



**THE HUMAN RIGHTS
OMBUDSMAN OF THE REPUBLIC
OF ARTSAKH**



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

AD HOC PUBLIC REPORT

ON THE AZERBAIJANI ATTACKS ON JOURNALISTS COVERING HOSTILITIES IN ARTSAKH (NAGORNO-KARABAKH)

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Introduction

On the September 27th, Azerbaijan launched a large-scale offensive against the Republic of Artsakh (Nagorno-Karabakh) during which large number of towns and villages have been targeted, including Stepanakert, the capital of Artsakh.

Since the beginning (27 September, 2020) by the end (10 November, 2020) of the hostilities, over 800 foreign media affiliated and independent journalists from 290 media have flown into Artsakh to cover the war and the consequent developments. The flow of journalists to Artsakh has been considerably increased following the Azerbaijani authorities' decision to limit the arrival of journalists from several countries, to impose strict restrictions on the independent work of the journalists. For example, journalists from the Russian media outlet Lifenews were deported from Azerbaijan, since according to Azerbaijani authorities, they were distorting the facts. The journalist further stated that it was not advisable for Russian Journalist to operate in Azerbaijan. The reporter of the news agency France 24, Katherine Norris-Trent said that the Azerbaijani government monitors their movements, and violated their right to cover the developments on the ground. She stated that they are followed by government "escorts" who intervene whenever they talk to civilians. The Azerbaijani authorities have also filed a criminal case against a Russian reporter, Semyon Pegov of WarGonzo for visiting Artsakh.

Besides, the Azerbaijani authorities have publically stated that they cannot ensure the safety of journalists covering the hostilities in Nagorno-Karabakh, adding that journalist should request permission from the Azerbaijani authorities before entering Nagorno-Karabakh. The Ministry of Foreign Affairs of Artsakh stated that it has information about special groups that have been formed by Azerbaijan to monitor the movement and activities of foreign journalists in Artsakh, to deliver target attacks.

In parallel with that, the Azerbaijani armed forces for a few times targeted journalists working in Artsakh and caused 7 heavy injuries among them and a death of a person accompanying journalists. **The Human Rights Ombudsman of Artsakh** has monitored the developments since the onset of the hostilities. **Targeted nature of the shellings, including those against journalists, were also proven by the facts that the journalists wore a special uniform and distinctive signs, as well as, mostly with cameras. The journalistic cars that came under the shelling also had the "PRESS" distinctive sign. Moreover, the journalists were targeted when they were carrying out their professional activities in civilian settlements, and not in the hotspots of hostilities.**

I. The Cases of Targeting Journalists by Azerbaijan in Artsakh

The targeted attacks have been launched on media representatives covering the hostilities. Those attacks resulted in a number of physical injuries, such as 7 bodily injuries of 5 foreign and 2 Armenian reporters and a death of a resident accompanying journalists' group.

On October 1, 2020, two journalists of the French "Le Monde" newspaper, a journalist of "24News.am" and the cameraman of "ArmeniaTV" were injured and their local accompanying person was killed in Martuni city, while representatives of several media came under targeted shelling¹². The **Azerbaijani armed forces also targeted a car transporting journalists of the Agence France-Press international news agency**, carrying out journalistic activities in Artsakh³. A deputy chief editor of the Russian television network "Dozhd," came under fire in the Artsakh town of Martuni. He hid in a bomb shelter and avoided any injuries⁴.



Picture 1. French journalists of Le Monde injured in Martuni town as a result of Azerbaijani shelling

1. Armenian Unified Center, <https://twitter.com/ArmenianUnified/status/1311604336313741312?s=20>

<https://www.facebook.com/ArmenianUnifiedInfoCenter/posts/798109334358329>

<https://twitter.com/ArtsakhCenter/status/1311637806314381313?s=20>

2. Armenian Unified Center, <https://twitter.com/ArmenianUnified/status/1311717564742021120?s=20>

<https://twitter.com/ArtsakhCenter/status/1311718300913676289?s=20>

<https://www.facebook.com/ArmenianUnifiedInfoCenter/posts/798141431021786>

3. Armenian Unified Center, <https://twitter.com/ArmenianUnified/status/1311631007452405760?s=20>

4. TASS information agency, Замглавреда телеканала "Дождь" Дмитрий Еловский попал под обстрел в Нагорном Карабахе, 1 ОКТ, 14:08 https://tass.ru/mezhdunarodnaya-panorama/9601327?fbclid=IwAR1o59E8m9_IdWCuUR7DuYtOkOSn8XOAFEqm7xkYFvHZL6B13nwiz4GPA98

