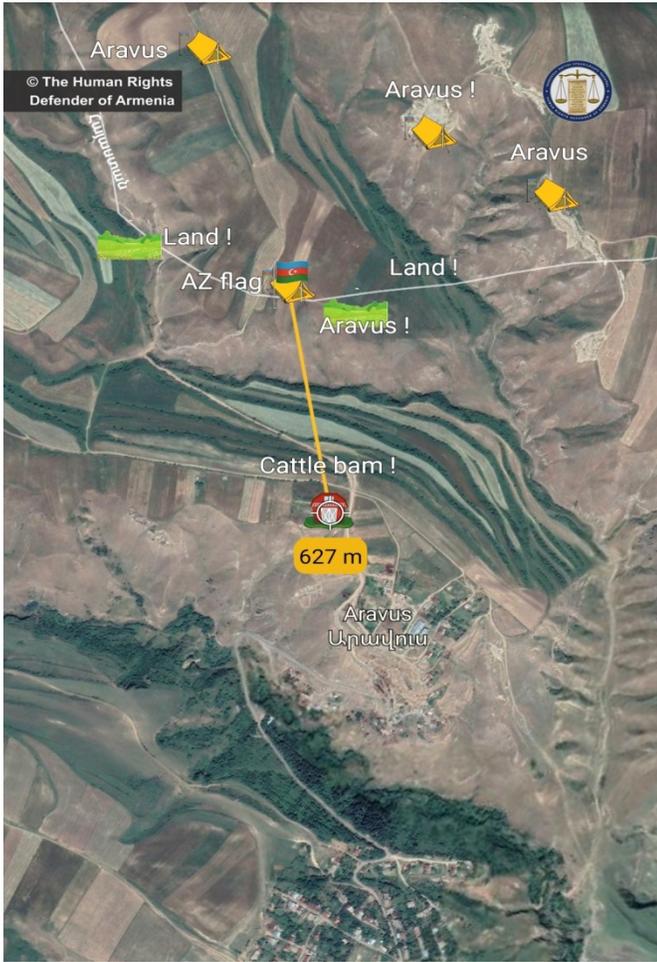


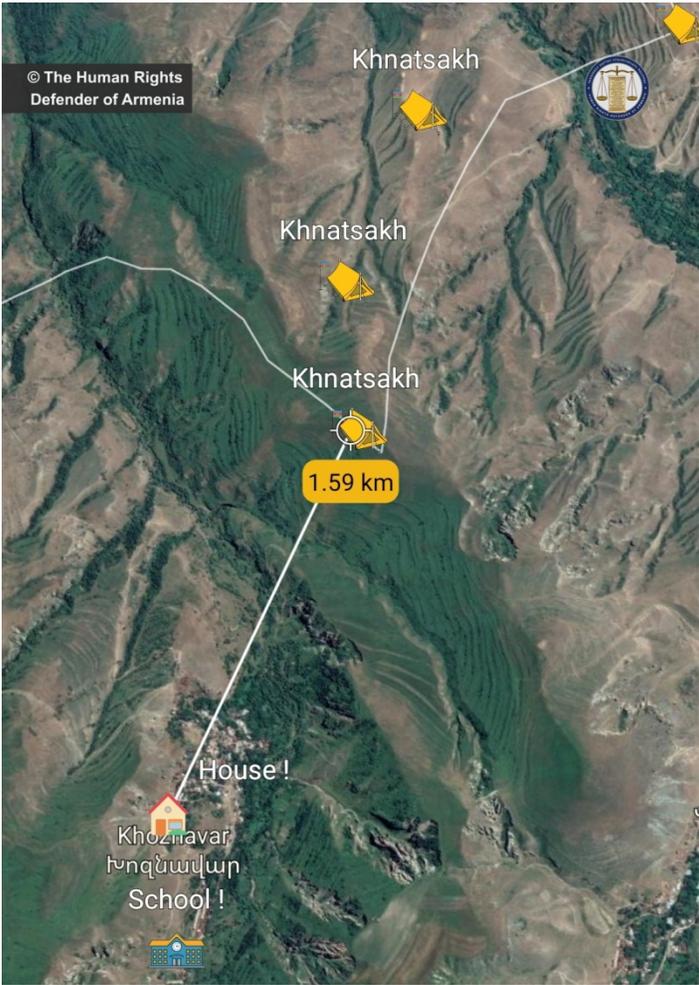












Hence, the life and health of the residents of the border areas of Armenia, their physical security and mental immunity are directly threatened because of the activities carried out by Azerbaijani military forces. For example, in the case of Shurnukh, the village was divided into “Azerbaijani” and “Armenian” parts and was used as a basis for division by that community, crossing the interstate road. To be clear, the point is that on one side of the road, in the “Armenian” part (including places where children used to play), there are civilians, and directly on the other side, there are Azerbaijani Armed forces⁹².

This situation is in direct contravention to the best interests of the child and violates the children’s right to play as ensured by the UN Convention on the Rights of the Child. The current situation also violates the children’s right to live and develop in a peaceful, non-violent environment⁹³.



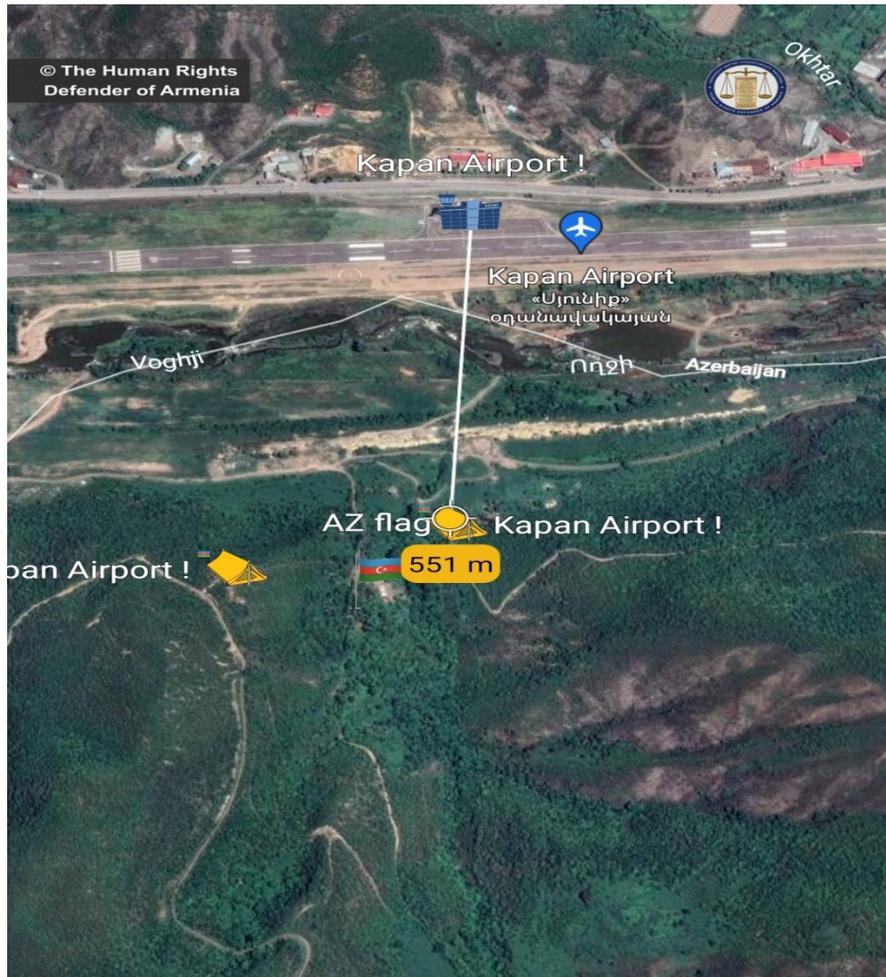
⁹² Available at: https://ombuds.am/en_us/site/ViewNews/1476

⁹³ Available at: more detailed information in the section entitled “Best interests of the child”.



In another case, nearly 21 km of the road from Goris to Kapan through Vorotan, Shurnukh, and Davit Bek villages appeared to be under the control of Azerbaijani authorities. In the section of the road under Azerbaijani control, the Armenian residents are forced to drive at a high speed: if they fail to drive at a high speed, the Azerbaijani armed soldiers view them as a source of danger or provocation and may take steps against them. In this case, the issue of ensuring drivers' rights is detrimental, as they can be captured at any moment in time. Furthermore, the destiny of Armenian drivers involved in car or any other accidents on the Azerbaijani controlled territory is also unknown.

As observed by border residents of Syunik Province, Azerbaijani border guards (which from human rights perspective equal armed people) are also stationed in the immediate vicinity of Kapan Airport's administrative building (including for protecting the Green Border).



During the meetings of the Human Rights Defender with the residents of the border villages, the discussions, and studies with the community representatives confirm that the Azerbaijani military forces regularly appear on different sections of roads connecting the abovementioned populated Provinces of the Republic of Armenia, and do so in a provocative manner to intimidate the residents of these communities, primarily women and children.

The unstable situation that has evolved as a result of all this has disrupted peoples' daily lives and livelihoods in the peaceful communities of Armenia, which in turn, has seriously endangered the security of the people.

It should be noted that the Human Rights Defender's office studied the types of weapons that the Azerbaijani military forces mostly use for their shootings.

Kalashnikov hand-held machine gun (RPK)



Maximum distance
3150 meter

DRAGUNOV SNIPER RIFLE



Maximum distance
3800 meter

Soviet assault rifle (AK-74)



Improved variant of the AK-74 assault rifle



Maximum distance
3150 meter

The Russian PK machine gun



Maximum distance
3800 meter

M93 Black Arrow



Maximum distance
2000 meter

NST-14.5

(Azerbaijan-produced sniper rifle)



Maximum distance
2000 meter

B. Attacks on civilians of Armenia's communities by the Azerbaijani Armed servicemen

The fact-finding activities of the Human Rights Defender confirm that the illegal presence of the Azerbaijani armed servicemen in the immediate vicinity of the Armenian communities and the roads between the communities of Armenia have seriously threatened the lives and health of the border residents of Armenia, have completely disrupted their normal life, their right to live in peace and security, their right to physical and mental integrity⁹⁴.

In the vicinity of the villages of the Gegharkunik and Syunik Provinces, the Azerbaijani armed servicemen have grossly violated the rights of the border residents of Armenia threatening Armenian citizens (including shepherds) by displaying their weapons to them, pelting an Armenian civilian car with stones on the road from Goris to Kapan, dragging the shepherd of Aravus and punching him in the eye, blocking the road from Kapan to Tshakaten village with an Azerbaijani car and other incidents.

The main facts and findings are illustrated below.

On 6 April, 2021, between 4:00 and 5:00 in the morning, the Azerbaijani military, stationed on the section of Davit Bek-Shurnukh villages on the Kapan-Yerevan interstate highway, threw stones at a civilian car with an Armenian license plate. Immediately after the publication of the information, the Human Rights Defender initiated an investigation, with the participation of the Syunik division of the Defender's Office. As part of the fact-finding mission, the investigation of the incident on the road between the villages of Davit Bek and Shurnukh had confirmed that Azerbaijani troops were stationed at the site.

The information about the incident was confirmed to the Human Rights Defender by the head of Kapan community, noting that the car belonged to a civilian, was full of passengers and had an Armenian license plate⁹⁵.

On 18 April 2021, the shepherd of Aravus village submitted alarming complaints to the Office of the Human Rights Defender that he grazed 14 large and small cattle on a pasture about 500 meters from his house. Between 17:00 and 18:00, when the shepherd was at a distance of 50 meters from the Azerbaijani position, three Azerbaijani armed servicemen approached him.

According to the shepherd, the Azerbaijani military servicemen first threatened him with their weapons, and then two of them pulled him and tried to take him to move to the trench in the direction of the Azerbaijani position by force. During all this time, Azerbaijani militia constantly cursed and threatened the shepherd.

⁹⁴ Available at: https://ombuds.am/en_us/site/ViewNews/1724

⁹⁵ Available at: https://ombuds.am/en_us/site/ViewNews/1613

Then, when they saw that Armenian military servicemen began to rush to help, the third Azerbaijani serviceman hit the shepherd in the eye, causing a bruise and immediately left for their position.

During the Human Rights Defender's fact-finding activities, it was also established that the Azerbaijani military had shouted insults at the shepherd in the same place of the Aravus village, and at around 19:00 he received threats from Azerbaijani soldiers who were openly displaying firearms on 20 April 2021.

The shepard's family members, as well as the residents who had rushed to help the shepherd, informed the Human Rights Defender's Office that they had also heard Azerbaijani soldiers' shouts, including how the Azerbaijanis had moved from their position to the shepherd.

The head of the Aravus village informed the Human Rights Defender's Office that there are houses belonging to the villagers that are less than 500 meters away from the Azerbaijani positions (some even 100 or 200 meters away). This fact was also recorded by the Human Rights Defender's Office monitoring conducted at the site⁹⁶.

The Human Rights Defender's fact-finding activities of 12-13 May, 2021, evidence that the Azerbaijani servicemen committed criminal acts against the border residents, threatening to kill or taking unarmed civilians as captives, illegally demanding to leave their pastures and barns that belong to them by the legal documents provided by the competent authorities of the Republic of Armenia. All of this is happening under the backdrop of the Azerbaijani armed servicemen illegally invading the sovereign territory of the Republic of Armenia from the Gegharkunik and Syunik Provinces since 12 May, 2021, citing false maps.

Specifically, in the region falling between the Black Lake and the Verishen village of Goris community in Syunik region, Azerbaijani armed servicemen approached the shepherd of the village who was grazing the animals on the dawn of 12 May, threatened him, and with a show of weapons demanded to leave the barn and the pasture.

The fact-finding activities of the Human Rights Defender have demonstrated that the barn of the shepherd of Verishen is located in the area of the pasture permanently used by the residents of Akner, Verishen and a number of other villages, in the area falling between the Black lake and the Verishen civilian community.

In the area of the barns in the pastures of the Verin Shorja village of the Vardenis community of Gegharkunik region, around 10 Azerbaijani armed servicemen had approached a shepherd of the Verin

⁹⁶ Available at: https://ombuds.am/en_us/site/ViewNews/1653

Shorja village on 12 May, and threatened him with a show of weapons, some of them even communicating to him in Armenian.

On the same day, when six shepherds from Vardenis and Ayrk villages grazed their large and small cattle around the water basin near the same pasture located in the territory of the Republic of Armenia, dozens of Azerbaijani armed servicemen approached them, threatened them with a show of weapons and gave them 5 minutes to leave, otherwise they threatened to take them as captives.

Similarly, on 13 May, 2021 about 50 Azerbaijani servicemen threatened the shepherd of Verin Shorzha village with a show of weapons and demanded him to leave, otherwise threatening to kill or take him as a captive.

Moreover, on 12 May, 2021 a shepherd from Kut village in Geghamasar went to the barn in his pasture located adjacent to the village and discovered around 50 Azerbaijani armed servicemen.

During the visit of the Human Rights Defender, it became apparent that the pastures had been allocated to the people on the basis of rent by the legal documents of the local authorities. Therefore, the issue is related to the illegal deprivation of legal rights.

At the same time, the shepherds had informed that they could not even approach the pastures, as in the event of such an attempt, the Azerbaijani armed servicemen would open fire. This also applied to the local hayfields⁹⁷.

In another case, the Human Rights Defender found out that in the territory of the Republic of Armenia, on the pasture of the village of Aravus of Tegh community, several Azerbaijani armed servicemen approached the two shepherds of the village who were grazing their cattle on 23 May, 2021 between 10:00 and 11:00 in the morning.

At first, one of the shepherds was hit (by hands) and thrown down from the horse, and his cell phone was stolen. Afterwards, sexual slurs were made against the other, 65 years old shepherd, and the Azerbaijani servicemen demanded that they no longer graze their animals on that pasture. The shepherd had insisted that the pasture belonged to the Aravus village and falls within the territory of the Republic of Armenia, and that they would continue to graze their animals there.

In response, the Azerbaijani servicemen threatened the lives of the shepherds with a show of weapons; one of them had grabbed the 65 years old shepherd from by the ears, and tried to hit him with his head. Afterwards, they took with them 42 heads of cattle, 2 horses, the cell phone of one of the shepherds, and left⁹⁸.

⁹⁷ Available at: https://ombuds.am/en_us/site/ViewNews/1694

⁹⁸ See more detailed information in the section entitled “Right to property”.

In addition to the above-mentioned incident, on 30 May 2021 at around 15:00, the Azerbaijani soldiers threw stones at a shepherd of Aravus village and his cattle, while shouting threats at him with a show of weapons. Speaking in Azerbaijani and Russian, threats were also made to the other residents of the village.

The above-mentioned information was verified and confirmed through private interviews with the residents of Aravus, as well as by the local self-governing bodies.

On 30 May, 2021 the Human Rights Defender received an alarming-call that a shepherd of the village of Khnatsakh in the Tegh community, while grazing his large and small cattle on a pasture belonging to the village, was threatened by Azerbaijani servicemen with a show of weapons, who shouted at him from about 50 meters away. They demanded that the animals not be grazed in that pasture.

On 3 June, 2021 alarming-calls were received about the fact that several to several dozens of Azerbaijani armed servicemen with vehicles had been regularly descending in the direction of the pastures of Verin Shorja village of Vardenis community, to the place where the barns are located and where the villagers grazed their animals. They had later set up positions closer to the Verin Shroja plateau, making the use of the pastures almost impossible.

Moreover, one of the Azerbaijani positions, which was closer to the plateaus, the Azerbaijani armed servicemen had been illegally stopping villagers, and demanding explanations from them, as regard to which direction they were moving and for what purpose, what were they transporting, and in certain occasions their cars had been illegally searched.

Furthermore, alarming-calls were received on 3 June, 2021 in relation to the Kut village of Geghamasar community, stating that the Azerbaijani armed servicemen are still located in the immediate vicinity of the village, as a result of which the villagers were only capable of using a small segment of the pastures. Moreover, the Azerbaijani armed servicemen had been swearing at the shepherds, screaming loudly and threatening them with a show of weapons, while the village is under their direct line of fire⁹⁹.

On 26 June, 2021 the Azerbaijani military servicemen threatened residents of Tegh village of Syunik Province with firearms and did not allow them to gather the harvested grass. In particular, several residents of Tegh village went to their property lands to collect the grass they had harvested on 23-24 June.

When they were about 300 meters away from the Azerbaijani position in the administrative territory of Tegh village, they noticed that 5 Azerbaijani armed servicemen were approaching them while shouting aggressively.

