



HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA



AD HOC REPORT

ON HUMAN RIGHTS CONTINUOUS VIOLATIONS AS A RESULT OF
THE SHELLING BY THE AZERBAIJANI ARMED FORCES IN THE
DIRECTION OF YERASKH SETTLEMENT OF THE REPUBLIC OF
ARMENIA SINCE JUNE 2023



YEREVAN
18 JULY 2023



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I. INTRODUCTION

1. This Ad Hoc Report presents the violations of human rights recorded as a result of the fact-finding activities carried out by the RA Human Rights Defender in Yeraskh settlement in the Ararat community of Ararat province.
2. Yeraskh settlement is located in the sovereign territory of the Republic of Armenia, Ararat province, 66 km from the capital of Yerevan.
3. All the civil infrastructures of the Yeraskh settlement, the school, the kindergarten, as well as the metallurgical plant being built by "GTB STEEL" LLC with foreign investment (hereinafter Plant), are under the direct vantage point of the Azerbaijani combat positions.
4. According to the information received by the Human Rights Defender's Office of Armenia, on June 13-14, 2023, Azerbaijani combat positions fired in the direction of Yeraskh, especially the Plant under construction in Yeraskh was subjected to intense and targeted shelling.
5. As a result of the actions of the Azerbaijani armed forces, the civilian population's rights to life, mental and physical integrity, property, education, work, entrepreneurship and a number of other fundamental rights were violated.

II. METHODOLOGY

6. The Report aims to collect, analyze and present the violations of human rights as a result of the shooting by the Azerbaijani armed forces in June 2023 in the direction of the Yeraskh settlement located in the sovereign territory of the Republic of Armenia and present recommendations for addressing the issues related to the protection of human rights.
7. On June 15, 2023, the fact-finding group led by the Human Rights Defender visited the Yeraskh settlement.
8. The visit aimed to carry out fact-finding activities on human rights violations as a result of intense shooting in the direction of Yeraskh by the Azerbaijani armed forces on June 13-14, 2023, collecting facts and evidence confirming the violations, raising the issues of concern to the civilian population, the directorate and employees of the Plant, as well as get acquainted with the health condition and the course of treatment of two foreign citizens working at the Plant, who were injured as a result of the shooting and taken to the medical center.
9. The Human Rights Defender discussed the situation on the spot with the regional administration of Ararat province, the administrative staff of the Ararat community and the Administrative Head of the Yeraskh settlement. Separate meetings were held with the residents, as well as with the Director of Yeraskh secondary school.
10. Meetings and private talks were held with the directorate and employees of the Plant under construction in Yeraskh.
11. The Human Rights Defender visited two Indian citizens receiving inpatient treatment at the Ararat Medical Center, who were injured as a result of the Azerbaijani shootings. The Defender discussed the issues of their health condition with the Director of the Medical Center and the treating doctor.

12. In the framework of development of this Report, the HRDO conducted a study of publications, videos, photos published on media platforms, and analyzed the calls received by the HRDO, including the 24/7 hotline calls.
13. The Mass media¹, non-governmental organizations and actors cooperating with the Human Rights Defender's Institution have shared similar information.
14. Structurally, the Report contains the following sections: presentation of information obtained as a result of the fact-finding activities carried out in the Yeraskh settlement, recording of violations of rights to life and security, physical and mental integrity, education, engaging in economic activity, labor rights, as well as the presentation of the recommendations of the Human Rights Defender on the recorded issues.

III. THE AGGRESSION OF THE AZERBAIJANI ARMED FORCES AND THE VIOLATIONS OF THE RIGHTS OF CIVILIAN POPULATION

15. On June 13-14, 2023, the Azerbaijani armed forces opened intense fire in the direction of the Yeraskh settlement, using weapons of various calibers, as well as sniper rifles.
16. The Plant was subjected to targeted shelling, as a result of which 2 Indian citizens involved in the construction works of the Plant were injured. The construction works of the Plant were ceased.
17. Because of the shootings, the exam conducted at the Yeraskh school was stopped, the students and teachers were evacuated from the school.
18. On June 15, the working group headed by Defender Ms. Anahit Manasyan visited Yeraskh settlement to get acquainted with the state of human rights protection on the spot².
19. As a result of round-the-clock studies and fact-finding activities carried out by the Human Rights Defender's Office, it was recorded that the rights to life and security, physical and mental integrity, education, work, entrepreneurship and other fundamental rights of Yeraskh residents were violated due to the actions of Azerbaijani servicemen³.