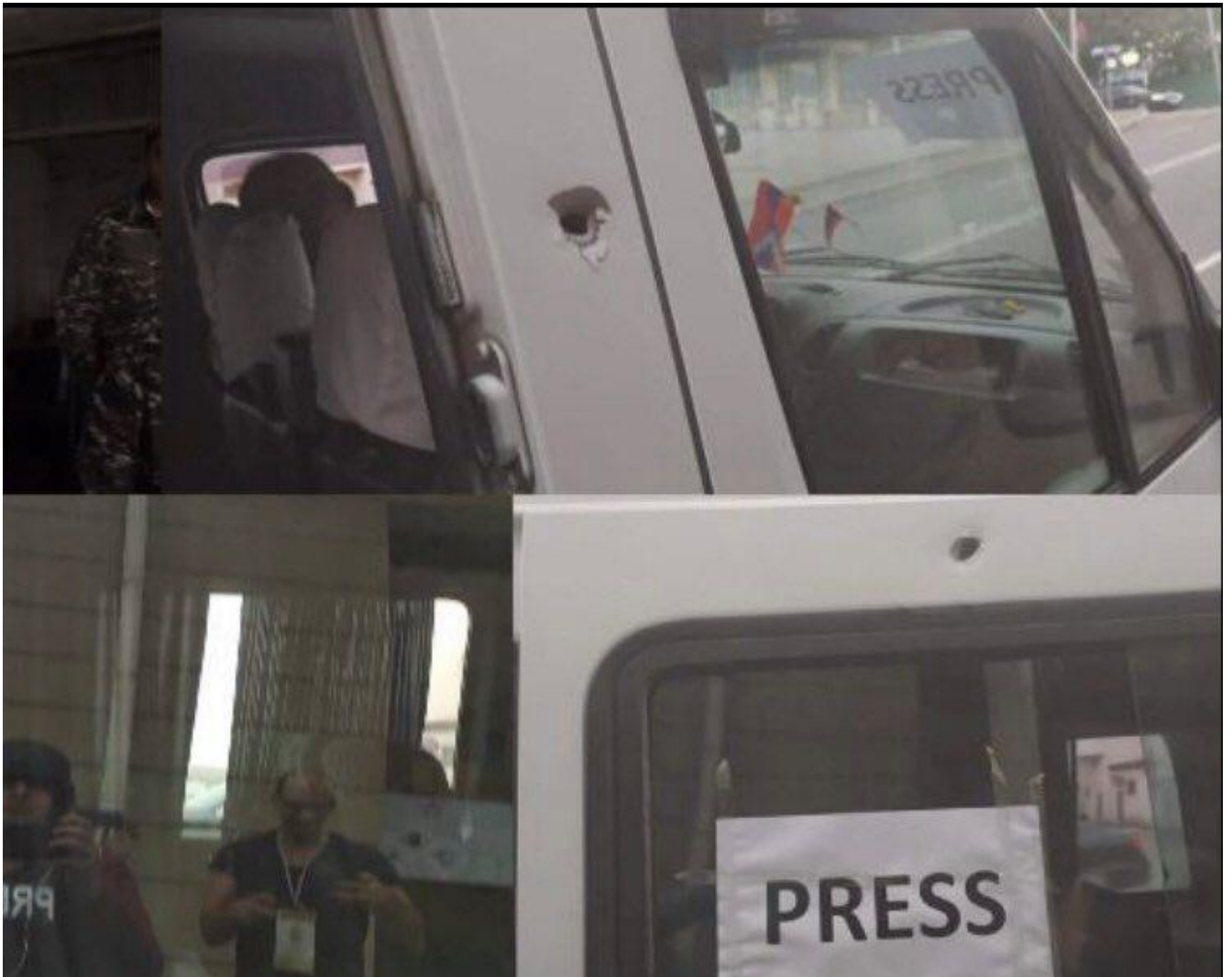


Picture 2. The car of the reporters from 24news.am injured in Martuni town as a result of Azerbaijani shelling



Picture 3. The car targeted by Azerbaijani Armed Forces which was carrying reporters from Agence France-Presse covering the situation on the ground in Martuni town

On October 2, Azerbaijan again targeted a minibus with Armenian and foreign journalists in the city of Martakert⁵. Luckily, no human casualty was recorded as a result of that strike.



Picture 4. The minibus targeted by Azerbaijani Armed Forces which was carrying reporters covering the situation on the ground in Martakert town

As the Ministry of Foreign Affairs of the Artsakh informed on 4 October, taking into account the situation, the real direct threat to the physical security and life of journalists, including foreign nationals, it was decided to temporarily move them to a new information center, which is located in a safe place⁶.