⁹⁹ Available at: https://ombuds.am/en_us/site/ViewNews/1728

Approaching about 150 meters, they directed their weapons to the villagers, started threatening, shouting and not allowing them to collect the grass. Two of them behaved more aggressively and demanded from the villagers not to come to those areas at all or try to use the lands.

The incident took place in an area called Andrun Stones, which is located at the intersection of Tegh, Aravus and Khnatsakh villages of Syunik Province. The lands of that place are used by the residents of the three villages. There are both privately and community-owned lands. There are pastures used by the residents of these three villages to graze their cattle¹⁰⁰.

On 19 July, 2021 around 10-10:30 one of the residents of Tegh village was carrying out agricultural work on the land owned by him and his family on the basis of legal documents. In particular, he harvested grain with a combine harvester. The land of the mentioned resident of Tegh village is located in the immediate vicinity of the positions of the Azerbaijani Armed forces. However, to complete the work, the combine operator had to collect the wheat located on the edges of the land as well.

When the combine operator finished the work in the sections located on the edges of the land, and was about 150 meters away from his land – deeper on the Armenian territory – he noticed that a number of Azerbaijani armed servicemen were approaching him. As they had approached, the servicemen threatened the resident with a weapon, they shouted and dragged the latter, and tried to transfer him and the combine harvester to their positions.

The fact-finding activities confirm that the servicemen of the Azerbaijani Armed forces have in fact illegally deprived of the resident of the Tegh village of his liberty, who was harvesting wheat on the land that is his private property, and temporarily hindered the implementation of agricultural activities¹⁰¹.

After the installment of the Azerbaijani block-post in Vorotan on 9 September an incident with regard two Armenian citizens was reported. According to the activities of the Office of the Human Rights Defender of Armenia, it was revealed that two residents of Kasakh village of Kotayk province of Armenia deviated from the Goris-Vorotan section of the road and found themselves in a section under Azerbaijani control.

Two Armenians were later repatriated.

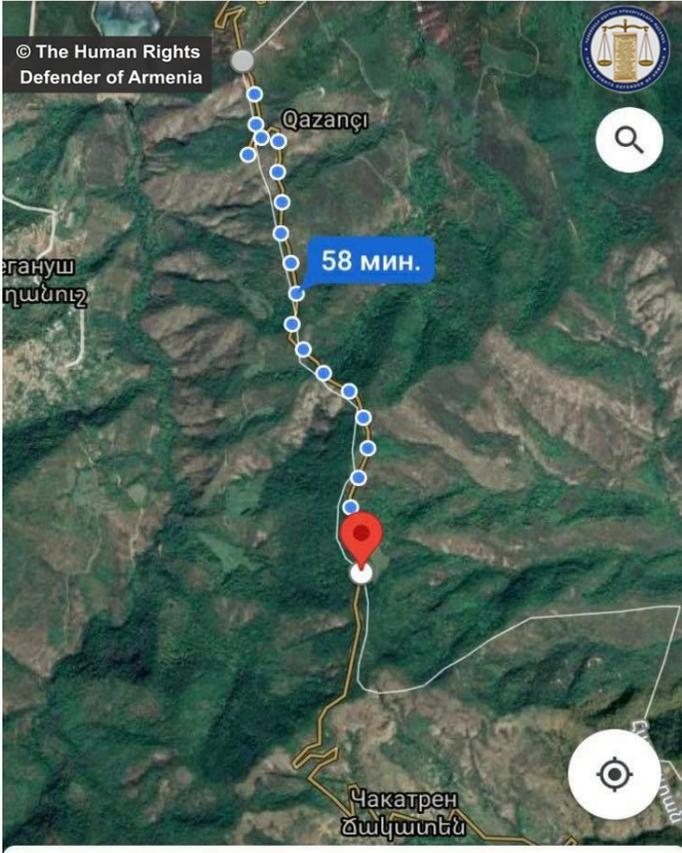
2. Right to freedom of movement and security of people

The fact-finding missions of the Human Rights Defenders of Armenia confirm that because of mechanical approaches and methods resulted in appearance of Azerbaijani Armed Servicemen (according to official explanations – Border Troops of Azerbaijan) at various sections of the M2 interstate road, the part leading

¹⁰⁰ Available at: https://ombuds.am/en_us/site/ViewNews/1782

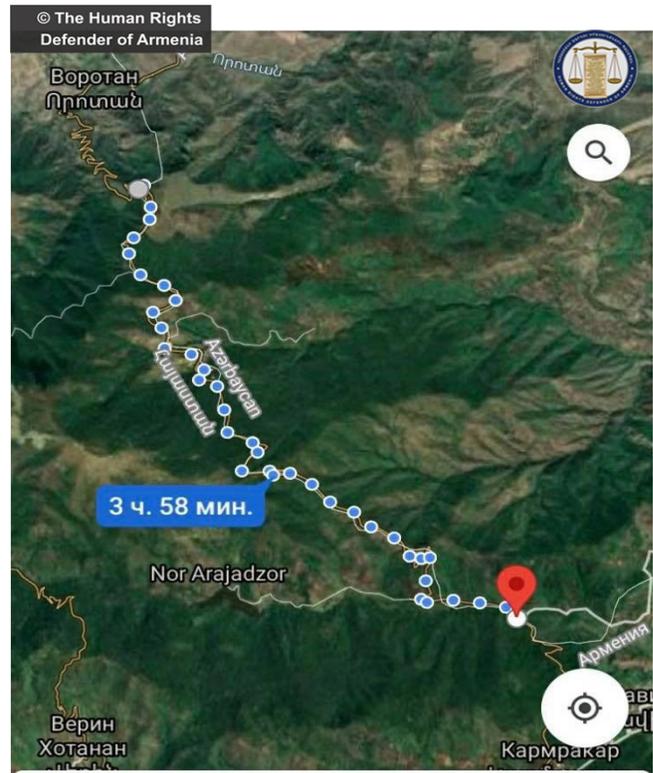
¹⁰¹ Available at: https://ombuds.am/en_us/site/ViewNews/1810

from Goris to Kapan, as well as at a number of sections of the road leading from Kapan city to Tchakaten and several other villages. By this, the mentioned sections fell under the control of Azerbaijan. In particular, as evident from the Google Earth maps, the road section connecting Goris and Kapan communities (without access to this road section villages Vorotan, Shurnukh, Nor Arajadzor, Bardzravan will face a humanitarian crisis), a section road connecting the city of Kapan and villages Agarak, Yeghvard, Ujanis, Xndrants, as well as various sections of the road from the city of Kapan to Tshakaten and further to Srashen, Shikahogh, Tsav, Nerkin Hand villages have come under Azerbaijani control. Namely, these developments have resulted in the violation of the right to freedom of movement; right to life and physical security of border residents and other vital rights of the civilian population.



58 МИН. (3,7 км)

Через Каран-Shikahogh-Meghri Motorway/Н...



3 ч. 58 МИН. (18 км)

Через E117/M2 ⚠️



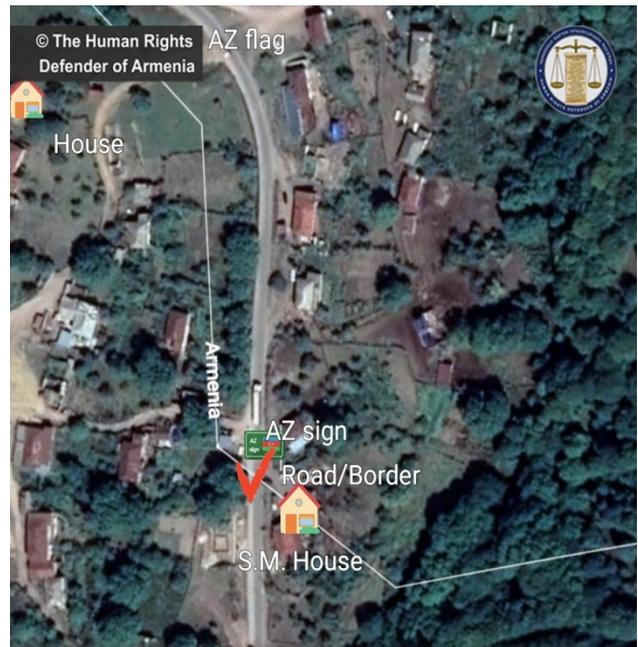
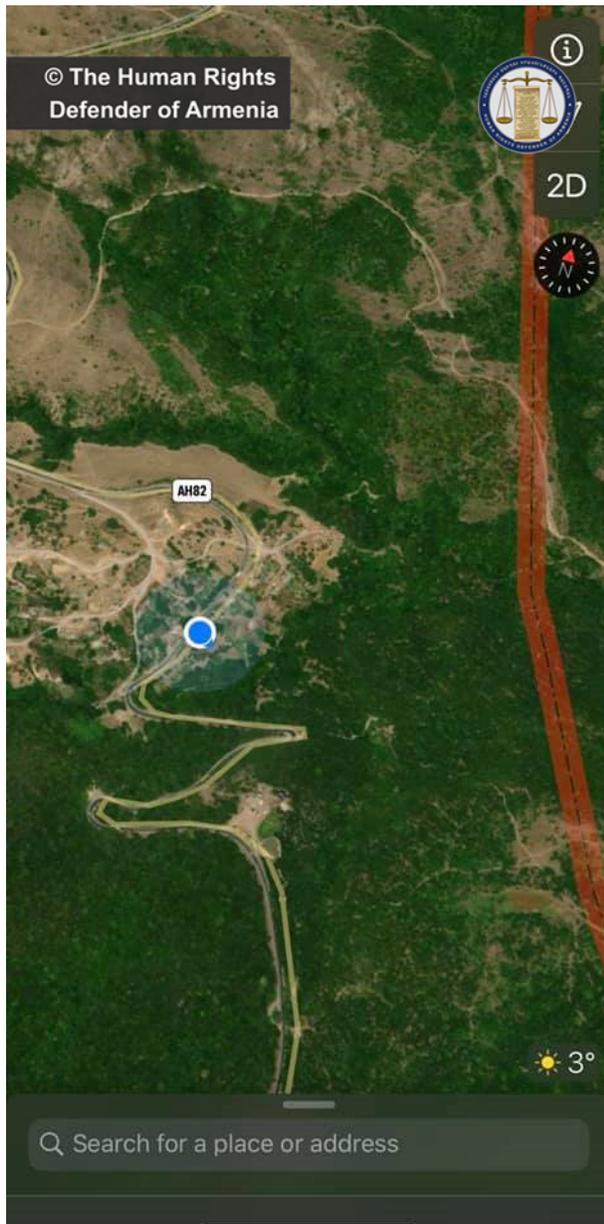
During the Human Rights Defender’s visit to the city of Kapan, villages Agarak, Yeghvard, Tshakaten (among others) of the Syunik Province, fact-finding activities and studies were conducted in and around the areas of the runways and the administrative building of Kapan Airport, which is immediately adjacent to Azerbaijani military (border guard) posts.

The Kapan airport staff members informed the Human Rights Defender that the presence of Azerbaijani military forces in the immediate vicinity of the airport administrative building and the runways had created

problems related to the operation of the airport and the flight safety. The Azerbaijani Armed servicemen are stationed in the visible area adjacent to the airport. According to the information received in August, there were about 120 members of the Azerbaijani Armed forces directly behind the mountain in front of the airport.



It should be noted that during the visit to Kapan Airport, Google Maps, as well as several other versions of online maps, rendered different results as to whether a region was within the territory of Armenia or Azerbaijan, including in some cases the road from Kapan to Tshakaten village, as well as the road from Kapan to the Kapan Airport.



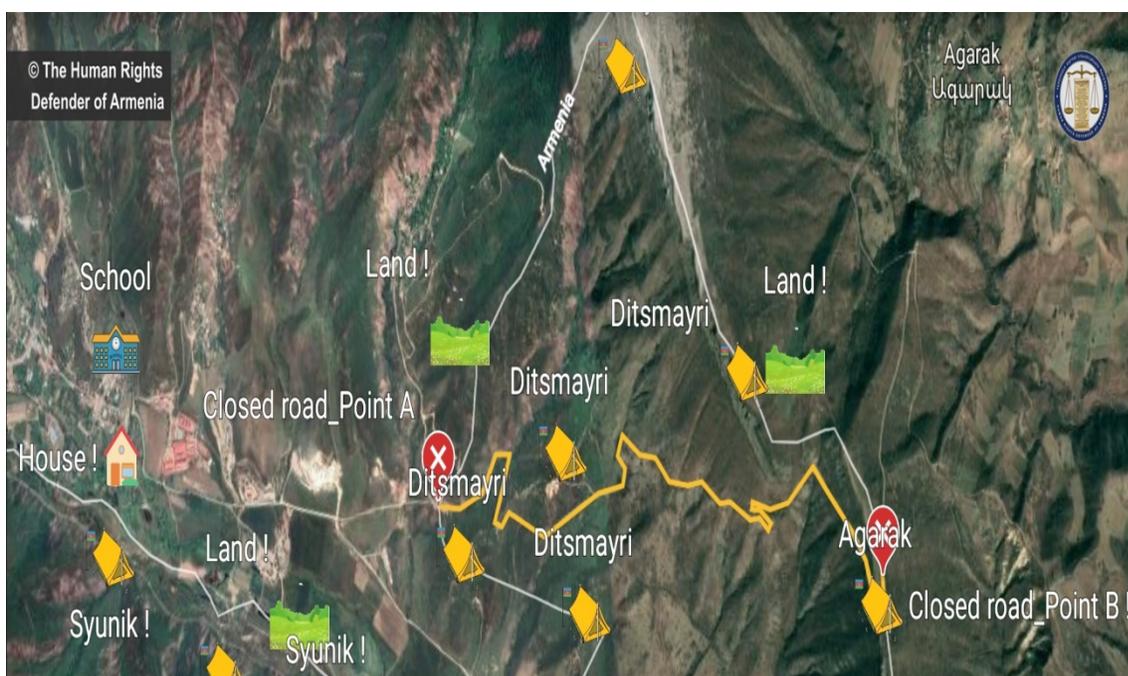
S.M. House

For example, the livestock building belonging to S. M., a resident of Shurnukh village, which is directly adjacent to his house, was divided into two parts as a result of the use of GPS [Global Positioning System] or Google Map (Google Map): an “Azerbaijani” and an “Armenian” part. It should be noted that the state registration of property rights to both the house and the livestock building is approved by the certificates of the Republic of Armenia (RA) Cadastre Committee¹⁰².

¹⁰² See more detailed information in the section entitled “Right to property”.

In this context, it should be noted that according to the “Applied issues in international land boundary delimitation/demarcation practices” by OSCE, “one participant gave the example of a border which runs through a road and separates local residents. Legal and acceptable changes should be made to accommodate the concerned residents, in consultation with the neighboring country”¹⁰³.

In another case, the section of the road of Kapan-Syunik-Agarak-Yeghvard-Uzhanis road came under Azerbaijani control, due to which it is no longer possible to use that road, because the Azerbaijani side does not allow traveling on that road. During the visits, the residents of Agarak village informed the Human Rights Defender that they had not been able to use the above-mentioned road. According to the residents, the Azerbaijani soldiers told them: “You have an alternative road, so use that one.” The residents informed that the road is in poor condition and it poses a serious obstacle to the freedom of their movement.



¹⁰³ See Organization for Security and Co-operation in Europe, “Applied issues in international land boundary delimitation/demarcation practices”, A Seminar organized by the OSCE Borders Team in co-operation with the Lithuanian OSCE Chairmanship, 31 May to 1 June 2011, Vilnius, Lithuania, page 28, available at <https://www.osce.org/files/f/documents/b/c/85263.pdf>.



Because of the flawed mechanical methods, Azerbaijani servicemen have been deployed in the immediate vicinity of the Armenian civilians or in the communities. For instance, in the larger communities of Goris, Kapan, and Tegh in Syunik Province (on the road from Goris to Vorotan-Shurnukh, from Kapan to Tshakaten, Shikahogh, Srashen, and the roads of a number of other communities), on interstate or inter-community roads, or directly in neighborhoods, dividing the sidewalks. Specifically, the issue also concerns the physical security of persons and their ability to satisfy their fundamental needs, in the communities of Tsav, Nerkin Hand, Srashen, Shikahogh, Tshakaten, Davit-Bek, Shurnukh, Vorotan, Nerkin Khndzorsek, Kornidzor, Aravus, Khnatsakh, Khoznavar, Verishen, Akner, Yeghvard, Agarak¹⁰⁴.

The presence of Azerbaijani servicemen (including Azerbaijani flags and signs) on the road from Kapan to Tshakaten and other villages in Kapan community of Syunik Province¹⁰⁵, from Goris to Shurnukh and Vorotan and other communities¹⁰⁶ has seriously hampered the free movement of civilians and, most importantly of the residents of the surrounding villages.

In particular, the residents have to refrain from using (walking or traveling) the roads even for their vital needs (for example, going to or returning from a medical facility) in the evening hours, for the sake of their safety and for the safety of their families¹⁰⁷.

¹⁰⁴ See more detailed information in the section entitled “Right to life and right to physical security”.

¹⁰⁵ Available at: https://ombuds.am/en_us/site/ViewNews/1538

¹⁰⁶ Available at: https://ombuds.am/en_us/site/ViewNews/1644

¹⁰⁷ See more detailed information in the section entitled “Right to life and right to physical security”.

According to the information received from the residents, Azerbaijani Armed forces often appear on the roads with their guns and they do it with a purpose to intimidate them, their children and show clear threats. This has made the movement of civilians on these roads highly dangerous.

For example, the residents had informed that due to the presence of the Azerbaijani military on the road from Kapan to Tshakaten, Shikahogh and other villages, they are avoiding the use of this road, especially during evening hours.

It is a matter of great concern that on 25 August, 2021, for 2 days, 50 or more Azerbaijani servicemen had blocked the interstate road leading from Goris to Kapan near the village of Davit Bek. They had been refusing to open the road. It is obvious that this is a pre-planned and an openly and hostile act. It is a crime against the civilian population of the Republic of Armenia¹⁰⁸.

Moreover, on 26 August, the Azerbaijani armed servicemen had blocked the road from Goris to Vorotan in the Syunik Province of Armenia (it is the section depicted in the photo).



It should be specifically underlined, that since September 9, 2021, the Azerbaijani authorities have placed a police checkpoint on the Yerevan-Kapan M2 inter-state road (on the section of Goris community's Vorotan village). The checkpoint has been operational as of September 11, 2021.

The fact-finding activities of the Human Rights Defender have revealed violations of human rights on the section of the road where the Azerbaijani police checkpoint is located. In particular:

- After the placement of the Azerbaijani police checkpoint, it was revealed that 10 cameras were installed in that section of the road.