a) Violations of the right to life and security, mental and physical integrity

20. During the visit to Yeraskh settlement, the fact-finding group of the Human Rights Defender recorded that the houses of the residents are a few hundred meters away from the Azerbaijani combat positions, and the nearest house is only 100 meters away from the Azerbaijani combat position. Civil infrastructures, including people's houses, schools, kindergarten are under the direct vantage point and targeting of the Azerbaijani armed forces.
21. The residents expressed concern about security issues and noted that their peaceful and normal life was disrupted due to the shootings of the Azerbaijani armed forces, a real danger was created for people's life and security, mental and physical integrity.

¹ <https://www.azatutyun.am/a/32460636.html>
<https://www.youtube.com/watch?v=E88iBgbKf8E&t=19s>
<https://www.youtube.com/watch?v=zI2US0x6UzQ>

² https://www.ombuds.am/en_us/site/ViewNews/2582

³ https://www.ombuds.am/en_us/site/ViewNews/2580

22. Particularly, the residents informed the fact-finding group that on the evening of June 13, 2023, the Azerbaijani armed forces opened intense fire for more than an hour and a half in the direction of the settlement, especially targeting the territory of the newly constructed Plant.
23. According to the residents, the shootings continued with a new intensity on June 14 at 11:00 in the morning.
24. The Azerbaijani armed forces, inter alia, fired shots in the direction of the M2 interstate highway passing through the settlement and targeted the flag of the Republic of Armenia placed on the road, damaging it. The administrative head of the Yeraskh settlement noted that the flag was replaced with a new one.
25. The shootings were unprecedentedly intense and their loud sound was clearly audible throughout the settlement. According to the residents, such a loud sound of the shots allows us to claim that they were fired from large-caliber weapons. The created situation has caused tension among the residents, especially the elderly and children, and people have found themselves in uncertainty.
26. The Human Rights Defender registers again that the Azerbaijani armed forces aim to terrorize the population and cause alert among them constantly.
27. In this regard, it is important to make a reference to legal acts regulating issues related to security, and consider the relevant issues in this context.
28. Within the context of its General Comment No.4, the Committee on Economic, Social and Cultural Rights (CESCR), referring to the right to adequate housing, which is a component of the adequate standard of living, stated that: “The right to housing... should be seen as the right to live somewhere in security, peace and dignity”⁴.
29. As a result of the acts of the Azerbaijani Armed Forces and their aggressive behavior, it has become impossible to guarantee a person's right to live in peace, which is an important component of the right to housing.
30. Moreover, Article 8 of the European Convention on Human Rights guarantees everyone’s right to respect for his private life, which according to the case law of the European Court of Human Rights includes a person’s mental and physical integrity.⁵
31. In this context, it is important to note that **States have a negative obligation not to take measures that would unlawfully interfere with the realization of the rights guaranteed by the Convention.**
32. **It is evident that the behavior of the Azerbaijani servicemen also contradicts the principles and purposes defined by the Charter of the United Nations, and is a threat to peace and a manifestation of aggression.**
33. Therefore, the Defender underlines that the acts of the Azerbaijani armed forces in the direction of the Yeraskh, which aim to terrorize and intimidate the civilian population, and to hinder the proper exercise of their rights, are clearly unlawful and contradict international law.

