



THE HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA



AD HOC PUBLIC REPORT

ON AZERBAIJANI DRONES' TARGETED ATTACKS AGAINST PEACEFUL POPULATION OF ARMENIA AND ARTSAKH IN GRAVE BREACH OF INTERNATIONAL LAW



YEREVAN 2020

Azerbaijani drones' targeted attacks against peaceful population of Armenia and Artsakh are in grave breach of International Law: investigation results of Armenia's Human Rights Defender

Since 27 September 2020, the first day of the Azerbaijani offensive civilians in Armenia and Artsakh (Nagorno Karabakh) have been targeted.

The Azerbaijani side is using military drones (unmanned aerial vehicles, UAVs) as means of aggressive and indiscriminate attacks against civilian settlements and peaceful population. These attacks are intensive and systemic.

24/7 investigation of Armenia's Human Rights Defender has revealed that Azerbaijan uses different types of drones to target peaceful population in Armenia and Nagorno Karabakh:

- intelligence drones, Orbiter -2, Orbiter - 3, Aerostat, among others;
- striking drones, including Harop, Zaoba-1K, Sky Striker;
- intelligence-striking drones, Bayraktar TB-2, AN-2, etc.

Drone attacks have been recorded in different civilian villages and cities of Armenia and Artsakh. These attacks have caused casualties, including killing of civilians and destruction of houses.

Almost all Nagorno Karabakh civilian settlements, including densely populated cities (capital city of Stepanakert, Hadrut, etc.) have been and continue to be under targeted attacks of above mentioned drones.

Since September 27 drones are attacking civilian settlements and peaceful population of Armenia – villages around the town of Vardenis, Gegharkunik Province (Kut, Sotk, Shatvan, Shatjreq, Norabak, Tretuq, Kutakan). The recent occurrence of such an attack took place on October 1 in Shatvan, Mets Masrik villages, Gegharkunik province of Armenia. It ended up with one civilian killed and two injured, civilian houses burned out.

Fact-finding mission of the Human Rights Defender of Armenia has revealed that almost all attacks against mentioned villages were carried out in the late evening or during nights, when people are at home and in most cases – they sleep. Another important feature is that these drones target crowded civilian objects to cause casualties and damages as much as possible. For instance, many interviewed civilians confirmed to the Human Rights Defender of Armenia that these drones will not target 1 car or 1 person. They usually attack 2 and more civilian vehicles (columns), civilian buses, houses, etc.

It is important to remind that it was in Shatvan village where Armenia's Human Rights Defender personally witnessed appearance of Azerbaijani drones and had to suspend the fact-finding mission 1 day before the casualties happened.

This is to strongly emphasize that drone strikes must comply with all applicable international legal frameworks. Breach of at least one aspect of the required framework renders the strike unlawful.

It is crucial to assessing the lawfulness of a drone strike, since international humanitarian law and international human rights law have different rules on when the lethal force may be used and how it should be used.

Targeting under international humanitarian law

- Under international humanitarian law, parties to an armed conflict must **at all times distinguish between civilians and combatants, and between civilian settlements and military objectives**. No distinguishing has been done by the Azerbaijani armed forces! Vice versa, civilian settlements have been intentionally targeted.
- Lethal drone strikes against a military objective will be unlawful if the **incidental harm caused to civilians** is excessive in relation to the concrete and direct military advantage anticipated. There is no concrete and direct military advantage that has been anticipated on the ground or achieved as a result of such drone strikes!

Targeting under international human rights law

- **The right to life is universally binding on all states at all times, and is a norm of *jus cogens***. It is applicable to drone strikes, undertaken within and outside of armed conflict. Several civilians have already been killed as a result of arbitrary drone strikes!
- In situations of armed conflict, the right to life is informed by targeting rules under international humanitarian law, with the result that lethal force used in accordance with international humanitarian law will not ordinarily amount to an arbitrary deprivation of an individual's right to life. – No rule of IHL has been protected while targeting civilians, as a result of which there are several cases of arbitrary deprivation of an individual's right to life.

Such actions are **grave breaches** of International Humanitarian Law, as well as are violating all available regulations **protecting right to life** under International Human Rights Law.

The above mentioned facts and assessments are the results of Armenia's Human Rights Defender's special 24/7 dedicated investigation. These results are based on alarming complaints of civilians submitted to the Ombudsman of Armenia; reports and statements of the Nagorno Karabakh Human Rights Defender (Ombudsman); international and local mass media reports; reports from human rights NGOs; confirmations from official sources, including at urgent requests of the Ombudsman of Armenia.

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