5. Factor TV, Կրակահեռք լրագրողներին մեքենայի վրա Մարտակերտում, Oct 2, 2020
https://youtu.be/3sAef_znJM

6. Yerkir Media News Agency, Լրագրողները, օտարերկրյա քաղաքացիները ժամանակավորապես տեղափոխվել են տեղեկատվական ներկայություն, որը գտնվում է ապահովված վայրում. ԱՀ ԱԳՆ, 2020.10.04 10:08
<https://yerkirmedia.am/hy/article/2020/10/04/22891/?fbclid=IwAR1GieNhTLVGCaVUzRKvB71d52rYTSeLbdNd68xzgIZhf94jD0yNzsVcV8c>

On October 8, the Azerbaijani armed forces struck two targeted blows upon the Holy Savior Ghazanchetsots Cathedral in the city of Shushi in Artsakh, causing great destruction and injuries to children, women and the elderly in the cathedral at that time.⁷

4 hours after the first hitting the Azerbaijani armed forces struck the Cathedral again, and three Russian journalists were injured by the second strike.⁸ The Ombudsman stated that there are reports on the use of drones in the area at the time of the second strike,⁹ thus, the Azerbaijani side should have known that some journalists were there to cover the breaking event¹⁰.



Picture 5. Russian journalist injured as a result of Azerbaijani missile strike on the Holy Savior Ghazanchetsots Cathedral of Shushi town

7 Artsakh Ombudsman, “Ad Hoc Public Report on the Azerbaijani Targeted Attacks Against the St. Holy Savior Ghazanchetsots Cathedral of Shushi, Artsakh (Nagorno Karabakh) As a Warcrime and Crime Against Humanity,” 20 October, 2020, <https://artsakhombuds.am/en/document/740>

8. ArmNewsTV, ԱրմՆյուզի նկարահանող խումբը՝ ուրբալկոնություն էպիկենտրոնում, Oct 8, 2020 https://youtu.be/o6p_XgtFT4

9. See also the Artsakh Ombudsman's Second Interim Report on the Azerbaijani Atrocities Against Artsakh Population <https://artsakhombuds.am/en/document/735?fbclid=IwAR084BaUrHjmB4bGiKaMkVEIY78m2rk3P6wXUPD34DxeeAfOQM-v8g80Hhg>

10. Freedom of Information Center of Armenia, Statement on Media Security, 04.10.2020, <http://www.foi.am/en/news/item/1924/>



Picture 6. The damaged roof of the St. Holy Savior Ghazanchetsots Cathedral from inside after the second strike

Moreover, the Human Rights Defender of Armenia, while visiting the heavily injured journalist on October 10, 2020, was asked by the latter to tell everyone that **he had seen with his own eyes how the rocket targeted the Cathedral at the time when only children, women and elderly were present inside.** The journalist himself stated that he had personally witnessed **the fact that there were absolutely no military objects on the way to Shushi,** except for obviously civilian inhabitants¹¹. Human Rights Watch conducted a research on the Shushi Cathedral strikes, and the journalists told the details of the incident and their injuries.¹²

The Human Rights Ombudsman of Artsakh has monitored the developments since the onset of the hostilities. The Ombudsman has recorded seven injuries caused to journalists, and a case of death of a person accompanying journalists.

On some occasions, the Ombudsman has called and stressed the importance of the protection of the journalist covering the hostilities, as they serve an important role in the prevention of the further inflammation of tensions and the protection of human rights. The Ombudsman has stressed the fact that during all the cases of attacks, the journalists and the vehicles transporting them bore the distinctive sign “PRESS”, and that the attacks took place while they were covering the conflict in civilian settlements and away from military objects and hotspots of hostilities.¹³

Targeted nature of the shellings, including those against journalists were also proven by the facts that the journalists wore a special uniform and distinctive signs, as well as, mostly with cameras. The journalistic cars that came under the shelling also had the “PRESS” distinctive sign. Moreover, the journalists were targeted when they were carrying out their professional activities in civilian settlements, and not in the hotspots of hostilities.