¹⁰⁸ Available at: https://ombuds.am/en_us/site/ViewNews/1877.

- 4 of the cameras are placed on the building located in the immediate vicinity of the police checkpoint; 2 at the front of the building, while the other 2 on the roof. All the cameras are surveilling the road.
- The remaining 6 cameras are placed on the segment of the road, in the immediate vicinity of the checkpoint; 4 cameras are surveilling the road, while 2 are surveilling the Azerbaijani armed servicemen.
- That is, 8 cameras are installed to monitor the road and the movement of the traffic from different vantage points, specifically the movement of the civilian population.
- Through the cameras, the license plates of the vehicles, the numbers and faces of the passengers and drivers are recorded. Taking into consideration the fact that the speed of the vehicles have significantly slowed down due to the barricades placed by the Azerbaijani servicemen on the mentioned section of the road.

Evidently, the personal data of people are being collected, in gross violation of international rules of data protection.

This implies blatantly unlawful interference in the private life and safety of passengers of the road.

- At least 4 Azerbaijani servicemen, demonstratively armed with rifles and weapons of different calibers, are constantly on duty at the police checkpoint; the servicemen are masked and their faces are completely covered.

This is a blatantly unacceptable, and an obviously intimidating type of uniform, taking into consideration the fact that this an inter-state road connecting civilian communities, and the main passengers of the road are civilians. Moreover, the fact that the Azerbaijani armed servicemen are masked increases the risks of them committing illegal acts against civilians, ensuring a constant state of impunity.

- Barricades are placed on the road in the immediate vicinity of the Azerbaijani police checkpoint.
- Moreover, the armed servicemen of the checkpoint illegally stop the trucks with Iranian license plates, which are legally using the road for transportation while intimidating them along the way (for example, demanding diesel for not wearing seatbelts).
- Furthermore, the Azerbaijani servicemen are demanding documents and monetary payments without legal grounds. According to the alarming-calls, whereby Iranian drivers have been illegally forced to make payments to the Azerbaijani border guards. In one case, a driver had paid 3,000 AMDs, in another case 10,000 AMDs. A case where an Iranian driver paid 120 USD, and another case where a driver paid 50 USD were also registered.

- According to some alarming reports, the Azerbaijani servicemen are introducing themselves to the Iranian drivers as Armenians.

As a direct result of the illegal and blatantly criminal acts of the Azerbaijani armed servicemen, the movement of people and civilian vehicles have slowed down, causing regular heavy traffics.

There are also alarming calls about the fact that the servicemen of the Azerbaijani police checkpoint have prevented an Iranian vehicle from continuing its journey. This is an interstate road that secures the normal movement of the civilian population of Armenia; it is directly connected with the normal life of people.

These criminal actions of the Azerbaijani armed servicemen violate the right to free movement and have completely disrupted people's normal life¹⁰⁹.

As a result of flawed mechanical methods, it is unclear which country will have jurisdiction in the event of disputes related to car breakdown, car accident or other accidents which may occur on these roads.

For example, if on the "Azerbaijani" sections of the roads from Goris to Vorotan or from Kapan to Tshakaten, there is a car accident between Armenian cars or Armenian and Azerbaijani cars or a crime against our compatriots or some other incident, then what rights and responsibilities arise for the parties? Which country's legislation will determine where exactly the legal proceedings will take place?¹¹⁰

The same question arises in terms of possible incidents with trucks or other vehicles, including those regularly traveling from Iran via this road in the area.

In this regard it should be underlined that on the same period Azerbaijan placed a banner (sign) with a note "ATTENTION! YOU ARE ENTERING THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN". After the placement of this sign Azerbaijani servicemen started to illegally stop the vehicles and illegally demand documents and monetary payments.

However, the placement of the signs or any other equipment has no legal grounds within the border determination. Moreover, in the absence of delimitation and demarcation, the territory or the section of the road cannot be considered as Azerbaijani and itself placing a sign does not mean transfer of the territorial jurisdiction. This is a true ground for human rights violations. Moreover, as it was shown above, Azerbaijani appearance on the roads between the Syunik communities took place under open threats of war; this factor makes illegal all Azerbaijani locations and their actions.

¹⁰⁹ Available at: https://ombuds.am/en_us/site/ViewNews/1879.

¹¹⁰ Available at: https://ombuds.am/en_us/site/VideoGalleryView/494



It should be stressed that violence against the Armenian civilians by the Azerbaijani servicemen at the above discussed checkpoint were also reported by the Human Rights Defender (based on hotline call alarms). Particularly, on 17 September 2021, the Azerbaijani Police servicemen, wearing masks and brandishing weapons, illegally stopped and intimidated a group of Armenian teenagers who were on board a bus when it was stopped on a road in Vorotan. In the video the soldiers are seen scraping off decals from the side of the bus bearing images of Artsakh with a military-issued knife. They kept children for 10-15 minutes & tried to check inside their phones. 14-16 years old Artsakh children came to Armenia to play football¹¹¹.

Another case of violence took place on 26 October, 2021. According to the media publication, about twenty Azerbaijani servicemen stopped a civilian car, hit the car, spoke in their language. Civilian mentioned that he did not understand what they were saying¹¹².

On August 10, Azerbaijanis struck an Iranian's car with stones on road from Kapan to Goris¹¹³.

¹¹¹ Available at:

https://twitter.com/atatoyan/status/1438936081337028613?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1438936081337028613%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fasbarez.com%2Fazerbaijani-soldiers-terrorize-armenian-children-on-board-bus%2F

¹¹² Available at: <https://www.tert.am/am/news/2021/10/26/goris/3716372>

¹¹³ Available at: <https://news.am/eng/news/657920.html>

The border residents of Syunik Province presented alarming calls related to the presence of the Azerbaijani flags and signs between the roads of the communities which is used as an excuse to place Azerbaijani armed servicemen in those locations. According to these residents, there are Azerbaijani armed servicemen in these areas to “protect” the signs and/or flags from the residents¹¹⁴.

Furthermore, in the immediate vicinity of the civilians of Armenia or in the communities themselves (for example, in the large communities of Goris and Kapan, Syunik region, on interstate or intercommunity roads, or directly on the sidewalk, directly in the community), Azerbaijani soldiers, i.e. armed men, were deployed¹¹⁵.

These steps by the Azerbaijani authorities are deliberate and are aimed at grossly violating their physical security and emotional well-being, property, and other vital rights, as well as the health and welfare rights of the resident children. As a result of these acts, the free movement of the people in this region has been disrupted.

On 28 December 2020, the placement of a sign depicting the map of Azerbaijan on the section of the road connecting Goris City to Vorotan village of Armenia has caused deep concerns in Goris, Vorotan, and other peaceful communities. The same applies to the placement of Azerbaijani flags in that segment of the road, and near Vorotan village.

¹¹⁴ Available at: https://ombuds.am/en_us/site/ViewNews/1538

¹¹⁵ Available at: https://ombuds.am/en_us/site/ViewNews/1496

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Through the Human Rights Defender’s monitoring activities and investigations, it became apparent that the Azerbaijani armed servicemen placed a sign between the border communities of Armenia, which read “Welcome to Azerbaijan”. The sign is placed on the road connecting two Armenian civilian communities. The map in the sign is depicted in a manner where it shows some parts of the Syunik region, and several other communities as falling within the borders of Azerbaijan.

The results of the study clearly confirm that the mentioned step of the Azerbaijani military was done with the intention to foment such a perception and in a way that violates the rights of the residents of border communities of Armenia, openly terrorizing them (foremost children, and women)¹¹⁶.

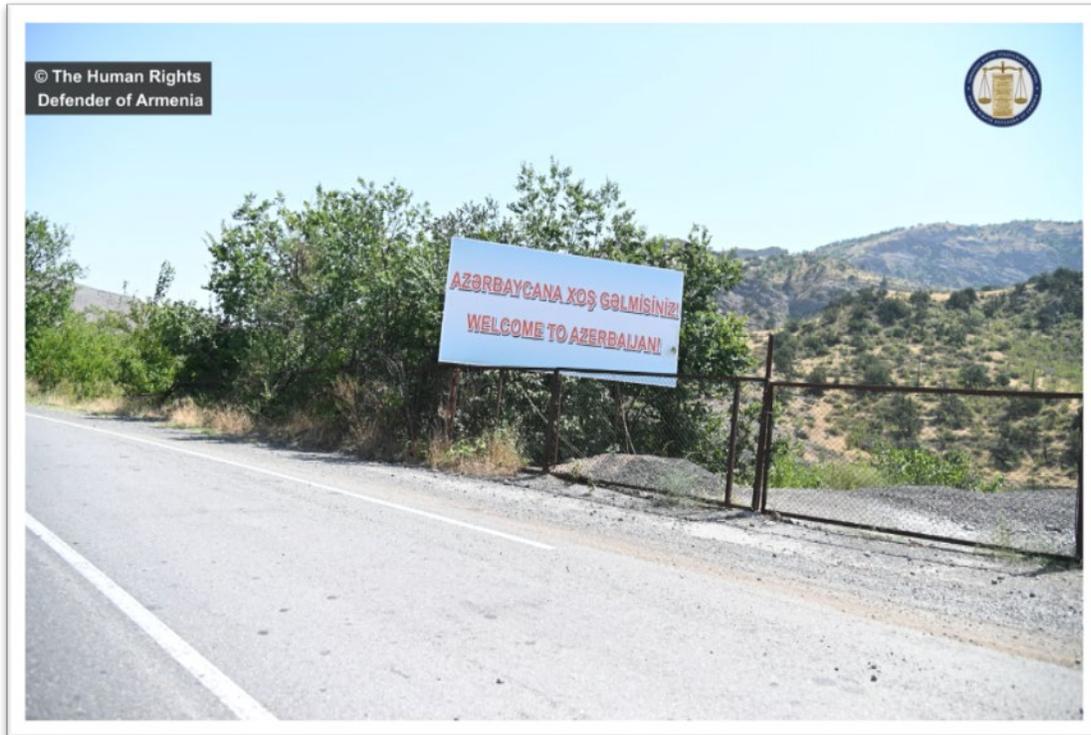
On 22 January 2021, the Azerbaijani military erected a sign with the words “Welcome to Azerbaijan” displayed in Azerbaijani and English on the inter-community road leading from the Kapan city to Tshakaten



116 Available at: https://ombuds.am/en_us/site/ViewNews/1463?fbclid=IwAR3JALdPSEcsRPjHYEhxhkKjOGhCMjLI9r2YONTYxkF2psHgAahOEkvDwg4

and a number of other villages. Moreover, on that road connecting Armenian civilian communities' numerous Azerbaijani flags are also placed.





3. Right to property

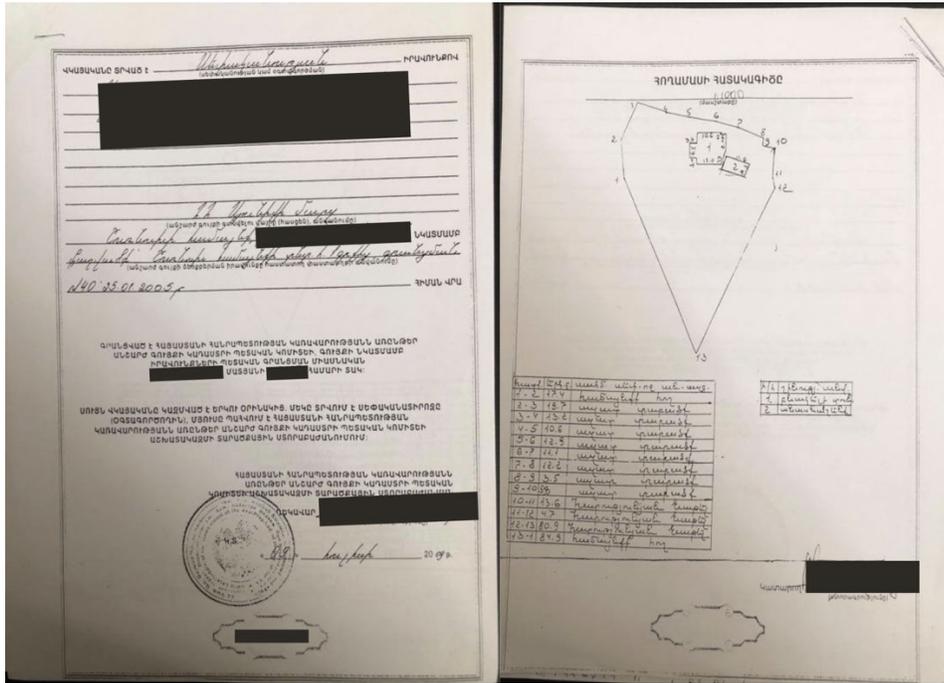
Immediately after the war, as it was mentioned above, Azerbaijani armed servicemen appeared in the lands (pastures, grasslands, arable lands) and houses that belong to the residents of border communities of Syunik and Gegharkunik provinces. People are deprived of all possibilities to use these lands and houses. They are also unable to use lands that are near the Azerbaijani military locations: they open fire at civilians when they try to approach their lands or houses. It has to be highlighted that all these lands and houses have certificates or contracts certifying (issued during Soviet or Independent Armenia period) property rights of the local population.

These types of cases were reported in Shurnukh, Vorotan, Aravus, Karahunj, Khoznavar, Khnatsakh, Nerkin Khndzoresk, Akner, Davit Bek, Agarak, Eghvard, Shikahogh, Tshakaten, Srashen, Nerkin Hand and other villages of the Syunik region, as well as Kut, Sotk Norabak and other villages of the Gegharkunik province.

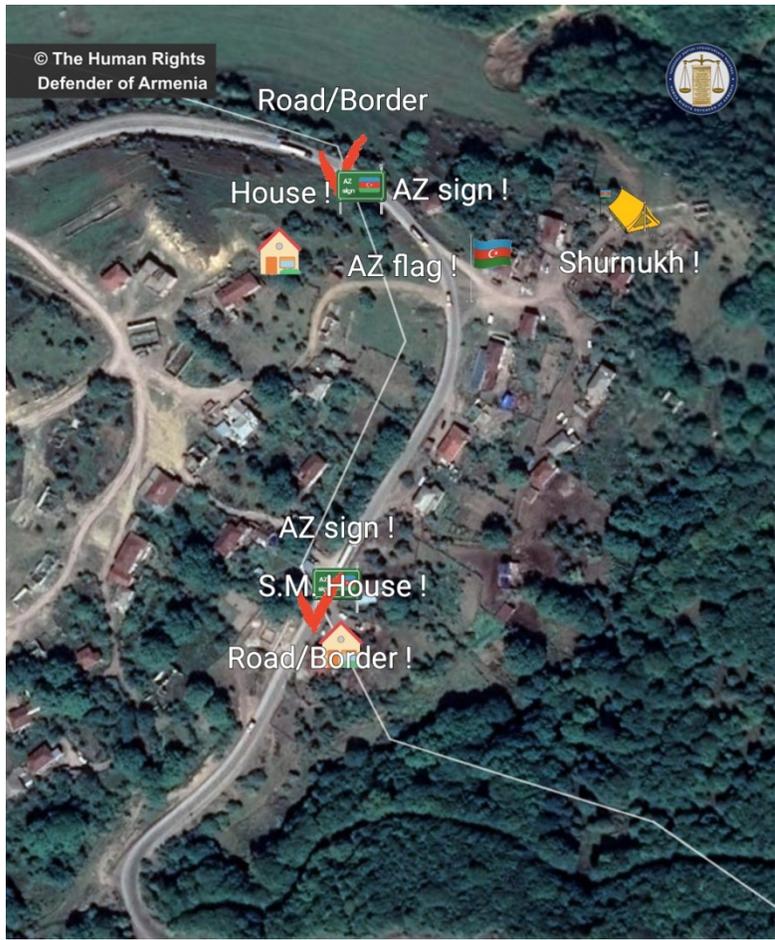
In Shurnukh village, the ownership of houses and lands was transferred to the residents back in 1991, and in 2009 the new certificates on registration of right to property were provided. Overall, there are 11 houses with certificates on registration of right to property, which are under the direct control of the Azerbaijani Armed servicemen.

According to one of the reported cases in Shurnukh, a house which is owned by A.H., currently is in the “Azerbaijani” part of the village, hence, unreachable for A.H.

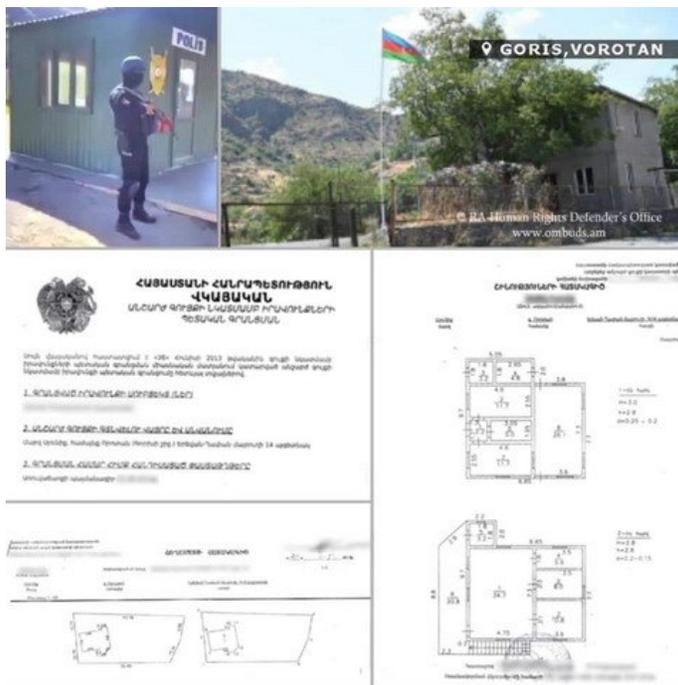
Moreover, one of the houses in Shurnukh village, which belongs to the resident S. M., because of applied mechanical approaches was divided into two parts, “Armenian” and “Azerbaijani”. The cattle barn of the person became under Azerbaijani control and the main house remained within Armenian borders. His house land was also divided into “Armenian” and “Azerbaijani” parts. Because of this resolution, a block post of Armenian Border Guards has been placed in S.M.’s yard, in front of his house door. The Armenian location is a forced justified location since Azerbaijani locations are in the closest distance from S.M.’s house.



See below the locations of the properties of A.H. and S.M. on the Google map, with illustration of the Armenia and Azerbaijan “border line”:



In another case a resident of Vorotan village was deprived of their agricultural land, while having the right to property certificate. Furthermore, an Azerbaijani checkpoint is placed near his house.