⁴ See General Comment No.4 of the Committee on Economic, Social and Cultural Rights, para. 7; <https://www.refworld.org/pdfid/47a7079a1.pdf>

⁵ See, for example, the February 11, 2020 judgement in the Buturugă v. Romania, application no. 56867/15; The April 8, 2021 judgement in the Vavříčka and Others v. The Czech Republic, application No. 47621/13.

b) Issues related to the unhindered realization of the right to education

34. On June 15, 2023, the fact-finding group headed by the Human Rights Defender visited the secondary school of the Yeraskh settlement.
35. It was registered that the school of the settlement and the kindergarten located next to the school are under the vantage point of the Azerbaijani armed forces, in the immediate vicinity of the combat positions. The school, where 129 students' study, is at a distance of 300-400 meters from the nearest Azerbaijani combat position.
36. The principal of the school informed that the shootings started on the morning of June 14, when students were giving their exams. Moreover, the shots were fired directly from the Azerbaijani positions located on the hill in front of the school.
37. The students continued to take their exam for about 15 minutes under the sounds of gunfire. However, as a result of the unprecedented intensity of the shots and their loud sound, as well as taking into consideration the anxiety of the children and teachers, they had to finish the exam 20 minutes earlier. The principal noted that a special protocol/record was drawn up on completing the exam earlier than planned; this was also presented to the Defender (a picture of the document is presented in Chapter V of the report).
38. The principal of the school also stated that due to security reasons, they had to evacuate the children and teachers in groups from the school.
39. The situation which was generated as a result of the acts of the Azerbaijani armed forces created real security issues for the children and prevented them from realizing their right to education.
40. Within the context of these issues, it is imperative to underline that **the right to education is a fundamental right, the guaranteeing of which is important for the realization of other rights and freedoms.**
41. According to Article 26 of the Universal Declaration of Human Rights, everyone has the right to education. Article 28 of the UN Convention on the Rights of the Child also guarantees the child's right to education.
42. Documents adopted by the United Nations Security Council, the General Assembly, the Committee on the Rights of the Child, and the Parliamentary Assembly of the Council of Europe have emphasized not only the inadmissibility of the violations of the rights of the child during military operations, but also the need of the prevention of its consequences, which are necessary for the daily lives of the children, and the guaranteeing of their mental and physical development. The direct attacks and targeting of educational institutions, and institutions providing care and protection to children, have been condemned numerously by the above-mentioned international organizations.
43. **The Human Rights Defender records that the continuous aggressive behavior of the Azerbaijani Armed Forces in the direction of the border communities of Armenia directly disrupts the normal life of children, including the proper realization of their right to education, grossly violating fundamental rights guaranteed by international law.**

IV. THE DIRECT AND DELIBERATE SHOOTINGS OF THE AZERBAIJANI SERVICEMEN IN THE DIRECTION OF METALLURGICAL PLANT WHICH IS CURRENTLY BEING CONSTRUCTED

44. The fact-finding group headed by the Human Rights Defender also visited the territory of the metallurgical Plant (the Plant) under construction in Yeraskh, where the Defender met and held private interviews with the citizens of Armenia and India involved in the construction works of the Plant. Around 130 Armenian and 70 Indian employees work in the Plant.
45. The management and employees of the Plant gave detailed information to the Defender about how Azerbaijani servicemen shot in the direction of the Plant for more than one and a half hours on the evening of June 13, 2023.
46. At that time, active construction works were going on in the territory of the Plant, the works were forcibly stopped as a result of the shootings.
47. The targeted shootings were in the direction of the Plant, where 25 employees were working at that moment. According to the employees, the shots were aimed at disrupting the construction works being carried out in the territory of the Plant.
48. They also stated that the shooting became especially intense when a large number of employees and construction equipment were involved in the construction work; when the works were stopped, the shootings also stopped.
49. On June 13, the newly built columns, walls, fence, the administrative building of the Plant, as well as the equipment involved in the construction works, were damaged as a result of Azerbaijani shootings.
50. The employees also reported that on that day the shootings were conducted from weapons of different calibers, and they were targeted and deliberate.
51. On June 14, 2023, the active construction works of the Plant were resumed. Meanwhile, at around 11:00 am, the Azerbaijani armed forces conducted targeted shootings at the employees and construction equipment. For example, the crane and tractor involved in the construction works were directly targeted.
52. The residents stated that they believe that the shootings were conducted from a specific type of sniper rifles (Istiglal anti-materiel rifle)⁶ manufactured in Azerbaijan, because they were more targeted, and caused more damage. To prove this fact, the residents presented the marks left by shootings from that weapon in different parts of the Plant, as well as the fragments left from the bullets.
53. As a result of those shots, two Indian citizens engaged in the construction of the Plant received shrapnel injuries. The employees noted that they barely managed to evacuate the wounded from the area, because the Azerbaijani servicemen fired shots in the direction of both the employees carrying the wounded and the other employees hiding from the shots.
54. According to the directorate of the Plant, 2 injured employees were targeted also because they were working with oxygen devices (with cylinders), and the Azerbaijani soldiers deliberately targeted those devices in order to cause a big explosion in the area.