11. 168.am News and analysis, The Azerbaijani soldiers forces humiliate an elderly man, an ethnic Armenian, and subject him to overtly inhumane treatment with exceptional cynicism, November 18 2020 https://en.168.am/2020/10/10/40074.html?fbclid=IwAR1nxJDCXJDOqpPPfM0Lnsa_KZCjswV1VqU5HdbGM7Wnchr5FHNmPdjwm0

12. Human Rights Watch, “Azerbaijan: Attack on Church Possible War Crime,” December 16, 2020, <https://www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime>

13. Official website of the Artsakh ombudsman, INTERIM REPORT ON THE AZERBAIJANI ATROCITIES AGAINST ARTSAKH POPULATION IN SEPTEMBER 2020, <https://artsakhombuds.am/en/document/722>

Local Journalistic organizations made statements condemning attacks against Armenian¹⁴ and foreign¹⁵ journalists by the Azerbaijani Armed Forces. In this context, it's worth mentioning also the fear of foreign journalists to be blacklisted by the Azerbaijani Government once they visit Artsakh and make coverage. Only in 2020, at least 6 foreign journalists' names have been added to this Black List¹⁶. This is a very negative and dangerous tool preventing foreign journalists to come to the region and fulfill their professional duties.

14. Freedom of Information Center of Armenia, Statement, 01.10.2020 <http://www.foi.am/en/news/item/1920/>

15. Freedom of Information Center of Armenia, Statement on Media Security, 04.10.2020, <http://www.foi.am/en/news/item/1924/?fbclid=IwAR3JZc1SBqFKk9m3kyA3x7YuzFFsE3HROY1MuYccYeaTnpgWCebls8v0uBE>

16. Wikipedia, List of people declared personae non gratae in Azerbaijan https://en.wikipedia.org/wiki/List_of_people_declared_personae_non_gratae_in_Azerbaijan

II. Falsification of the Facts by Azerbaijan Concerning the Attacks on Journalists

The abovementioned facts, as well as the photos and videos proving them, leave no doubt that the encroachments endangering the lives and health of journalists were the result of gross, deliberate violations of the cornerstone principle of international humanitarian law, principle of protection of civilians.

In this context, it is strongly unacceptable that the Ombudsperson of Azerbaijan has refuted the facts of violation of journalists' rights widely covered by the international media, distorting the essence of the issue. This is especially appalling when such distortions of facts have been included in the report of the National Human Rights Institution. Reporters without borders in its statement dated on October 2, 2020 also presented the attack cases against the journalists, especially cases of wounded journalists. However, their call was general and addressed to both parties¹⁷.

Thus, according to Azerbaijani Ombudsperson, "Armenia does not take necessary measures with a view to clearly distinguish journalists from combatants". This argument is illogically connected with the pictures of Armenian correspondent of "Zinuj" TV program in military uniform¹⁸. These allegations have nothing to do with the constant targeting of Armenian and foreign journalists with distinctive signs who were located in civilian communities.

The flow of journalists to Artsakh has been considerably increased following the Azerbaijani authorities' decision to limit the arrival of journalists from several countries, to impose strict restrictions on the independent work of the journalists. For example, journalists from the Russian media outlet Lifenews were deported from Azerbaijan, since according to Azerbaijani authorities, they were distorting the facts. The journalist further stated that it was not advisable for Russian Journalist to operate in Azerbaijan. The reporter of the news agency France 24, Katherine Norris-Trent said that the Azerbaijani government monitors their movements, and violated their right to cover the developments on the ground. She stated that they are followed by government "escorts" who intervene whenever they talk to civilians.¹⁹

The Azerbaijani authorities have also filed a criminal case against a Russian reporter, Semyon Pegov of WarGonzo for visiting Artsakh.²⁰ "Investigation has found that Russian citizen Semyon Pegov entered into criminal collusion with a number of persons in Armenia and in the occupied territories of Azerbaijan in violation of the law On the State Border of the Azerbaijani Republic and the

17. Reporters without borders, Call for probe into origin of shelling that injured reporters in Nagorno-Karabakh, October 2, 2020, <https://rsf.org/en/news/call-probe-origin-shelling-injured-reporters-nagorno-karabakh>

18. The TV series covers the activities of the RA Armed Forces, army daily life, problems of the RA Ministry of Defense, and challenges.

19. Armenpress News Agency, Reporter of France24 says Azerbaijani authorities violate freedom of press, at 22:57, 12 October, 2020 <https://armenpress.am/eng/news/1031404>

20. Azerbaijani General Prosecutor's Office, 12 October, 2020, https://genprosecutor.gov.az/az/post/2996?fbclid=IwAR227GO2b-h5fwuAo3mLqtm_y58GqNTNH9gYMve8e2ZleMzBi4XM7uxTtp8

country's Migration Code and illegally visited the city of Khankendi (Stepanakert - TASS) and other occupied communities illegally, without the necessary documents and bypassing the border checkpoints, in other words, through the territory of Armenia... Azerbaijan's Prosecutor-General has opened a criminal case over the incident. The PGO's Investigative Directorate has been instructed to probe into the incident," the news release runs.²¹ Besides, the Azerbaijani authorities have publically stated that they cannot ensure the safety of journalists covering the hostilities in Nagorno-Karabakh, adding that journalist should request permission from the Azerbaijani authorities before entering Nagorno-Karabakh.²²