Similar violations of the right to property of the residents of communities in the areas of contact between Armenia and Azerbaijan were reported also in other communities of Syunik region. In particular, in Kapan community at total of 52,35 ha of private property (Davit Bek village – 33,28 ha, Syunik village – 0,89 ha, etc.) cannot be used by its owners, since currently it is considered as a territory of Azerbaijan based on the respective maps.

Տեղեկանք

Կազման համայնքի Դավիթ Բեկ բնակավայրի բնակիչ [redacted] ոչնչացած այգու կրած վնասների չափի մասին
/Հաշվարկները կատարվել են շուկայական գներով/

Հ/հ	Տեսակ	Հա	Քանակ	Շուկայական ինքնարժեք /ՀՀ դրամ/	Ընդամենը գումարային
1	անիուշ մոշ	0.4	2300	500	1150000
2	ազնկամորի	0.4	1500	300	450000
3	սերկնիլ	0.5	200	1000	200000
4	կարճահասակ ընկույզ	0.15	100	1500	150000
5	պնդուկ	0.25	100	800	80000
6	խնձորենի, տանձենի	0.25	200	900	180000
7	քալ-կեռաս	0.25	60	1200	72000
8	բանջարաբուստանային կուլտուրաներ	0.2		1000	2000000
9	կաթիլային համակարգ	2.4		1500000	3600000
10	ցանկապատում փշաարով (700 մ)		7	48000	336000
11	ցանկապատում ցանցով (150 մ)		15	10000	150000
12	բետոնե ամրակներ		750	1000	750000
13	չճանգուժող լար		18	42500	765000
14	որոզման ջրի խողովակ (1 կմ)			270	270000
15	ջրի քակ (10 տ)		1	400000	400000
16	այլ ծախսեր (վանեիք, պարաոտանյութ)				3650000
Ընդամենը					14203000

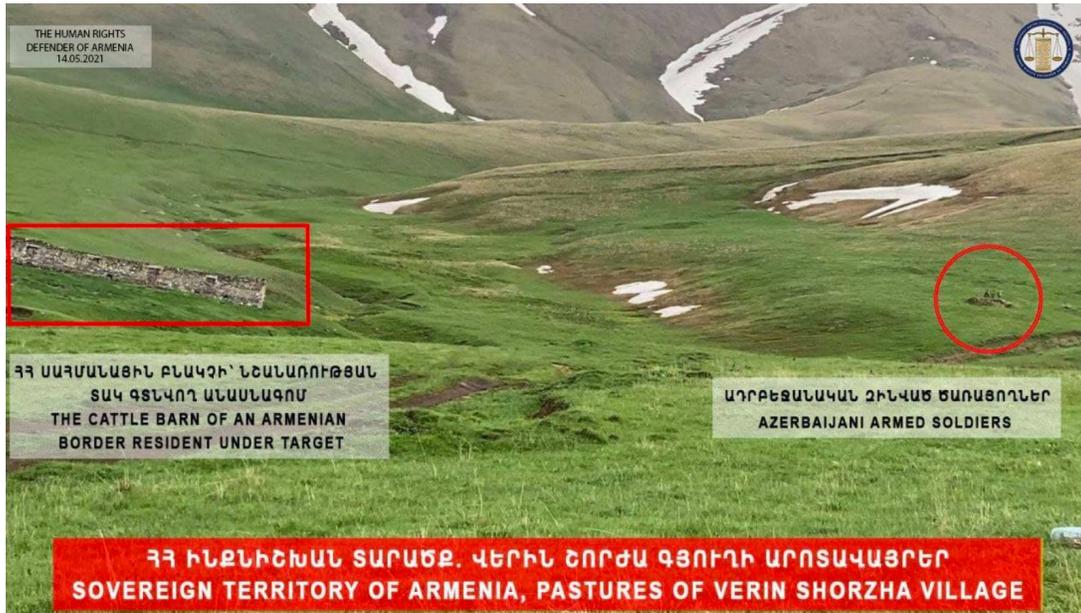
Other similar cases were also reported by the Human Rights Defender in Karahunj, Aravus, Davit Bek, Vorotan villages and Vardenis community, and the relevant official documents are attached to the current paper.

The on-site fact-finding activities of the Human Rights Defender have revealed that the pastures and other facilities cannot be used in cases when they are under direct line of fire of the Azerbaijani Armed forces (e.g. the positions are in the immediate vicinity and the land is fully observed by them).

Described situation was reported in Agarak and Yeghvard villages of Kapan community. In Agarak a total of 60 ha and in Yeghvard 130 ha private and community property lands cannot be used due to the reason underlined above. The same is in Tshakaten village, where 40 ha territory is impossible to use.

In Vartenis community of Gegharkunik Province of Armenia overall, 212.7 ha land is currently either unreachable or impossible to use as a result of direct control or due to the clear observing by the Azerbaijani Armed forces. These lands had been previously used on the rental agreement bases.

Moreover, In Verin Shorzha village barns are located right next to the Azerbaijani position.

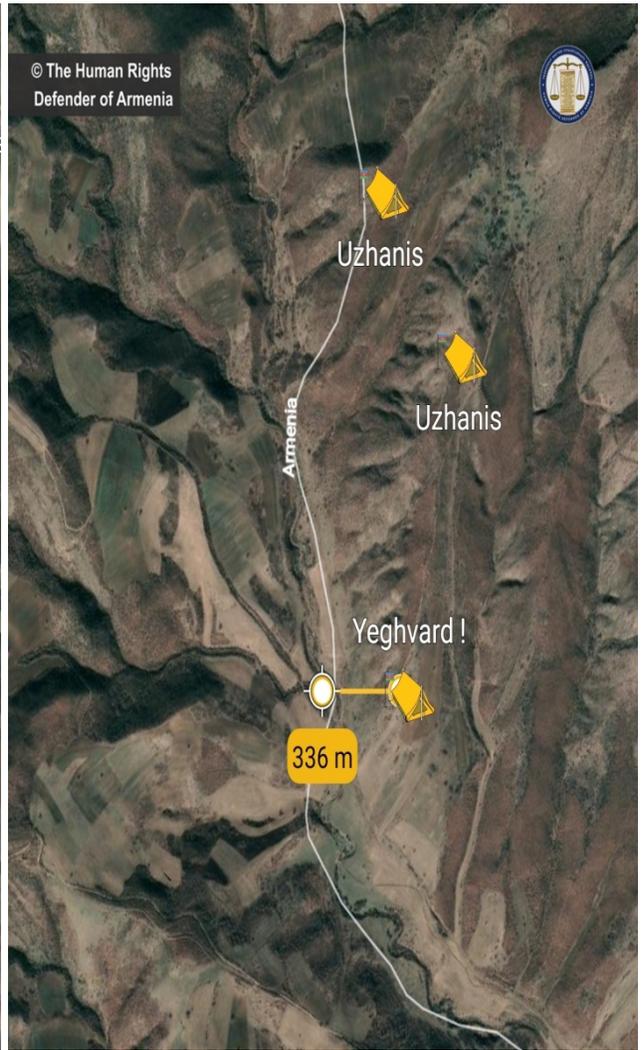
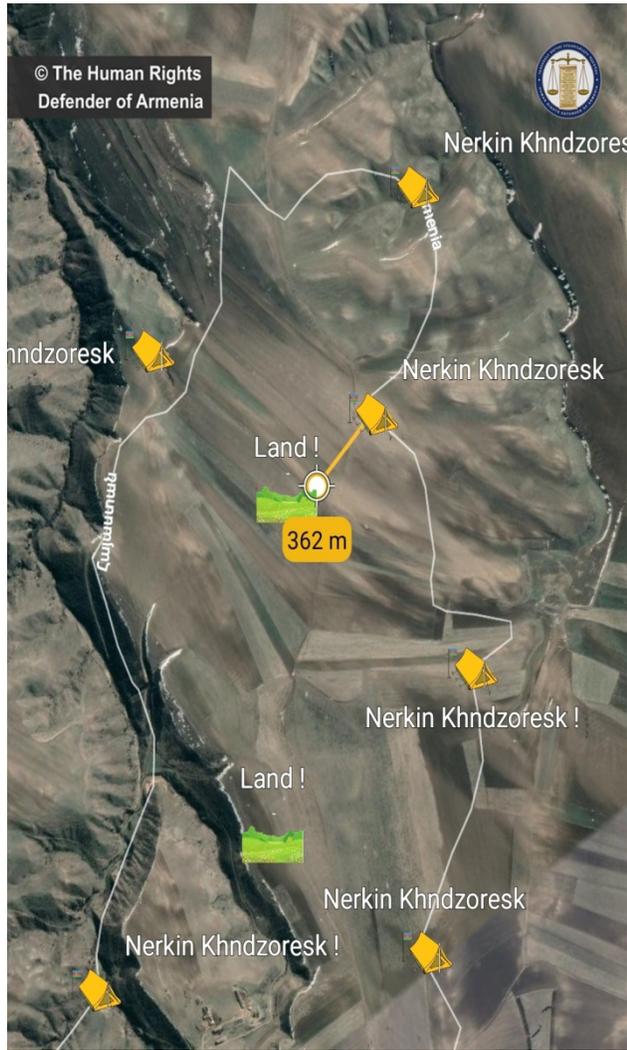


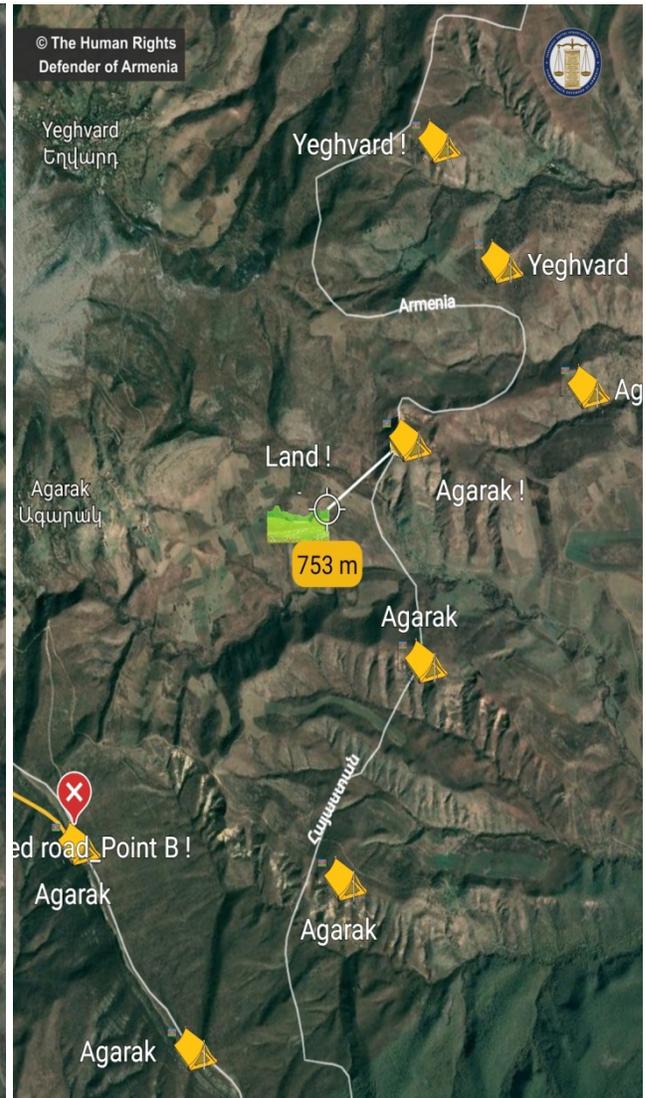
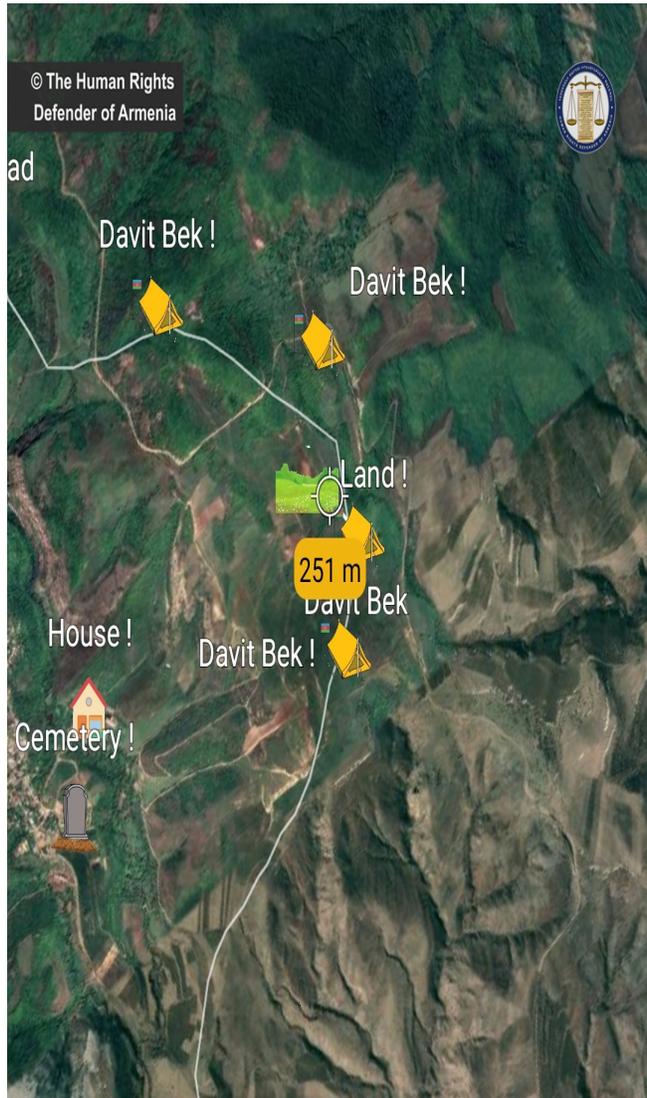
Furthermore, alarming calls were received on June 3, 2021 in relation to the Kut village of Geghamasar community, stating that the Azerbaijani armed servicemen have still been located in the immediate vicinity of the village, as a result of which the villagers are only able to use a small segment of the pastures. Moreover, the Azerbaijani armed servicemen are swearing at the shepherds, and screaming loudly are threatening them with a demonstration of weapons. While the village is under their direct line of fire.

The cattle barn in Norabak village of the Geghamasar community, is under the illegal control of the Azerbaijani armed servicemen, and the residents were deprived of the opportunity to use it. There are streams near the barn that were also used for agricultural purposes, but now the villagers can no longer use them.

Similar situation is also in other communities of Syunik and Gegharkunik Provinces (e.g. Nerkin Khndzoresk, Yeghvard, Agarak, Davit Bek, Aravus, Khoznavar, villages). People are deprived of the implementation of their right to property registered by the Cadaster Committee or based on the rental contract or the plots pastures used before.

Below several examples are presented in maps which illustrates the distance between the Azerbaijani positions and pastures.







It is noteworthy that in many cases the community lands are used by the residents for agricultural purposes or as pasture, and raising livestock is the main source of income for the residents. This means that the current conditions have a strong negative effect on the social-economic situation of the residents of the discussed communities.

Moreover, the current situation has resulted in serious problems with regard to taking care of cattle by the residents of communities of the area of contact with Azerbaijan. Previously, before the September – November 2020 war, the cattle in the discussed communities of Syunik and Gegharkunik were used to graze in the territories which are currently either directly controlled by the Azerbaijani Armed forces or are under their clear observance and fire line. In particular, several cases of “border crossings” by the cattle in those communities were reported.

To be clear, the Defender's Office discovered that the shepherds themselves are not negligent, they are not guiding flock to pass over the territory controlled by the Azerbaijani authorities. The reason is that

habitually the animals historically are accustomed to grazing in those areas; and, the relevant pastures are such that it is difficult and quite impractical to exercise sufficient control over the animals and determine the “border” line if there are no electronic devices in use.

In addition, the fact-finding activities of the Human Right Defender have also revealed cases of stealing of and attacks against cattle by the Azerbaijani Armed forces.

1) For example, 13 February, 2021 the Khndzoresk municipality announced that on February 11, a resident of the village of Khndzoresk in the Syunik region, had been grazing a total of 185 small cattle in the pastures near the village. During the grazing, some of the animals approached the area controlled by the Azerbaijani soldiers, after which the Azerbaijani Armed forces unlawfully took 173 of the 185 sheep and carried it away with the intent to permanently deprive the shepherd of his personal property.

The animals were returned only after negotiations between the RA Border Troops and the Armed forces Corps Command.

The referenced information was confirmed to the RA Human Rights Defender by a number of villagers and community bodies.

2) On May 30, the Human Rights Defender received an alarming-call that a shepherd of the village of Khnatsakh in the Tegh community, while grazing his large and small cattle on a pasture belonging to the village, was threatened by Azerbaijani servicemen with a show of weapons, who shouted at him from about 50 meters away. They demanded that the animals not be grazed in that pasture.

Moreover, another alarming-call was received that five horses had crossed into Azerbaijani controlled territory in Khnatsakh on May 29, but the Azerbaijani armed servicemen returned only three.

3) A case of stealing the cattle was reported in Aravus village of Tegh community. According to the alarming-call of May 23, 2021 received by the Human Rights Defender, the Azerbaijani armed servicemen took 42 heads of cattle from the village shepherds from the territory of the Republic of Armenia.

Then, as a result of negotiations with the participation of the Commander of the 1st Army Corps of the Ministry of Defense of Armenia, the Russian armed servicemen, the Head of the Tegh community, the administrative Head of Aravus village, 37 animals were returned. This was a largely-circulated story in the media.

In connection with the incident, the Human Rights Defender found out that in the territory of the Republic of Armenia, on the pasture of the village of Aravus of Tegh community, several Azerbaijani armed servicemen approached the two shepherds of the village who had been grazing their cattle on May 23, between 10 and 11 in the morning.

Except beating and sexual slurs against shepherds which is discussed in the Part 1 of the current chapter in more details, it should be noted that the Azerbaijani servicemen had demanded that they no longer graze their animals in that pasture. The shepherd insisted that that pasture belongs to the Aravus village and falls within the territory of the Republic of Armenia, and that they would continue to graze their animals there.

In response, the Azerbaijani servicemen threatened the lives of the shepherds with a show of weapons and took with them 42 heads of cattle, 2 horses, the cell phone of one of the shepherds, and left.

The Office of the Human Rights Defender found that, as mentioned, 37 out of 42 heads of the cattle, the two horses and the phones have been returned, while the five bulls have not.