⁶<https://shorturl.at/kpyKP>

55. The employees and the directorate of the Plant presented to the Defender the fact that there have never been soldiers and military equipment in the territory of the Plant.
56. The fact-finding group toured in the territory of the premises of the Plant and recorded the consequences of the Azerbaijani shootings. In particular, it was recorded that the newly built concrete columns of the Plant, the walls, the fence, the administrative building of the Plant, the civilian car parked in front of the building, as well as the equipment involved in the construction works, were damaged.
57. The directorate of the Plant stated that a complete calculation of the damages has not yet been conducted, but if the situation continues, the damage will be much greater due to the delay in the completion of the construction activities.
58. **Due to the actions of the Azerbaijani armed forces, the internationally guaranteed right to engage in economic, including entrepreneurial activities, enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the RA Constitution, was violated. The labor rights of hundreds of citizens have been seriously threatened.**
59. The Azerbaijani shootings and targeting of Yeraskh settlement and especially in the direction of the Plant continued in the following days (for example, on June 16, 19, 24, July 10⁷, etc.)⁸. The directorate of the Plant issued a statement that the activity of the Plant is paralyzed, any movement of equipment is targeted, due to this, very limited activities are being carried out⁹.
60. The RA Foreign Ministry¹⁰, the US State Department¹¹, as well as the directorate of the Plant¹² made a statement in connection with the targeting of the Plant and the injuries of the employees. EU observers¹³ and representatives of the international diplomatic corps accredited in Armenia visited Yeraskh¹⁴.
61. In addition, the Plant's directorate has distributed a special video, in which episodes of shots fired by the Azerbaijani armed forces can be seen¹⁵.
62. Taking into consideration the combination and analysis of all documented undeniable evidence, the Human Rights Defender of Armenia records:
"The actions of the Azerbaijani armed forces obviously and directly target civilian objects and civilian population, which grossly violates the legal standards and principles accepted in the modern world, constitutes an evident disregard for human rights and international law, and contradicts the United Nations Charter."
63. The Human Rights Defender also visited the Ararat Medical Center, where she met two Indian citizens injured by Azerbaijani shootings. After receiving injuries on the morning of June 14, they were immediately transferred to the mentioned medical center.

⁷ <https://www.aysor.am/am/news/2023/07/10/%D5%A5%D6%80%D5%A1%D5%BD%D5%AD/2117476>

⁸ <https://www.pastinfo.am/hy/news/2023/06/16/5scacoi6m/1595196> <https://oragir.news/hy/material/2023/06/19/82876>
<https://hraparak.am/post/e3d6e4f09146de1ce9e48a26fe23130c>

⁹ <https://shorturl.at/pqIJZ>

¹⁰ https://www.mfa.am/hy/interviews-articles-and-comments/2023/06/13/az_eraz/12049

¹¹ <https://cutit.app/XkIGs>

¹² <https://cutit.app/ebsNt> , <https://shorturl.at/SZ123>

¹³ <https://www.freenews.am/post/e707d2af8343f5b1b49c4c04f311b034>

¹⁴ <http://surl.li/ixmmr>

¹⁵ <https://www.youtube.com/watch?v=xOBXTKFBX7k>

64. The director of the medical center and the doctor informed that two Indian citizens were admitted to the medical center with shrapnel injuries in the chest area. The shrapnel was removed by surgery; their lives are not in danger.
65. The Defender was informed about the health condition of the two Indian citizens who are employees of the Plant, and got acquainted with the course of treatment and other details. The director of the medical center and the treating doctor informed that their health condition is assessed as moderate and the latter are always under the supervision of doctors; the necessary medical assistance is provided.
66. The Defender records that there are undeniable evidences that the Azerbaijani servicemen directly targeted civilians and civilian infrastructures, which is a violation of international law.