The Ministry of Foreign Affairs of Artsakh has stated that it has information about special groups that have been formed by Azerbaijan to monitor the movement and activities of foreign journalists in Artsakh, to deliver target attacks.²³

21. Tass Russian News Agency, "Azerbaijan opens criminal case against Russian blogger Semyon Pegov," 12 October, 2020, <https://tass.com/emergencies/1211417?fbclid=IwAR1pA4h6v8U8FVR0dFCY7h24j8jWa1xZGlzUVZnvrXiErlOPC0Gk0yQFeIU>

22. РБК, В Азербайджане возбудили уголовное дело против журналиста из России, 12 окт, 13:58, <https://www.rbc.ru/politics/12/10/2020/5f8435399a794773778ac905>

23. Regional Post, LIVE: AZERBAIJAN LAUNCHED AN ATTACK ON ARTSAKH (NAGORNO-KARABAKH REPUBLIC) <https://regionalpost.org/en/articles/live-azerbaijan-launched-an-attack-on-artsakh-nagorno-karabakh-republic.html?fbclid=IwAR0IeqKNS3vgRbOfb53bEvv8YJ5ZEbe8ZhdTJxAhsLL7LWYJ9TX9Sp-iQeM>

III. Protection of journalists under international humanitarian law

The indiscriminate attacks or the targeted attacks towards civilian settlements infringing the right to life and health of civilians, including media representatives and are in absolute violation of the principles of international law and principles of humanity protecting civilians.

Particularly, under international humanitarian law, **journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians** and thereby benefit from all the protection conferred by international humanitarian law on civilians.

Journalists are protected against the effects of the hostilities and against arbitrary conduct on the part of a party to the conflict if they are captured or arrested by it.

According to the general rules of protection of the civilian population, the latter as such, as well as individual civilians, **shall not be the object of attack**. Acts or threats of **violence the primary purpose of which is to spread terror among the civilian population are prohibited**.

Particularly, Article 79 of the 1977 Additional Protocol I to the Geneva Convention of 12 August 1949 provides:

1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.

2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents accredited to the armed forces to the status provided for in 4 A 4) of the Third Convention.

3. They may obtain an identity card ... This card, which shall be issued by the government of the State of which the journalist is a national or in whose territory he resides or in which the news medium employing him is located, shall attest to his status as a journalist.

Thus, Article 79 stipulates that **journalists engaged in dangerous professional missions in areas of armed conflict “are” civilians** within the meaning of Article 50 (1) and thereby benefit from all the protection conferred by international humanitarian law on civilians. **Journalists are thus protected against the effects of the hostilities** and against arbitrary conduct on the part of a party to the conflict if they are captured or arrested by it²⁴.

Apart from the above-mentioned fundamental principles, it must be highlighted that journalistic activities in conflict zones and war/military attacks have legitimate purpose and are under international protection.

The work of the media is aimed at providing the world with **accurate, objective, comprehensive and evidence based information on the military attacks**. Moreover, it has a human rights protection objective and contributes to the prevention of conflicts and possible violations in war time. Thus, the work of the journalists *inter alia* has a **human rights protection objective**.

24. ICRC, The protection of journalists and news media personnel in armed conflict, French original, « Protection des journalistes et des médias en période de conflit armé », International Review of the Red Cross, Vol. 86, No. 853, March 2004, pp. 37-

67. https://www.icrc.org/en/doc/assets/files/other/irrc_853_gallois.pdf?fbclid=IwAR2tSSrNE6jxpru3C_zFkaH0EIS1rjT_F8t6r96az517ZXivxd7aVk65wDg

At this juncture, on the first of October, the Commissioner of Human Rights of the Council of Europe stressed “*the importance of objective reporting from the conflict zone*” and “*the authorities in both countries should allow accredited media professionals access to crisis areas and see to it that journalists covering the conflict are safe.*”²⁵

Ignoring these essential principles of international humanitarian law, the Azerbaijani forces are systematically and continuously attacking Armenian and international media representatives reporting the hostilities.

The continuation and nature of these actions, namely, targeting journalists in civilian areas and disregard the fact that they had distinctive signs, show that these actions are aimed at preventing the coverage of hostilities and dissemination of objective information to the international community.

25. Council of Europe, Nagorno-Karabakh: The escalation of the conflict is posing a serious threat to human rights, 01/10/2020, <https://www.coe.int/en/web/commissioner/-/nagorno-karabakh-the-escalation-of-the-conflict-is-posing-a-serious-threat-to-human-rights>