After that, the two bulls escaped and returned, although the Azerbaijani servicemen tried to prevent them, while the remaining three bulls have not been returned.

The above-mentioned information was verified and confirmed through private interviews with the residents of Aravus, as well as by the local self-governing bodies.

In connection with Aravus, the Office of the Human Rights Defender found that the Azerbaijani Armed forces had taken over 64 hectares of pasture and grasslands in Armenia. This is why the rights of the border residents of Armenia, the people of Aravus, had been grossly violated, as they could no longer use those pastures and grasslands. The need to use these lands is especially urgent for the village residents due to seasonal demands.

It was also revealed that because of Azerbaijani presence in Kut village (Gegharkunik province, Geghamasar community), the local population has been deprived of at least 500 hectares of pastures, 500 hectares of grassland, 20 hectares of arable land.

In Norabak village of Geghamasar Community, the local population lost at least 1,000 hectares of pasture, 200 hectares of grassland, and 25 hectares of arable land¹¹⁷. In the section of Vardenis and Verin Shorzha, the Azerbaijani servicemen are located in an area which encompasses 1200 hectares of pasture, 220 hectares of grassland, 250 hectares of arable land¹¹⁸.

On June 5, 2021, they stole and have not yet returned more than 80 cattle belonging to a shepherd of Kut village. According to data verified by the Defender's Office, those animals belong to 5 families of Kut village.

This particularly concerns the incident of June 5, when the Azerbaijani Armed forces opened fire for 30 minutes in the direction of a shepherd of Kut village of the Geghamasar community in Gegharkunik Province. The shepherd was able to escape on a horse, but meanwhile, the lower limb of the horse was

¹¹⁷ Available at: https://ombuds.am/en_us/site/ViewNews/1835

¹¹⁸ Available at: https://ombuds.am/en_us/site/ViewNews/1834

injured as a result of the shooting. Moreover, during this incident, the Azerbaijani servicemen shot and killed four of the shepherd's cattle.

The investigation of the Human Rights Defender revealed that on June 6, 2021, at around 1:30 pm, the Azerbaijani military servicemen attempted to steal about 20 horses from the shepherd (resident of the mountain plateau) of Verin Shorzha pasture, located in the Vardenis community of Gegharkunik Province.

In particular, the shepherd's 20 horses grazed a little closer to the Azerbaijani positions, which are illegally located in the sovereign territory of the Republic of Armenia.

The Azerbaijani armed servicemen seized the opportunity to approach the horses in the direction of the pasture and tried to steal all the horses. However, the attempts of the Azerbaijani servicemen to steal the horses were prevented due to the fire launched by the servicemen of the Armed forces of the Republic of Armenia.

On June 16, 2021, at around 5:30am, 9 Azerbaijani servicemen stole a cow and a newborn calf belonging to a shepherd of Verin Shorja pasture.

In particular, based on the alarming-calls received that day, the Human Rights Defender's Office learned that a shepherd of a pasture in Verin Shorja village of the Vardenis community, Gegharkunik Province, woke up to Azerbaijani gunfire at around 5:30am in the morning. As soon as he woke up, he found the Azerbaijani soldiers shooting at his cattle, which were in the open at the time, in the immediate vicinity of his place of residence.

He quickly went to the animals and found that there the cow or newborn calf were missing. Shortly afterwards, he noticed that 9 armed Azerbaijani servicemen were taking the cow and calf to their positions. Together with the other shepherds, they tried to bring back the animals, which at that moment started running towards the shepherd.

However, the Azerbaijani soldiers started firing at the animals, injuring the cow's leg, preventing it from reaching the shepherd. Shots were also fired at the shepherd.

Then, the shepherd observed how four hours after the theft, at around 9:30am, the Azerbaijani soldiers slaughtered the cow in their positions.

The Human Rights Defender of Armenia specifically states that this theft took place in the sovereign territory of the Republic of Armenia, and the Azerbaijani servicemen came down from positions that are illegally located in the sovereign territory of Armenia.

The shepherd confirmed to the Human Rights Defender's Office all the other circumstances mentioned in the incident, and the cases were verified.

It is also noteworthy that the Azerbaijani armed servicemen are illegally stopping villagers, and demanding explanations from them, as regard to which direction they are moving and for what purpose, and what are they transporting, and they are conducting illegal searches of their cars.

4) On 6 June, 2021 the shepherd of Khnatsakh village, grazed the 40 heads of large cattle belonging to the 2 families of the village in the pasture located in the territory of Armenia (something that he does on a regular basis). The shepherd was also assisted by their 13-year-old child.

Around 6:00-6:30 in the morning, 3 heads of the large cattle approached the positions of the Azerbaijani Armed forces. Located near the cattle, the child of the shepherd had attempted to prevent the cattle from approaching the Azerbaijani positions. However, the Azerbaijani servicemen themselves approached the animals, and while shouting that it was part of their territory, stole the animals and drove them away deeper to their side.

According to the revealed information, the shepherd immediately informed the Head of the enlarged Community of Tegh about the theft of the Azerbaijani servicemen. Upon receiving the alarming-call, the latter immediately contacted the First Army Corps of the Armenian Armed forces and the Russian Peacekeepers; it was only possible to return the animals to the shepherd after relevant steps were taken¹¹⁹.

5) The other incident is related to the violation of the rights of the residents of Tegh village. In particular, on 6 June, 2021 the residents of the village went to the area in the vicinity of the village with agricultural machinery to harvest the wheat they had sown the previous year. However, the Azerbaijani servicemen, keeping the area under their surveillance, did not allow the harvest of the wheat¹²⁰.

6) On 3 August 2021, the Office of the Human Rights Defender of Armenia received alarming-calls that on 26 July, 2021 4 cows belonging to two families of the village were taken to pasture in the administrative territory of Tshakaten village of Kapan community of Syunik Province, right on the pasture about 1 km away from the village.

While grazing, the animals reached a pasture called "Yurder" in the administrative area of the village and approached the area under the control of the Azerbaijani Armed forces.

According to the alarms, after that Azerbaijani servicemen tied the animals to their section without allowing them to return, and for about 5 days, the residents saw through binoculars from the mountain in front of their house that the animals were in an area called "Chambar", and as of 1 August, the animals have already disappeared.

In addition to the mentioned case, on 2 August 2021, the Office of the Human Rights Defender received one more alarming-call, that on 14 July 2021, a resident of Davit Bek village, Kapan community,

¹¹⁹ Available at: https://ombuds.am/en_us/site/ViewNews/1795

¹²⁰ Available at: https://ombuds.am/en_us/site/ViewNews/1795

Syunik Province of Armenia, took 6 large cattle (1 bull, 5 cows) belonging to 3 villages to graze in the pasture belonging to the village, about 1.5 km away.

The villager left the pasture shortly after returning to find that five of the animals were missing and that one of the cows was returning from the side controlled by the Azerbaijani Armed forces with a rope tied around his head (he took the animals to graze without a rope). From distance, he noticed how the Azerbaijani soldiers were pushing the animals to their deaths.

In both cases, the residents informed the heads of the administrative districts of the villages about what had happened.

The Armenia and Russian border guards were also informed about the incidents. Negotiations for the return of the animals did not yield results as of August 3. Azerbaijani servicemen had refused to return the animals reasoning that they do not have them.

This information was confirmed by the Human Rights Defender's Office through private conversations with the mentioned residents of the villages of Dakaten and Davit Bek, as well as with their fellow villagers, as confirmed by the community bodies¹²¹.

The need for the mentioned lands and other properties is especially urgent for the village residents due to seasonal demands. This can lead to a sharp decrease in the number of livestock, as there are insufficient conditions for raising them. For the stolen cattle in many cases locals continue to pay credits. All of this will deepen the existing social problems.

In particular, on 13 August, 2021 the Human Rights Defender visited Tegh community of Syunik Province (Tegh became a border community after the war), the residents have raised issues related to compensation for the damage caused to them by Azerbaijani servicemen's illegal actions.

As mentioned above, the main issue facing the community is being deprived of the lands owned or leased by the residents with legal documents provided by the competent authorities of Armenia. The residents have taken loans from banks or credit organizations to cultivate the above-mentioned lands; however, because of illegal presence of Azerbaijani servicemen in their territory, they have been unable to collect the harvest.

The agricultural equipment belonging to the residents remained in the territories of under Azerbaijani control. The residents took loans to raise livestock; they bought large or small cattle, and built relevant structures and barns.

Many of the residents mentioned that they have to sell their livestock at prices several times lower than the market price, as it is not possible to have enough fodder, primarily, it is not possible to collect grass for

¹²¹ Available at: https://ombuds.am/en_us/site/ViewNews/1842

large and small cattle. The issue is the fact that there are pastures where the Azerbaijani Armed forces are currently located illegally.¹²²

After the war, the Azerbaijani servicemen did not return the 120 sheep that a resident of Tegah community of Syunik Province, bought through loan. However, the credit organization is still demanding the payments of the loan.

Although the property is stolen and no longer in her possession, the resident is still paying the loan on the same terms to the credit organization. She still has 3 years for the final payment. During the visit of the Human Rights Defender to Tegah community, the resident informed me that she had applied to the provincial administration of Syunik, and has received a compensation of 100.000 Drams for 120 sheep. However, these issues require systemic solutions. Numerous people have faced similar issues as a result of the criminal acts of the Azerbaijani Armed forces¹²³.

Water resources, from which irrigation and drinking water are generated, have been brought under the control of the Azerbaijani Armed forces. This issue is discussed in more details in the Paragraph 6 of the current Chapter.

Finally, in the discussed situation the physical and psychological security of those people, especially the shepherds are under real danger. The issues in this regard are presented in details in the Part 1 of the current chapter.

To sum up, the fact-finding activities of the Human Rights Defender have revealed that thousands of residents and different communities of the Syunik and Gegharkunik Provinces are not able to use their pastures, grasslands and arable lands. People have been deprived of their houses and house lands. Azerbaijani soldiers steal and do not return cattle; in many cases people have to continue paying loans and credits. These problems have resulted in new ones: since people cannot use the pastures, they are not able to keep the small and large cattle in their barns; they have no places to graze their cattle. Apart from this, the access to the water reserves for irrigation is also limited.

All abovementioned resulted in deep social problems and a dramatic decrease of sources of family income for the local population. People often have to find jobs outside of their places of residence.

All of these factors confirm that the normal life of people is totally disrupted. There is an urgent need to guarantee the rights of the villagers, including their safety while using their lands, engaging with agriculture works, to protecting their livelihood and security against the violations of their property rights and threats to these rights. In order to prevent this and to restore the rights violated,

¹²² Available at: https://ombuds.am/en_us/site/ViewNews/1862.

¹²³ Available at: https://ombuds.am/en_us/site/ViewNews/1865.

responsible commission work and a correct assessment of the needs of the villagers are critical to ensure an unequivocal and total elimination and neutralization of all such obstacles and concerns.

4. Business rights

The fact-finding activities of the Human Rights Defender have revealed issues related to violations of business rights as a result of the Azerbaijani military unlawful activities. In particular, on November 26, 2020 Azerbaijani Armed forces entered and positioned in the territory of Sotk mine, in the Gegharkunik region. The main part of the territory of the mine, which is owned by the “Geopromining Gold” LLC, occurred under the control of Azerbaijan.

This resulted in the decrease of overall work-load of the plant, which itself created an issue with regards to having to cut the number of employees by threefold. Moreover, the reparation center has also passed under the control of the Azerbaijani Armed forces.

It should be noted that since early morning on 26 July 2021, the Office of the Human Rights Defender has received alarming-calls from the civilian residents about the fact that the Azerbaijani Armed forces are firing shots on Sotk village of the Geghamasar community in the Gegharkunik Province.

Alarming-calls were also received that the employees of the Sotk mine had been evacuated due to the shootings of the Azerbaijani Armed forces and the tense situation provoked by this¹²⁴. On 28 July, due to Azerbaijani shootings, the activity of the Sotk gold mine was disrupted again, and the rights of the employees were violated. 150-night shift employees were urgently evacuated. This fact was verified and confirmed by the Gegharkunik regional subdivision of the Office of the Human Rights Defender¹²⁵.

The fact that Geopromining Gold Ltd was forced to stop the mining operations overnight due to the shootings demonstrates that the Azerbaijani Armed forces obstruct the company’s legal business activity, grossly violate the rights of employees, and pose a real threat to human life¹²⁶.

Another case was also reported by the Human Rights Defender again in Sotk village. In particular, based on the RA Government decree of December 2000, 200 ha land plot was provided to “ZOD WIND” CJSC on rental basis for electricity generation purposes. Afterwards, right of the entity was registered by the RA Cadaster Committee. Furthermore, in 2018 the RA Public Service Regulatory Commission provided the

¹²⁴ Available at: https://ombuds.am/en_us/site/ViewNews/1819

¹²⁵ Available at: https://ombuds.am/en_us/site/ViewNews/1828

¹²⁶ Available at: https://ombuds.am/en_us/site/ViewNews/1819

electricity generation license to the entity till 2039. Moreover, the rental right of the company on the mentioned plot of land in Sotk village was prolonged till 2048.

The discussed conditions resulted in the deprivation of the right of the company with regard to a part of the plot of land in around 75 ha territory. The overall amount of damage caused to the company is around 5.000.000 USD.



The Office of the Human Rights Defender of Armenia has published a factual analysis of the unlawful presence of the Azerbaijani armed forces in the immediate vicinity of the villages of Gegharkunik province, and an analysis of one of the cases of the unlawful enforcement works of their positions.¹²⁷

It is noteworthy that the company had a projected implementation of 23 more wind turbine generators on the rest of the 200 ha territory. However, the created situation has made it impossible.

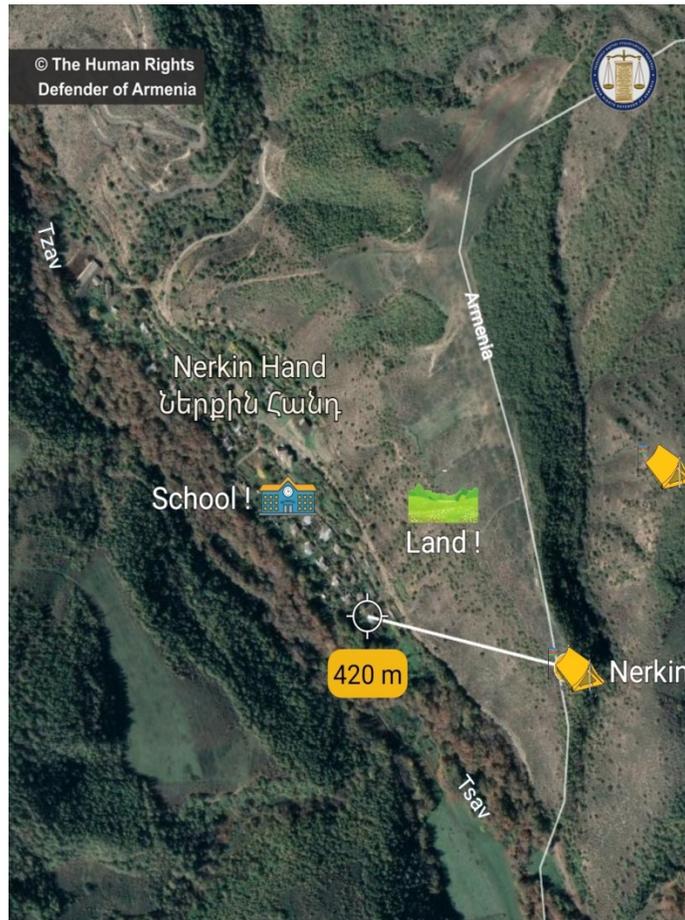
5. Children's rights and their best interests

Immediately after the September-November 2020 war the Human Rights Defender of Armenia has received child rights related alarms, oral and written complaints from communities of Syunik and Gegharkunik Provinces. A series of visits were conducted to Syunik and Gegharkunik.

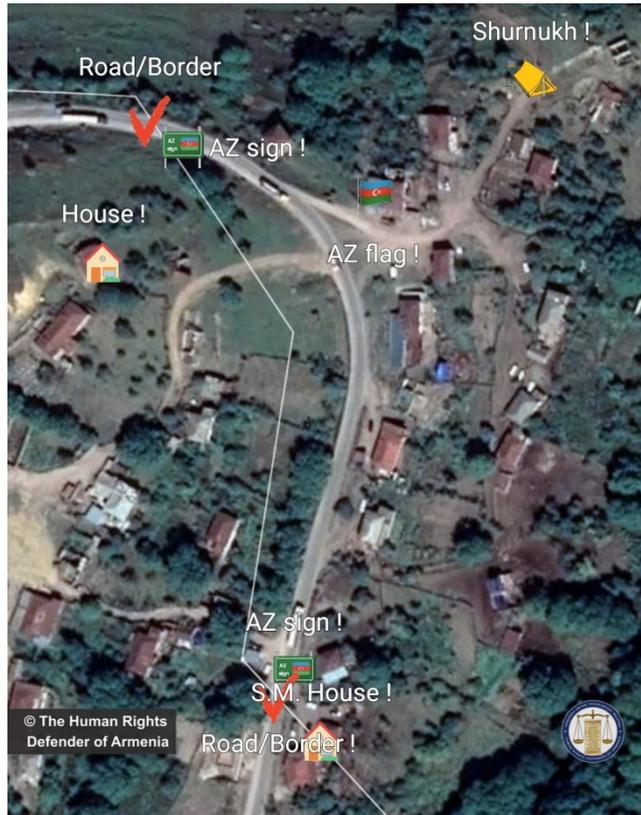
Investigation of complaints and missions to bordering communities revealed serious threats to children, violation of their rights. This issues directly concern such villages, as Shurnukh, Nerkin Hand, Syunik, Khoznavar, Khnatsakh, Nerkin Khndzoresk, Aravus, Vorotan, Agarak, Yeghvard, Tshakaten, etc.

There are cases of Azerbaijani Armed servicemen shootings¹²⁸ in the immediate vicinity of the contact area communities and villages of Syunik Province of Armenia. For example, during the Human Rights Defender's visit, the residents of Shikahogh, Srashen and Nerkin Hand villages reported that shots were fired while they were engaged in agricultural work with their children and grandchildren (e.g. Shikahogh village). The Azerbaijani military is located in about 400 meters from the school of Nerkin Hand.