V. OBJECTIVE EVIDENCE OF VIOLATIONS /PHOTOS/

Photo 1: Azerbaijani combat position located on the hill in front of the civilian house of Yeraskh settlement, from where shots were also fired.



Photo 2: The entire Yeraskh settlement is being targeted from the Azerbaijani combat positions located on the hill.



Photo 3: The Azerbaijani combat position located directly in front of the school and kindergarten of Yeraskh settlement. On June 14, 2023, the school's examination process was also disrupted due to the shootings fired from this position.



Photo 4: Protocol-record of June 14, 2023, regarding the completion of the examination at the school earlier than planned as a result of the Azerbaijani shootings

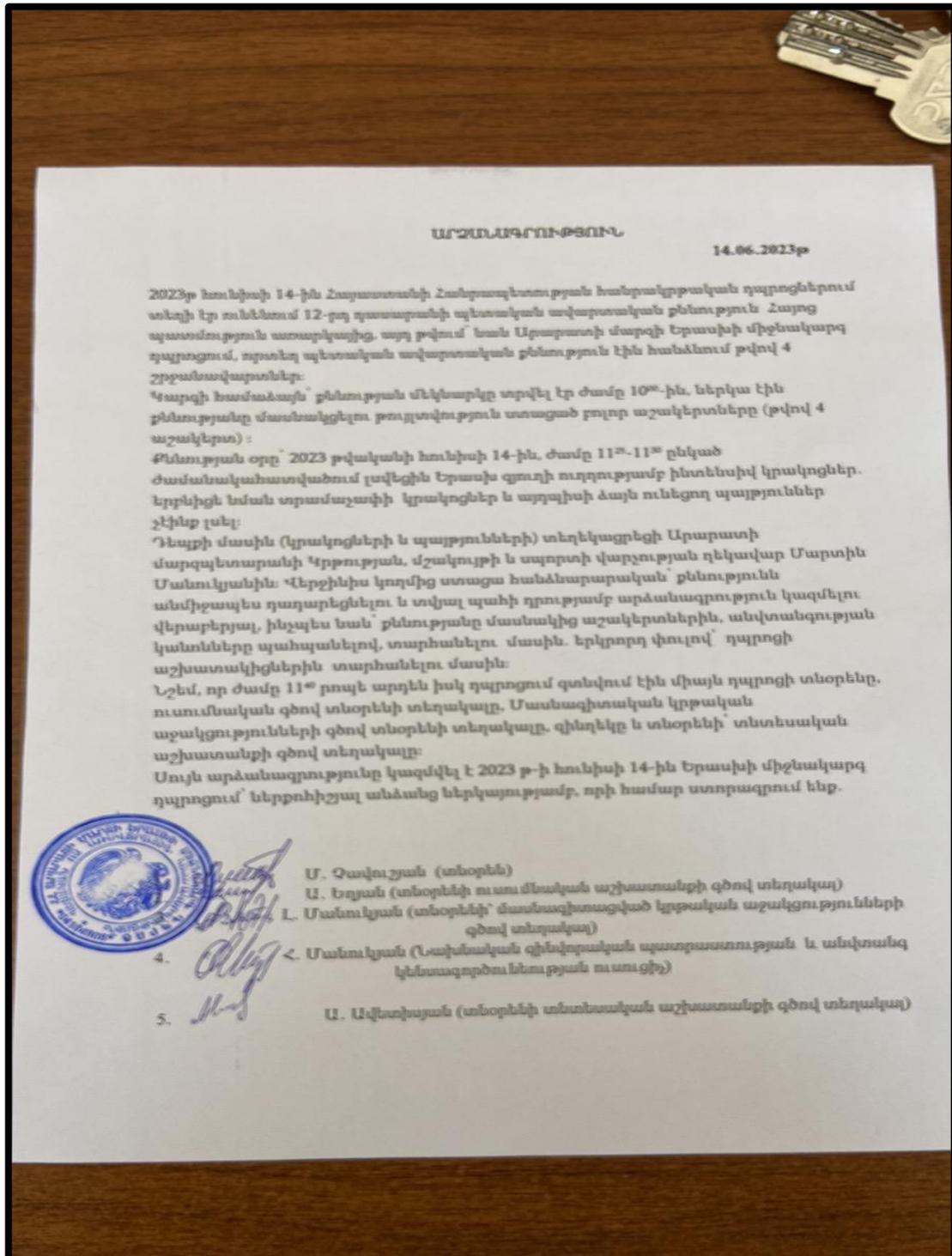


Photo 5: The civilian car damaged as a result of the shootings



Photo 6: The administrative building of the Plant damaged as a result of shootings



Photo 7.1. Construction equipment damaged as a result of shootings



Photo 7.2:



Photo 8.1: Damage to the newly built walls, columns and fence of the Plant



Photo 8.2:





Photo 8.3:



Photo 9: Bullet fragments fired in the direction of the Plant

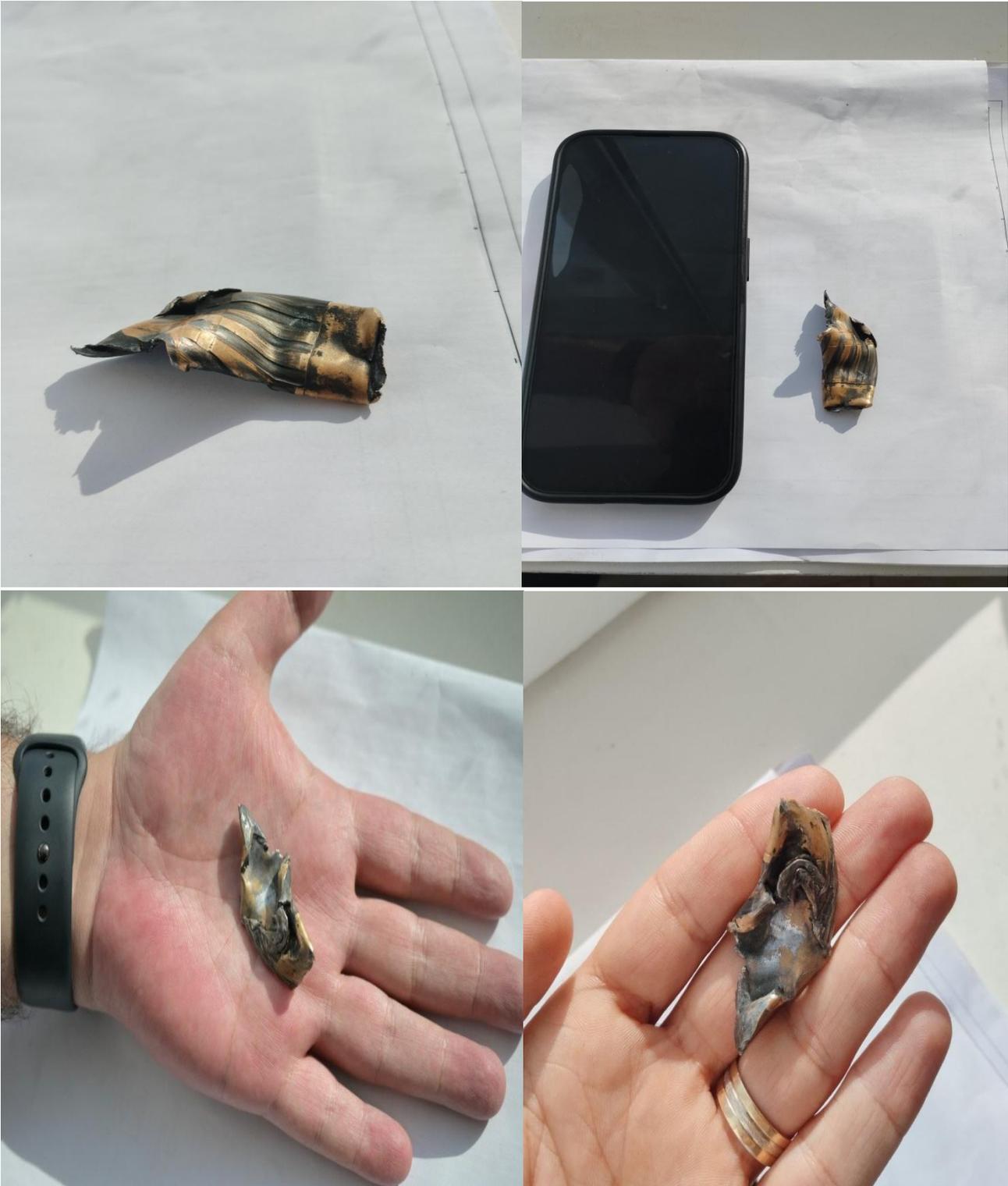


Photo 10: During the visit to the injured persons in the Ararat Medical Center, the fragments that were surgically removed from the bodies of the injured to the Human Rights Defender.



VI. RECOMMENDATIONS

Stressing the priority of protecting the rights of people in the Yeraskh settlement of the Ararat community, Ararat province, and the need to properly and quickly respond to the existing issues, the Defender presents recommendations aimed at addressing and solving these issues. Thus:

Based on the results of the fact-finding activities, and the comprehensive studies and analysis, the Defender primarily notes that as a result of the aggressive behavior of the Azerbaijani armed forces, serious security issues have been arisen for the residents; the civilian population and civilian infrastructures of Yeraskh settlement have been targeted.

Similar to the other border communities of Armenia, it is also crucial to implement works aimed at ensuring the right of mental integrity of the residents in Yeraskh, and to take the necessary measures to prevent the development of an atmosphere of tension among the public. The Azerbaijani shootings hinder the realization of the residents' rights to an adequate standard of living and employment, causing problems related to conducting agricultural work and earning their livelihood.

The newly built Plant in Yeraskh can be of great importance, from the viewpoint of guaranteeing employment and providing jobs to the residents.

In this context, the right of businessmen to engage in economic activity is also violated as a result of the actions of the Azerbaijani servicemen, making it impossible to ensure the normal course of construction works of the Plant.

Therefore, it is necessary to find systemic approaches to solve the mentioned problem through intensive discussions, actively using the capacities of both domestic and international structures with a mandate to protect human rights, as well as diplomatic channels.