¹²⁷ Available at: https://www.ombuds.am/en_us/site/ViewNews/1980

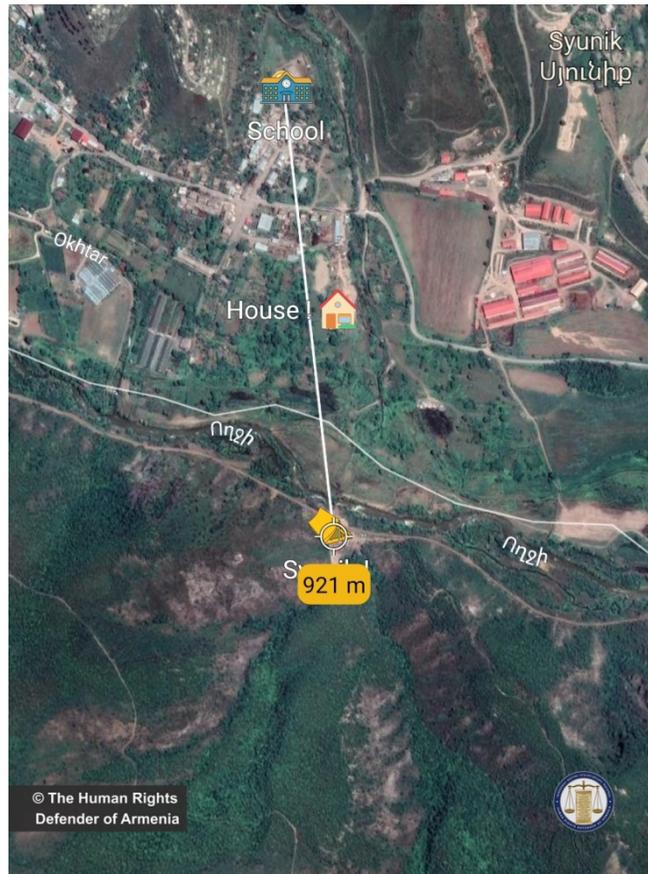


The Human Rights Defender’s fact-finding mission has recorded that due to the division of Syunik region’s Shurnukh village into “Armenian” and “Azerbaijani” parts, the Azerbaijani Armed forces are currently based directly on the other side of the place of the “Armenian” part of the village where the Armenian children are used to playing.





Azerbaijani Armed forces are currently located at a distance of about 920 meters from the secondary school of Syunik village of Syunik Province of Armenia. As a result, the school has become a direct target for the Azerbaijani servicemen.



The current situation contradicts the concept of the best interests of the child, poses a threat to life and well-being of children, violates children’s fundamental rights, including their right to life, education and play ensured by the UN Convention on the Rights of the Child. The current situation also violates the children’s right to live and develop in a peaceful, non-violent environment.

The above-mentioned facts once again claim that there is an urgent necessity to create a security zone for ensuring the protection of the fundamental rights of residents, including children, of contact area communities of Armenia. The best interests of a child must be a primary consideration in all situations.

The Human Rights Defender, being an independent national human rights body, as well as a body monitoring the implementation of the provisions of the UN Convention on the Rights of the Child, strongly condemns the illegal presence of the Azerbaijani Armed forces in the Armenian communities or in the immediate vicinity of that communities, which has resulted in gross violations of children’s rights and absolute ignorance of fundamental requirements of international law.

It is essential that the international human rights organizations, especially organizations dedicated to the protection of child rights, undertake urgent measures to make a proper legal

assessment of the above-mentioned issues and take all necessary action to exclude their occurrence in the future.

6. Right to water and sanitation

The studies and observations of the Human Rights Defender of Armenia confirm that some serious issues regarding the environmental rights of the residents of the contact area communities have arisen, that endanger the residents' constitutional rights to life, health, physical and psychological inviolability.

It should be noted that the mentioned issues have historically always been of a continuous nature, as a result of which the environmental rights of the contact area communities' residents, including their right to water, have been regularly violated.

A. Issues related to the right to water and sanitation in Syunik

In particular, during the fact-finding mission of the Office led by the Human Rights Defender, the Head of Meghri community and the residents of the rural communities had informed that about 5 years ago, in the Armenian-Azerbaijani contact area near the Meghri community of Syunik Province of Armenia, Azerbaijani servicemen changed the stream fed from the mountains of the Zvaraget tributary of the Meghri River to Nakhichevan (Ordubad region). As a result, Meghri, Agarak towns of Syunik Province of Armenia, as well as Nrnadzor, Shvanidzor, Alvank villages, have faced serious issues related to the availability of drinking and irrigation water.

It is essential to note that the drinking and irrigation water of the communities of Meghri community has always been provided at the expense of the Meghri river. The Zvaraget or Ayrijur tributary starts at an altitude of about 3,500 meters above the sea level on the south-eastern slopes of the Zangezur Mountains and then joins the Meghri main river.

Due to the snowmelt, since August every year, Zvaraget becomes water-rich, as a result of which the full supply of drinking and irrigation water for the mentioned communitys of Meghri community has been provided. Without the above-mentioned stream fed from the mountains of the Zvaraget tributary, the Meghri River ensures the water supply only from the beginning of every year until June-July, after which the Meghri River faces severe water scarcity, and in the Meghri community the river entirely dries up.

In this way, serious damages are being caused to the environment of the Meghri community, in particular, there has been a drying up of agricultural lands, as well as elimination and destruction of flora and fauna.

According to the data collected during the fact-finding mission of the Office led by the Human Rights Defender, every year the Azerbaijani servicemen build brakes with special engineering equipment and change the stream of the tributary to Nakhichevan.

At the same time, all of this is done with the threat of a real dangerous risk to human life, as the section of the "Zvaraget" tributary of the "Meghri" river is under the direct target of the Azerbaijani military and is controlled by them.

These actions of the Azerbaijani Armed forces violate the right to water, which is vital for the residents of the Meghri community of Armenia and is absolutely guaranteed by the international norms. This right includes the human right to have sufficient water for both continuous drinking and domestic use (irrigation, hygiene, etc.). At the same time, there must be not only a safe access to water, but also a full access to it. This right has a unique value and is at the heart of other human rights to life, health, dignity and privacy.

The right to water is so fundamental that the United Nations has declared the right to water and sanitation a global Sustainable Development Goal, taking into consideration the fundamental principles of water, irreplaceable importance for human development, and organization of life's necessities. The UN Secretary-General has described this right as one of the main Millennium Development goals.

The described actions of the Azerbaijani Armed forces grossly violate the Convention on the Protection and Use of Transboundary Watercourses and International Lakes¹²⁹ as adopted in Helsinki on March 17, 1992, and other international instruments.

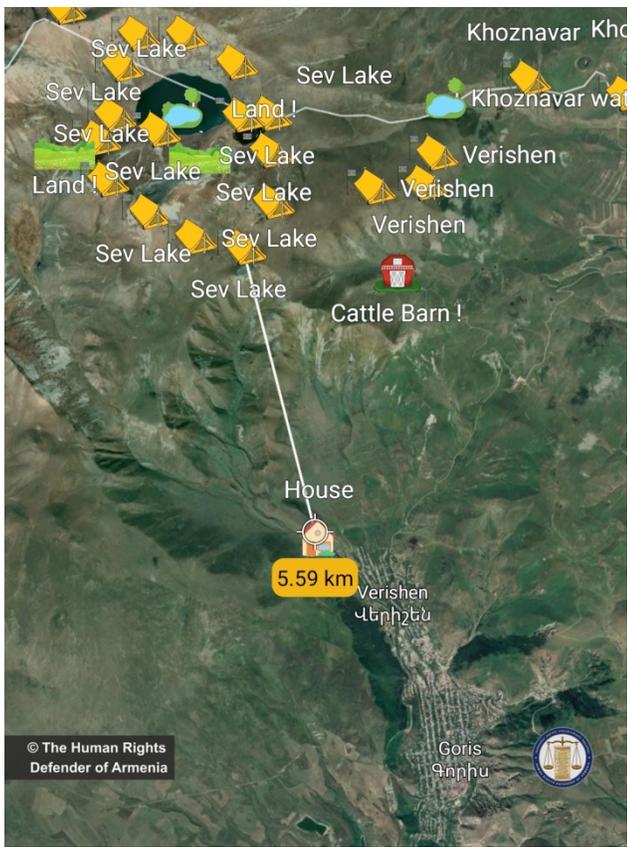
The same tactic of Azerbaijan continued also after the latest September-November 2020 war in Artsakh. Several examples of the Azerbaijani human rights violating policy threatening the right to water of civilians inhabiting near the contact areas were reported.

In particular, during the fact-finding mission of the Office led by the Human Rights Defender, the local residents informed that on May 12, 2021, the Azerbaijani Armed forces had made an illegal advance inside the borders of the Republic of Armenia, including the territory of the Sev Lake of Syunik region, referring to blatantly fabricated map. As a result of the above-mentioned, especially the rural communities of Verishen and Akner of the Syunik Province are under direct threat.

The Sev Lake has the status of a state reserve - an area of scientific, educational, historical, cultural and economic value, where the protection and natural reproduction of ecosystems and their components are being ensured. According to the 2nd point of the RA Government Decision No. 631 of May 29, 2002 "On approving the charter of Sev Lake state reserve", the main purpose of the formation of the reserve is the

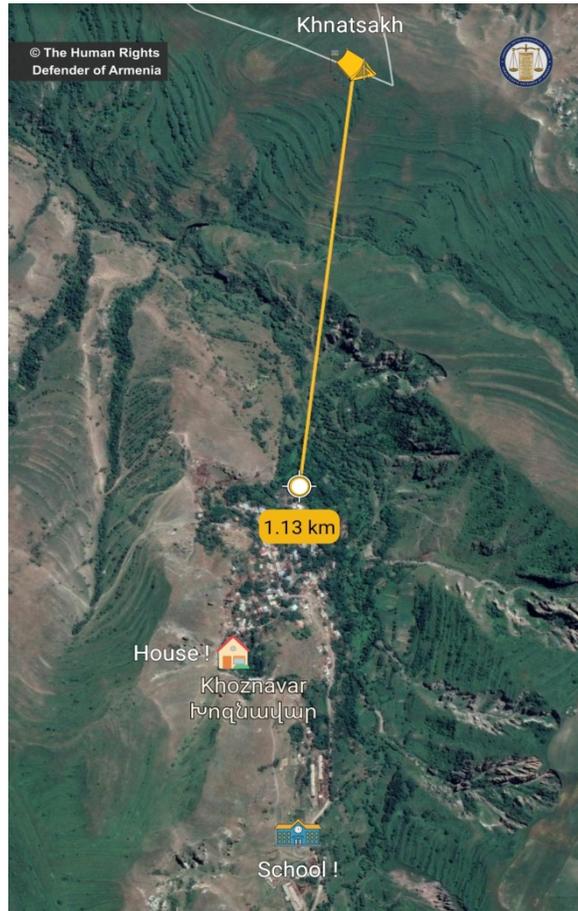
¹²⁹ Available at: <https://unece.org/fileadmin/DAM/env/water/pdf/watercon.pdf>.

protection and sustainable use of the Sev Lake's aquatic and adjacent terrestrial ecosystems, flora and fauna, as well as ensuring the breeding of fish stocks necessary for the artificial reproduction of Sevan Lake's ishkhhan (trout) and beghlu (*Barbus geokschaikus*) fish species.



There has been a spread of information in the mass media about the case of mass poisoning of the residents and soldiers in Sisian community of Syunik Province of Armenia. According to the information, the specialists of the RA Ministry of Health, on-site inspections have discovered hundreds of cases with symptoms typical of intestinal infections. According to the specialists, the possible cause of the infection was water. The mentioned information has also been approved by the RA Ministry of Health.

It is also noteworthy that during the fact-finding mission of the Human Rights Defender's Office the Head of the Tegh community of Syunik Province informed that the source of drinking and irrigation water in the rural community of Khoznavar of Syunik Province of Armenia has come under the control of Azerbaijan, as a result of which the residents have been unable to ensure their safe access to drinking and irrigation water resources. The current situation endangers the life, health and safety of the residents.



B. Issues related to the right to water and sanitation in Gegharkunik region

During the fact-finding mission of the Office led by the Human Rights Defender, the residents informed that on May 12, 2021, the Azerbaijani Armed forces also made an illegal advance inside the territories of the rural communities of Kut and Verin Shorzha of Gegharkunik Province of the Republic of Armenia, referring to an obviously fake map. As a result, especially the rural communities of Kut and Verin Shorzha of the Gegharkunik Province are under direct threat.

Moreover, according to the alarms addressed to the Human Rights Defender, as well as the recordings of the fact-finding mission of the Office led by the Human Rights Defender, the drainage basins fed by Al Lakes have come under the control of Azerbaijan. They provide drinking water resources to some rural communities of the Vardenis community, but currently, as a consequence of a number of dangerous impacts, there is a threat for ensuring a favorable environment for people's life and health.

The missions of the Office led by the Human Rights Defender to Sotk, Norabak, Kut and other villages of Geghamasar community of Gegharkunik Province of Armenia, and discussions with community bodies and residents confirm that this area has historically always been of great importance to both the Great and

Small Al Lakes or Allagyol (located on the southern slopes of the Vardenis Range, North/West of the Syunik Plateau), as well as the pastures to those lakes. In particular, in the Spring season, cattle have been grazed by the villagers over the years, including in the pastures from Vardenis and the surrounding and adjacent villages to Al Lakes. In addition, the grasslands in those areas have provided a significant amount of grass for livestock in the villages of Vardenis and Martuni.

The results of fact-finding activities of the Human Rights Defender show that residents of Jaghatsadzor, Geghamabak, Norabak villages of Gegharkunik Province were also deprived of drinking and irrigation water. The point is that the Azerbaijani Armed forces are present in the areas of water basins and rivers, from which drinking and irrigation water emerges¹³⁰.

The issues of ownership and use of Al Lakes were examined by the Commission for Investigation of Border Disputes between Armenia and Azerbaijan after the formation of the Transcaucasian Federation in 1923, 1925 and again in 1927.

Archival documents show that the use of these areas, including pastures, was justified by Azerbaijan invoking the needs of the nomads of Kurdistan to use these areas.

Presidency of the Central Executive Committee (CEB) of Transnistria in 1929, at its February 18 session, discussed the issue of the pasture among other issues related to the border of the republics that were part of the Federation, wherein, it was decided to hand over the entire disputed territory to the Province of Kurdistan.

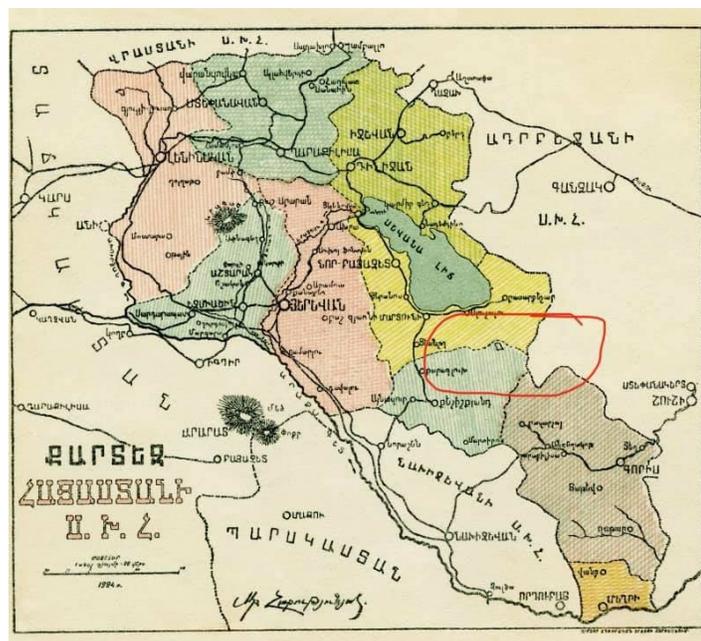
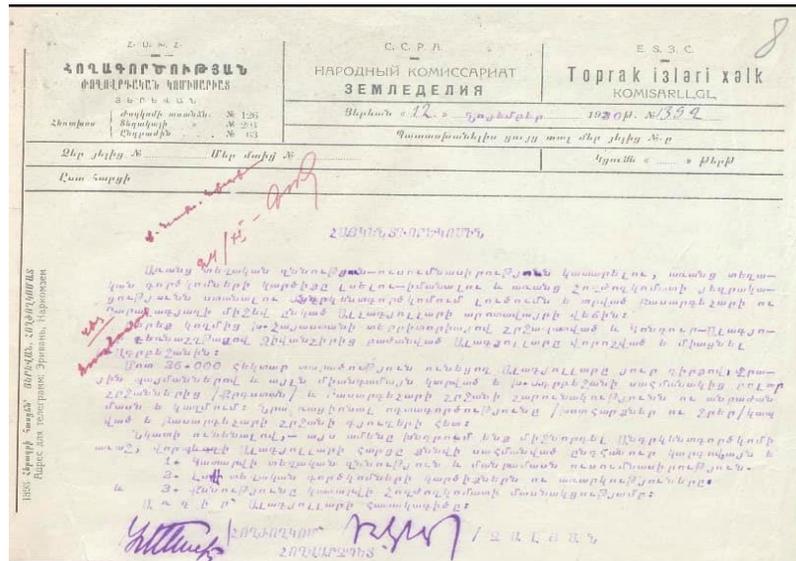
One of the archival documents obtained by the Human Rights Defender of Armenia demonstrates that afterwards, in 1930, in a letter addressed on November 12, 1945 to the Central Committee of the Armenian SSR, the People's Commissariat of the Republic had sent a complaint that the relevant area was completely cut off from all of the border regions of Azerbaijan, and it was and is a continuation and an integral part of the Basargechar region. Further, that its rational use (grasslands and water) is connected with the villages of Basargechar region". Therefore, it was suggested that the Trans-Executive Committee mediate the issue further.

It is interesting and quite telling that in the maps of the 1920s, the Al Lakes are an integral part of Soviet Armenia. Moreover, the map of 1926 was published in the Great Soviet Encyclopedia that further strengthens this point.

The use of these territories has always been linked to the rights of the inhabitants of those regions of Soviet Armenia, and above all, to their economic, property, family, physical security and other vital rights. During the visits of the delegation led by the Human Rights Defender to the mentioned villages of

¹³⁰ Available at: https://ombuds.am/en_us/site/ViewNews/1835

Gegharkunik region, the residents mentioned that issues related to these same rights have now arisen yet again¹³¹.

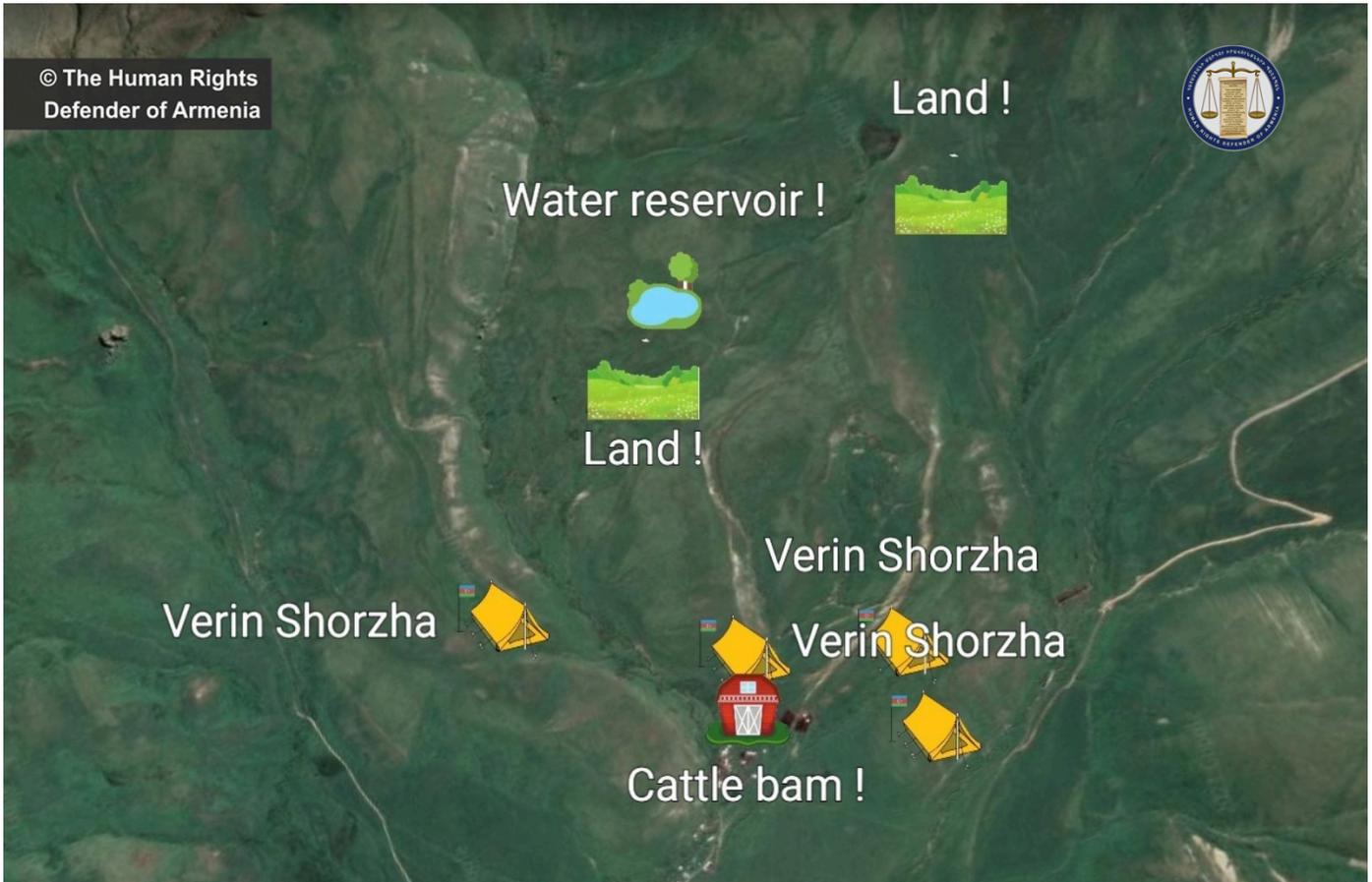


¹³¹ Available at: https://ombuds.am/en_us/site/ViewNews/1502.



During the fact-finding mission of the Office led by the Human Rights Defender, the residents informed that the Azerbaijani Armed forces have advanced about 6 km in Verin Shorzha community of Gegharkunik Province of Armenia, as a result, the reservoir in the highland has come under the control of the Azerbaijani Armed forces and water issues have arisen in the rural communities of the region, such as Verin Shorzha, Ayrk, Shatjrek and Jaghatsadzor amongst others.





Residents of Norabak village of Geghamasar community of Gegharkunik Province have informed that the village has faced an issue related to drinking water, since the drinking water basins are located on the Armenian-Azerbaijani border area, and in the current situation working in the mentioned area has become dangerous.

Taking into consideration the above-mentioned issues, it should be noted that according to the “Applied issues in international land boundary delimitation/demarcation practices” by OSCE, “in reaction to questions from the floor on the influence of geological and meteorological change on borders, experts explained that phenomena such as tectonic shifts, sea rising, melting ice caps and **the drying up/changing course of rivers could cause changes in topographic and hydrographical maps.** They also added that shifts of land in some cases required the re-equilibration of GPS reading. In some rather exceptional cases, countries have fixed their borders rigidly to make border monuments insensible to such phenomena, but borders cannot be fixed by the millimetre. Possible problems connected with river boundaries were also raised by a number of participants, with the discussion focusing on the evolving nature of rivers and the impact this has had on the delimitation/demarcation of river boundaries. While a number of participants stressed that border lines should not be influenced by the changing course of a river, others claimed that such changes should lead to

modifications in topographic and hydrographical maps, as well as in the relevant legal documents referring to such border lines¹³².

It is also stated by the OSCE that “other practical and “human” aspects were also put forward as key elements to be taken into consideration such as the opinion of local authorities and the situation of near border residents, their needs and interests, which according to a number of participants should influence and legitimize the work of parity commissions¹³³”.

The process of determining the state borders is directly related to and affecting the rights of the residents, therefore, all solutions should be based on professional approaches, on-site studies and commission work to ensure the proper implementation of the fundamental human rights.

¹³² See Organization for Security and Co-operation in Europe, “Applied issues in international land boundary delimitation/demarcation practices”, A Seminar organized by the OSCE Borders Team in co-operation with the Lithuanian OSCE Chairmanship, 31 May to 1 June 2011, Vilnius, Lithuania, page 27, available at <https://www.osce.org/files/f/documents/b/c/85263.pdf>.

¹³³ Ibid., page 28.

VI. DEMILITARIZED SECURITY ZONES AS GUARANTEES FOR HUMAN RIGHTS

1. *General information on security zones*

Security zones or safe zones are sometimes the only way to guarantee safety, physical and existential security to people unable to leave a conflict zone. In those circumstances, drawing on practice that has developed around refugee camps and new ‘protection of civilian’ peacekeeping mandates, safe zones should be neutral, demilitarized and humanitarian in nature. Where they are the only means of providing people with some level of security, special regard must be paid to their creation, to access, to ensuring continued protection, to facilitating the rights of those living there, and to issues of responsibility and accountability of all relevant actors if they are to be at all meaningful.

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

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

A ‘safe zone’ suggests an area within a country engulfed in armed conflict or generalized violence that is made safe from military attack. The idea is that those within the zone can live there safely, protected from the impacts of the conflict (such as accessing work or education and being able to obtain necessary foodstuffs and medicines)¹³⁴.

There are various examples of creation of security zones for humanitarian purposes in international practice. The mentioned zones have not always been called “security zones”, some of them have been called “buffer zones”, “safe zones”, “safe areas”, “protected zones”, “temporary security zones”, “demilitarized zones” and so on, but the main purpose of the creation of each of them has always been exactly the same: ensuring the security and protection of fundamental human rights of the people living in those areas.

¹³⁴ See “Creating safe zones and safe corridors in conflict situations: Providing protection at home or preventing the search for asylum?”, Geoff Gilbert and Anna Magdalena Rüsçh, June 2017, pages 1-3, available at https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_brief_Creating_safe_zones_and_safe_corridors.pdf.

Therefore, a person with his/her fundamental human rights has always been at the core of the discussed process.

In this context, it is noteworthy that the buffer zones envisioned by the Geneva Conventions, “*have a humanitarian and not a political aim; they are specially intended to protect the population living there against attacks*¹³⁵”.

A buffer zone can take many forms. It can be installed unilaterally or multilaterally, as well as by a UN Security Council resolution. It might be patrolled by a single state or a coalition, by two states together (even prior to potential adversaries), or by UN peacekeepers. It could also be demilitarized, so as to keep the area neutral and prevent hostilities. It is essential to note that a buffer zone has flexible-use capacity: it can guard passively and defensively against threats of both other states and (transnational) non-state actors. Buffer zones can have many functions.

For example, **the buffer zones may guard against two states engaging in hostilities or going to war against each other. Surely, this is the most common association with the term buffer zone. In this case, the states may agree to not base any military hardware there so as to prevent hostilities.**

Buffer zones may also serve to contain a civil conflict within one state from spilling into another. In this case, the zone could be a jointly patrolled security cordon between two neighboring powers to prevent the spillover of violence, fighters, and other destabilizing elements.

Calls for a buffer zone may be motivated by humanitarian concerns. Humanitarian buffer zones are usually called “safe zones”, “safe areas” or “safe havens”, where differences in terms denote a difference in geographic extent, togetherness and placement in the conflict area. The purpose of such a zone would be to shield civilians and refugees from violence perpetrated by the conflict parties, which is why it is usually implemented by a third-party coalition¹³⁶.

2. Cases of security zones in international experience

Clearly, as most historical examples would suggest, strategic functions and humanitarian motivation of buffer zones are not mutually exclusive. Instead, they most often complement each other. For example, Operation Provide Comfort, which established a humanitarian buffer zone with an extensive safe haven as well as a no-fly zone in northern Iraq in 1991, ostensibly was motivated by the need to ease the refugee crisis along the Turkish border. Yet, Turkey, according to publications, was also

¹³⁵ See “Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949”, Yves Sandoz, Christophe Swinarski and Bruno Zimmermann, eds, International Committee of the Red Cross, 1987, page 709, available at https://www.loc.gov/rr/frd/Military_Law/pdf/Commentary_GC_Protocols.pdf.

¹³⁶ See “The futility of buffer zones in international politics”, Lionel Beehner and Gustav Meibauer, 2016, pages 3-5, available at http://eprints.lse.ac.uk/65684/1/Meibauer_The%20futility%20of%20buffer%20zones.pdf.

interested in weakening the ability of the Kurdish pro-independence rebels to carry out cross-border attacks from northern Iraq. In this way, for Turkey the buffer zone was one of both humanitarian necessity and strategic opportunity¹³⁷.

Gaza's no-go zone is also an instance of a familiar tool in international politics: the buffer zone. Long favored as a means of defusing conflict, buffer zones have been employed on nearly every continent over the course of history. An early European application was the "neutral ground" that separated Spanish and British encampments in Gibraltar in the eighteenth century. Other notable, bygone examples include those established by the Concert of Europe (in the Netherlands, Scandinavia, and Switzerland), the Treaty of Versailles (German Rhineland), the Tanggu Truce (Chinese Manchuria), and the Geneva Conference (North and South Vietnam). Buffer zones were inaugurated as conditions of the independence of Norway from Sweden and of several Baltic states from Russia¹³⁸.

Buffer zones near the Golan Heights have shielded effectively the violence in Syria from spilling into Israel. When Israel withdrew its forces from Lebanon in 1985, it retained a six-mile security corridor along its northern periphery to prevent attacks from Hezbollah, which it did reasonably well for decades. The buffer zone between the Koreas has held for more than half a century¹³⁹.

The International Committee of the Red Cross in its Position Paper entitled "The establishment of protected zones for endangered civilians in Bosnia and Herzegovina" has specifically mentioned; *"the main aspects of the "ethnic cleansing" process in Bosnia-Herzegovina are well known: intimidation, threats, harassment, brutality, expropriation, torture, large-scale hostage taking and internment of civilians, larger-scale deportations, summary executions, etc. For months the situation has become more and more tragic and desperate for the civilians belonging either to ethnic minorities or to the defeated sides, as in northern Bosnia-Herzegovina or more recently in the central part of the country (Jajce-Travnik-Prozor area), where the situation is deteriorating daily. Today there are at least 100,000 Muslims living in the north of Bosnia-Herzegovina, who are terrorized and whose only wish is to be transferred to a safe haven. If the international community wants to assist and protect these people, the "safe haven" concept must be transformed into reality. As no third country seems to be ready, even on a provisional basis, to grant asylum to one hundred thousand Bosnian refugees, an original concept must be devised to create protected*

¹³⁷ Ibid., page 5. See also George H.W. Bush Presidential Library, "Telephone conference notes from April 15, 1991 with Turgut Ozal, Turkey", available at <https://bush41library.tamu.edu/files/memcons-telcons/1991-04-15--Ozal.pdf>; "Telephone conference notes from April 16, 1991, with Turgut Ozal, Turkey", available at [https://bush41library.tamu.edu/files/memcons-telcons/1991-04-16--Ozal%20\[1\].pdf](https://bush41library.tamu.edu/files/memcons-telcons/1991-04-16--Ozal%20[1].pdf).

¹³⁸ See "Between Here and There: Buffer Zones in International Law", Eian Katz, page 1380, available at https://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/07%20Katz_CMT_Final.pdf.

¹³⁹ See "The futility of buffer zones in international politics", Lionel Beehner and Gustav Meibauer, 2016, pages 7-8, available at http://eprints.lse.ac.uk/65684/1/Meibauer_The%20futility%20of%20buffer%20zones.pdf.

zones in Bosnia-Herzegovina which are equal to the particular requirements and the sheer scale of the problem. In view of the extremely alarming situation currently prevailing in the country, the ICRC recommends the international community to set up protected zones in Bosnia-Herzegovina. As a matter of priority, a protected zone should be set up in northern Bosnia-Herzegovina to shelter the endangered civilians. The creation of other such zones might also have to be considered in central Bosnia-Herzegovina in the near future.

It has been mentioned in the Position Paper of the International Committee of the Red Cross that “the concept of a safety zone is included in international humanitarian law, which provides for various kinds of zones. However, the present situation calls for the creation of zones adapted to its specific requirements and, in particular, which need an international protection”.

In the above-mentioned Position Paper, the International Committee of the Red Cross has also mentioned conditions to be met for the protected zones, which are the following: “the protected zone(s) must meet appropriate hygiene standards and be in an area where the necessary protection may be assumed, the international responsibility for such zone(s) must be clearly established, the parties concerned must give their agreement to the concept and to the location of the protected zone(s), duly mandated international troops, such as UNPROFOR, must assure the internal and the external security of this zone(s), as well as for part of the logistics, international organizations must help with the entire installation of the zone(s) – housing, shelter, heating, sanitation – and with the logistics. In addition, the organizations involved must take responsibility for the food deliveries, the cooking and the medical services”.

According to the discussed Position Paper of the International Committee of the Red Cross, “despite the obvious difficulties and the financial, material and logistical burden, not to mention the whole security aspect, that the establishment of such a zone(s) would entail for the international community, the ICRC is of the opinion that there is currently no alternative to this plan. Winter is approaching and it is likely that it will reach Bosnia-Herzegovina before any peace agreement is signed and implemented¹⁴⁰”.

It is noteworthy that the UN Security Council adopted Resolution 819 (April 16, 1993)¹⁴¹ and Resolution 824 (May 6, 1993)¹⁴² regarding the above-mentioned situation in Bosnia and Herzegovina.

In particular, the UN Security Council demanded in its Resolution 819 of April 16, 1993 that “all parties and others concerned treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act”, as well as reaffirmed that “any taking or acquisition of

¹⁴⁰ Available at: <https://casebook.icrc.org/case-study/bosnia-and-herzegovina-constitution-safe-areas>.

¹⁴¹ Available at: [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/819\(1993\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/819(1993)).

¹⁴² Available at: [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/824\(1993\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/824(1993)).

territory by threat or use of force, including through the practice of “ethnic cleansing”, is unlawful and unacceptable” and “those who commit or order the commission of such acts shall be held individually responsible in respect of such acts”.

Additionally, in its Resolution 824 of May 6, 1993, the UN Security Council mentioned that it is convinced that *“the threatened towns and their surroundings should be treated as safe areas, free from armed attacks and from any other hostile acts which endanger the well-being and the safety of their inhabitants” and “treating the towns referred to above as safe areas will contribute to the early implementation of the peace plan”.*

The UN Security Council also declared in its above-mentioned Resolution 824 that *“the capital city of the Republic of Bosnia and Herzegovina, Sarajevo, and other such threatened areas, in particular the towns of Tuzla, Zepa, Gorazde, Bihac, as well as Srebrenica, and their surroundings should be treated as safe areas by all the parties concerned and should be free from armed attacks and from any other hostile act”.*

The UN Security Council also declared that in these safe areas the following should be observed: *the immediate cessation of armed attacks or any hostile act against these safe areas, and the withdrawal of all Bosnian Serb military or paramilitary units from these towns to a distance wherefrom they cease to constitute a menace to their security and that of their inhabitants to be monitored by United Nations military observers (...)*”.

Another example is **the establishment of the Temporary Security Zone (TSZ) along the Eritrea’s and Ethiopia’s common border by the UN peacekeeping operation.**

The Temporary Security Zone (TSZ) was first envisioned in the 18 June 2000 Agreement on the Cessation of Hostilities, signed by both Ethiopia and Eritrea, and brokered by the Organization of African Unity (OAU). **In that document, Ethiopia agreed to redeploy its forces and Eritrea to rearrange its forces in order to create a 25-kilometre-wide buffer zone while the peace process continued to advance.** They also asked the United Nations to create a peacekeeping mission, and to deploy its peacekeepers into the buffer zone, to monitor compliance with their security agreements. **It was agreed in all stages of the peace process, starting from the June Agreement, that the TSZ would not pre-judge or influence any future decisions on contested areas or on border demarcation and delimitation.**

After the UN Security Council accepted the request at the end of July to create a new mission, the first stages of the UN Mission in Ethiopia and Eritrea began immediately, with military liaison officers sent to the prospective Mission area. While the Mission was gathering strength for its future deployment,

establishing offices in the two capitals Asmara and Addis Ababa and beginning its patrols, **a series of high-level meetings were held to negotiate the location of the future TSZ.**

The Military Coordination Commission (MCC), envisioned in the June 2000 Agreement, was created to bring representatives of the two armed-forces together to address issues of relevance to the peacekeeping mission.

First MCC (December 2, 2000/Nairobi): the parties agreed to a formula for redeployment and rearrangement of their respective forces in accordance with the June Agreement. The Force Commander was responsible for the timeline determining the redeployment of Ethiopian forces and the readjustment of the Eritrean positions.

Second MCC (December 28, 2000/Nairobi): Ethiopian delegation presented redeployment plans; Eritrean delegation did not accept these plans. Parties refer the matter to the Chief of UNMEE and Special Representative of the UN Secretary-General (SRSG), Legwaila Joseph Legwaila, for guidance.