At the same time, the Human Rights Defender recommends the state bodies and local self-government bodies to:

- ✓ Provide for the residents of the border communities regular, clear and accessible public communication on issues related to their rights and security. The provision of targeted information to people during regular meetings is important, to ensure that the people do not find themselves in an information vacuum and a situation of uncertainty, alongside already existing security challenges;
- ✓ Organize and implement more regularly civil defense measures for the residents of the communities more often. The implementation of such measures is also critical in educational institutions, including schools and kindergartens;
- ✓ Taking into consideration that the school and the kindergarten are under the direct vantage point of the Azerbaijani servicemen, to implement additional measures to guarantee security,

introducing security mechanisms appropriate to the situation, and conducting public awareness campaigns and trainings,

- ✓ Review the action plans of martial law or emergency situations (crisis situations), making them compatible, and more efficient and flexible with the current situation,
- ✓ Continue the consistent activities of collecting and summarizing information on the actions of Azerbaijani servicemen, as well as aggressive behavior threatening the safety of civilians, in order to present them to the European Court of Human Rights and other international actors with a human rights protection mandate.
- ✓ The Human Rights Defender of Armenia considers the adequate response and targeted legal assessment of international organizations, and organizations and actors with a mandate of human rights protection, regarding the rights of the residents of Yeraskh settlement, and that of the organizations and employees performing economic activities on site, to be imperative; The Defender also considers imperative the implementation by those organizations of effective efforts to eliminate those violations.