December-January: SRSG Legwaila held a series of bilateral consultations with the parties.

January 22: UNMEE Force Commander postponed third MCC.

January 30: UNMEE presented both parties with its proposed redeployment plans for establishment of the TSZ. SRSG met personally with both President Isaias Afwerki of Eritrea and Prime Minister Meles Zenawi of Ethiopia inviting them to send their representatives to the next MCC on the basis of their acceptance of the proposal. Force Commander Cammaert announced that the third MCC would be held on 6 February in order for the two parties to discuss modalities for implementing UNMEE's TSZ assessment.

Third MCC (February 6/Nairobi): Both parties expressed general acceptance of UNMEE's TSZ proposal, while placing reservations on the record. **During the third MCC, the parties also agreed to move forward with establishing the TSZ and agreed to a timetable for moving their forces (...)**¹⁴³.

Legwaila Joseph Legwaila mentioned in a statement that *“the establishment of the TSZ marks the formal separation of the forces of the two parties. It is the penultimate step in the resolution of the Ethiopian-Eritrean conflict and a necessary precondition to the implementation of the full peace agreement reached by the parties in Algiers on 12 December 2000”. Mr. Legwaila said that the zone was temporary in nature and “does not in any way prejudice the decision of the Boundary Commission on the delimitation and demarcation of the border”.*

Legwaila Joseph Legwaila also mentioned that *“UNMEE has, however, concluded that it has no other option than to adjust the southern boundary of the TSZ accordingly. It expects to reach agreement on the clarification of the redeployment lines provided by Ethiopia and to gain a more accurate understanding of*

¹⁴³ Available at: <https://reliefweb.int/report/eritrea/unmee-temporary-security-zone-tsz-background-and-status-report>.

the differences between the parties on the ground in specific localities. This will ensure as far as possible the inclusion in the TSZ of the villages to which Eritrean internally displaced persons are expected to return".

According to Legwaila Joseph Legwaila, *"to delay any further the establishment of the TSZ until all areas of disagreement have been resolved to the satisfaction of both parties would subject the civilians seeking to resume their lives in the former war-torn areas to unnecessary suffering".*

The head of the UN Mission underscored that the establishment of the secure area, which will allow for the restoration of civil administration and the return of internally displaced people, was particularly urgent given the impending rainy season and the need to reconnect existing villages and communities to their administrative support systems.

UNMEE also reminded the parties of their obligation to create the conditions for the return of the population and the full respect of their human rights, wherever their homes may be, as called for in the agreement reached in Algiers last December¹⁴⁴.

Under-Secretary-General for Peacekeeping Operations Jean-Marie Guéhenno called the TSZ's establishment, which was announced on April 18, 2001, **"an important milestone in the peace process"**. The Under-Secretary-General stressed that the **TSZ was temporary in nature and did not prejudge the final status of contested areas, which would be decided by the neutral Boundary Commission jointly set up by both countries¹⁴⁵.**

Eritrean families who used to live in the border area with Ethiopia and who were displaced during the war between Eritrea and Ethiopia started to move back in June 2001. **Their home areas were in what has been named the Temporary Security Zone (TSZ), a 25 km wide demilitarized strip of land that was agreed upon as part of the ceasefire. The pressure on the Eritrean government to allow its people to move back home had been building up, with hope of the people returning in time to start a new crop. Another failed harvest season would have been detrimental to any early return of the IDPs.** Consequently, even without all the mined areas being clearly indicated, the people have started to return¹⁴⁶.

The next example is about the **creation of the Security Zone between the area administered by Chisinau and the Transnistrian separatists headquartered in the eastern city of Tiraspol.** Particularly, on March 17, 2020, as Europe was entering lockdown, the village of Molovata Noua in eastern Moldova awoke to find its links to the world severed by mysterious armed men. **They had appeared seemingly**

¹⁴⁴ Available at: <https://news.un.org/en/story/2001/04/1772-milestone-un-sets-temporary-security-zone-eritreaethiopia-border>.

¹⁴⁵ Available at: <https://news.un.org/en/story/2001/04/1702-un-confirms-establishment-temporary-security-zone-ethiopia-and-eritrea>.

¹⁴⁶ Available at: <https://www.msf.org/eritrean-idps-returning-temporary-security-zone>.

overnight, establishing a checkpoint on the only road that connected the village to nearby towns and the Moldovan capital, Chisinau.

In Moldova's case, the conflict dates to the break-up of the vast entity of which it was once a part, the Soviet Union. **Moldova's pursuit of independence was violently opposed by Transnistria (Pridnestrovian Moldavian Republic), a region east of the Dniester river, which wanted to remain within Russia's orbit.** After four months of heavy fighting in 1992, **a Russian-mediated ceasefire led to the creation of the Security Zone – a 12-20 kilometre buffer between the area administered by Chisinau and the Transnistrian separatists headquartered in the eastern city of Tiraspol.**

Transnistria occupies a ribbon of land between the Dniester river and the Ukrainian border, a territory that claims to be a state but is not recognised as such by any country. **International efforts to broker a political community in the dispute have been led by the Organization for Security and Co-operation in Europe, OSCE.** The talks have made fitful progress, while Russia has maintained its influence through allies in both Moldova and Transnistria, and through the presence of a 1,500-strong unit of soldiers stationed in Transnistria since the end of the 1992 war. The Transnistrian dispute is nowadays classified alongside the other so-called “frozen conflicts” that involve Russian-backed separatists in Ukraine and Georgia¹⁴⁷.

It is noteworthy that the case of establishment of a buffer zone by Egypt on Gaza border to help with security and trade. Egypt began establishing the buffer zone following an October 2014 attack on an army post in Sheikh Zuweid in northern Sinai near the border with Gaza. The decision to establish the zone was made by the former Prime Minister of Egypt Ibrahim Mahlab, who specified 13km-wide, 5km-deep buffer zone in Sinai along the border with Gaza.

“The presence of this empty space along the border with Gaza will make it easy for the army to increase its presence in the area and tighten its control on it,” said retired army General Sameh Abu Hashima.

However, some complained that buffer zone required the army to demolish thousands of homes and evict tens of thousands of residents from the Sinai Peninsula. **Residents forced from the area were relocated to other parts of the Sinai and received financial compensation¹⁴⁸.**

Here is another example. **After 1974, most of Cyprus's Greek and Turkish Cypriots have lived separately in northern and southern regions of the island that are currently divided by the UN-controlled Buffer Zone. The Buffer Zone - also called ‘the Green Line’ - extends approximately 180 km across the island. In some parts of old Nicosia it is only a few meters wide, while in other areas it is**

¹⁴⁷ Available at: <https://balkaninsight.com/2020/09/21/moldova-pandemic-brinkmanship-brings-strife-to-security-zone/>.

¹⁴⁸ Available at: <https://thearabweekly.com/egypt-establishes-buffer-zone-gaza-border-help-security-trade>.

a few kilometers wide. Its northern and southern limits are the lines where the belligerents stood following the ceasefire of 16 August 1974, as recorded by UNFICYP.

In line with UNFICYP's mandate to work toward a return to normal conditions, many parts of the Buffer Zone are farmed and/or inhabited. There are several villages or special areas (called Civil Use Areas) within the Buffer Zone, where more than 10,000 people live and/or work. Civilians may enter these areas freely. Elsewhere in the buffer zone, civilian movement or activity requires specific authorization from UNFICYP.

UNFICYP keeps permanent watch over the Buffer Zone with patrols in vehicles, on foot, on bicycles and by helicopter. Additionally, a highly mobile unit stands ready to respond to emergencies within the Buffer Zone. Civilian construction is another regular issue; UNFICYP always has to consider security, ownership and operational requirements in its efforts to encourage a return to normal conditions in the Buffer Zone¹⁴⁹.

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

The establishment of new boundaries radically changes the way of life of the local population. In this regard, it is essential to note that the example of the Agreement between Russia and Finland, which regulates the procedure for Finnish reindeer herders as to their use of summer pastures in Karelia, may well be considered positive¹⁵⁰.

Another noteworthy example is the Permanent Court of Arbitration Case in the matter of an arbitration under the arbitration agreement between the Government of the Republic of Croatia and the Government of the Republic of Slovenia, signed on 4 November, 2009.

In particular, the Parties agreed that **the principle of uti possidetis**—a well-established principle of international law—governs the determination of their land boundary. The Chamber underlined that the principle is “a general principle, which is logically connected with the phenomenon of obtaining independence, wherever it occurs”. Its effect is to “freez[e] the territorial title” and to give “pre-eminence” to “legal title over effective possession as a basis of sovereignty”.

¹⁴⁹ Available at: <https://unficy.org/about-buffer-zone>.

¹⁵⁰ See “Delimitation and demarcation of state boundaries: challenges and solutions”, Organization for Security and Co-operation in Europe, page 15, available at <https://www.osce.org/files/f/documents/9/2/363466.pdf>.

Slovenia added that the cadaster remains relevant as “a valuable element of proof” of legal title. Slovenia emphasizes two points. First, the cadaster constitutes in principle “a contemporaneous official description of the existing reality on the ground”. Second, despite its quite limited initial purpose, the cadaster “as a detailed description of the territory” gained in importance for the administrative division and as an instrument for the determination of boundaries. In that regard, Slovenia asserts that it is “noteworthy” that, at the beginning of the bilateral negotiations between the Parties, the surveying and mapping experts agreed that the cadastral boundaries would be “the point of departure” for the final decision on the border.

The Tribunal does not attribute any probative value to the contention that natural features generally determine the course of the boundary in the region. On the other hand, the cadasters in the area are aligned, which constitutes a prima facie indication of the location of the boundary. **The Tribunal therefore determines that the boundary shall follow the aligned limits of the cadasters of Croatia and Slovenia.**

The Tribunal further observes that, in several matters, Slovenia acted in the disputed area à titre de souverain without provoking any protest in Croatia. The Slovenian local authorities delivered building permits. The police station in Metliki (Slovenia) exercised its powers in Drage without interference from the Croatian security bodies.

The population, households and dwelling of Drage were listed as part of Slovenia on the occasion of the 1981 federal census. The inhabitants seem to have been registered in the Slovenian electoral list as early as 1947, and they participated in the plebiscite of 22 December 1990 as part of Slovenia.

In conclusion, the Tribunal noted that, for more than 40 years, this disputed area was part of the Sekulići/Sekuliči Slovenian cadastral district, without Drage being mentioned in Croatian cadastral districts. It also observed that Slovenia acted à titre de souverain in the area and in a number of fields without objection from Croatia. Therefore, the Tribunal determined that the boundary is the eastern limit of Slovenia’s Sekulići/Sekuliči cadastral district¹⁵¹.

It is essential to note that, despite of having corresponding cadastral documents, people living in the border communities of Armenia have currently faced issues related to their property rights. Therefore, the above-mentioned practice should also be taken into consideration.

¹⁵¹ See PCA Case No. 2012-04, “In the matter of an arbitration under the arbitration agreement between the Government of the Republic of Croatia and the Government of the Republic of Slovenia, signed on 4 November, 2009”, June 29, 2017, available at <https://pcacases.com/web/sendAttach/2172>.

VII. THE URGENT NECESSITY FOR A DEMILITARIZED SECURITY ZONE IN THE AREAS OF CONTACT WITH THE AZERBAIJANI MILITARY FORCES AS A FUNDAMENTAL SAFEGUARD TO PROTECT THE RIGHTS OF POPULATION IN ARMENIA

As it was shown in this report, to protect human rights of Armenia's population a demilitarized security zone should be created in the areas of contact with the Azerbaijani military forces. This zone would serve a fundamental safeguard to protect vital human rights of all people who live in Armenia. However, the need for a demilitarized security zone is especially urgent so as to restore and guarantee violated rights of the bordering population of Armenia, to ensure peace and security - their normal life.

This concept entails the removal of all Azerbaijani Military forces, including the Armed Forces, the State Border Service and the Police of Azerbaijan. This removal also means the removal of Azerbaijani signs and flags, different traffic control equipment, including CCTVs. It also entails that all Armenian Border Guards or Armed forces must also be removed and located in the immediate vicinity of Azerbaijani new locations. They will serve as guarantees for the rights of the population of Armenia.

It should be mentioned that the Law of Armenia on the State Border establishes a border zone and a border layer. According to Article 21 of the Law:

“The border zone is the territory that stretches from the state borderline of the Republic of Armenia into the depth of the territory of the Republic of Armenia, with a width of up to 5 kilometres.

With a width of up to one kilometre, the border layer is a part of the border zone that adjoins the state border or the banks of the boundary waters when passing through the state border via aquatic territory.

According to this Article, the boundaries of the border zone and border layer shall be established and changed by the Government of the Republic of Armenia, according to locality”.

Apparently, the demilitarized security zone proposed by the Human Rights Defender of Armenia does not mean the border zone or the border area provided by the RA Law on the State Border.

The fact of the matter is that as a consequence of the war there is an already existing border zone per se. The border zone, as provided in the law, involves houses, lands and other civilian objects. Thus, creating a security zone at the expense of the territories within the border zone would mean new internally displaced persons, confiscation of lands, etc. In other words, it would result in new cases of human rights violations which are absolutely unacceptable.

Moreover, many houses, lands and other civilian objects that belong to the Armenian population have come under the control of Azerbaijani military forces. There are state issued cadastral certificates, signed contracts and other documents confirming legitimate rights of the Armenian population over these objects.

Therefore, the removal of the Azerbaijani military forces (Armed forces, State Border Service, Police, all their equipments) will restore the rights of Armenian population, will ensure their normal life and will safeguard their rights in the future. This territory should cover at least 10km, which is the most optimal territory for the security of people and for the restoration of their violated rights and destroyed life. The observance or the control of the security zone should be carried out by an international monitoring or any other peace-keeping mission.

On the other hand, creation of a security zone does not mean that the territory would be recognized officially as part of the Republic of Armenia. The demilitarized security zone is only for the restoration of human rights and normal life of the population in Armenia; it should also become subject for discussions within delimitation and demarcation processes. As mentioned above, there are also such solid grounds for the security zone, as cadastral documentation; lands lease agreements and other documents certifying the rights of the Armenian population. In the absence of demarcation and delimitation between Armenia and Azerbaijan, these documents must serve particular legal grounds. According to the OSCE requirements, the advance or cadastral map is a basic and primary document in preparing and conducting negotiations. This also derives from the jurisprudence of the International Court of Justice¹⁵².

The thing is that the state border delimitation and demarcation process, as international experience evidences, may take many years (10, 20, 30 or even more). This would mean that rights of the Armenian population would remain violated and people's normal life disrupted for decades. For decades people would have to live under threats of war and danger for their lives and lives of their families; would be deprived of their lands, houses and possibilities of family incomes; would refrain from using roads to go to their communities or would continue traveling under the danger that Azerbaijani Armed servicemen may stop or kidnap them at any moment, illegally confiscate their cars or impose fines on them. This absolutely unacceptable scenario would force people to continue living in social problems and facing hopelessness for their rights and unfeasibility for obtaining minimum livelihood. In addition to all these violations and threats, Azerbaijani authorities continue deepening Armenophobia and animosity propaganda against Armenians.

It should be mentioned specifically that on 27 September 2021, the Parliamentary Assembly of the Council of Europe (PACE) adopted a Resolution no. 2391 on "Humanitarian consequences of the conflict

¹⁵² See the OSCE Guidebook on Delimitation and Demarcation of State Boundaries: Challenges and Solutions available at <https://www.osce.org/files/f/documents/9/2/363466.pdf>.

between Armenia and Azerbaijan / Nagorno Karabakh conflict", which underlined a number of important issues of relevance to the current concept paper. Specifically, it underlines the war crimes and gross violations committed by the Azerbaijani Armed forces, which, *inter alia*, serve as bases for the initiation of the recommendation of the security/demilitarized zone.

In particular, among other things the Resolution underlined that:

- worrying allegations and evidence of extrajudicial killings, including, for example, the alleged decapitation or throat slitting of at least two Armenians (point 8.1);
- substantial number of consistent allegations of inhuman and degrading treatment and torture of Armenian prisoners of war by Azerbaijanis (point 8.2);
- catastrophic impact on the cultural heritage and property of the region (point 18):
 - ✓ condemns the damage deliberately caused to cultural heritage during the 6-week war, and what appears to be the deliberate shelling of the the St. Holy Saviour Ghazanchetsots Cathedral in Shushi, as well as the destruction or damage of other churches and cemeteries during and after the conflict (point 18.2);
 - ✓ remains concerned, in the light of past destruction, about the future of the many Armenian churches, monasteries, including the monastery in Khutavank/Dadivank, cross-stones and other forms of cultural heritage which have returned under Azerbaijan control (point 18.3);
 - ✓ expresses concern about a developing narrative in Azerbaijan promoting a “Caucasian Albanian” heritage to replace what is seen as an “Armenian” cultural heritage (point 18.4);
- regrets that in Azerbaijan remain statements at the highest level which continue to portray Armenians in an intolerant fashion. The so-called military “Trophy Park” in Baku creates serious concerns, and the Assembly considers that the use of caricatured and stereotyped mannequins exacerbates levels of intolerance and should have no place in a museum or society (point 19.2);

Most importantly, Point 17 of the Resolution provides that *the Assembly is greatly concerned by the increase in incidents at various points of the border since May 2021. There have been deaths and injuries and Armenian soldiers have been taken captive.*

The Assembly therefore calls on both sides to:

17.1. de-escalate and keep to the positions agreed by the parties under the Trilateral statement;

17.2. negotiate on a process of delimitation and demarcation of the border and examine the possibility of creating a demilitarised zone with the presence of a peacekeeping or military monitoring force¹⁵³.

Thus, the creation of a demilitarized security zone in the areas of contact with the Azerbaijani military is an urgent necessity as a fundamental safeguard to protect the rights of population in Armenia. The urgency of this zone, consequently the urgency for restoration of the rights of the Armenian population require the creation of the zone before any delimitation or demarcation process or at least in parallel with that process.

Finally, below is the online link to the Azerbaijani illegal locations around and in Syunik and Gegharkunik provinces; all the data is based on the Human Rights Defender's fact-finding missions and investigations and are presented through the Google Earth Application:
https://earth.google.com/earth/d/1pBOViOfMoQ5C2dju4v_cWr5X63RJrt2y?usp=sharing

¹⁵³ See the Resolution of the Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno Karabakh conflict (Resolution no. 2391, 27.09.2021) available at <https://pace.coe.int/en/files/29483/html>.

