

Artsakh/Nagorno-Karabakh: A Case Study in Ethnic Cleansing



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Introduction

Anti-Armenian discrimination has been and remains a persistent issue in Azerbaijan, and is frequently noted by international bodies. Following the end of the 2020 War in Artsakh, Azerbaijan took control over significant parts of the former Nagorno-Karabakh Autonomous Oblast (NKAO), a region formerly controlled by its Armenian residents, who had rejected Azerbaijani control of the former NKAO and exercised self-determination and self-rule since the First Nagorno-Karabakh War in the 1990s.

None of the Armenians who lived in the areas Azerbaijan took control of in 2020 returned, despite constituting the majority of the population in those areas before the war. All were aware of extremely violent acts committed against Armenian civilians unable to flee during the war, as well as the history of institutionalised anti-Armenian discrimination in Azerbaijan, which often took the form of hate speech and violence. The lack of ability for Armenians to return to their homes in communities such as Hadrut makes this a *de facto* ethnic cleansing; those who remained in their homes were killed, with forensic evidence that indicates the brutal and intentional nature of such killings, and those who fled before the conflict reached their homes were unable to return.

The blockade of Artsakh that began in December of 2022 was another act of ethnic cleansing. The Azerbaijani military offensive of September 2023 marked the final catalyst that began the almost-total forced deportation of the Armenians of Artsakh to the Republic of Armenia. This deportation was forced in that it left residents of Artsakh with only two options: flight or death. Life for Armenians under Azerbaijani rule became impossible due to the institutionalised anti-Armenian discrimination in Azerbaijan and the hateful rhetoric and violence it promoted. Azerbaijan claimed there was no blockade, as they would allow the transport of goods to Artsakh from Azerbaijan, and they claimed the ethnic Armenians of Artsakh would be able to live safely in an Artsakh under Azerbaijani control. For the Armenians in Artsakh, putting themselves in a position of receiving aid from or being under the sovereignty of a state that was the direct cause of an increasingly dire humanitarian crisis and which actively promoted hate speech and violence against them posed an unacceptable risk to life.

The term “ethnic cleansing” was first used during the wars in former Yugoslavia in the 1990s. A UN Committee of Experts formed to analyse the conflict referred to ethnic cleansing as, “...a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”¹

Based on this definition, the entire chain of events in Artsakh, involving the blockade, military offensive, and ethnic cleansing, can be viewed as one sustained process, the goal of which was the ethnic cleansing of all the Armenians from Artsakh. This process involved numerous violations of international human rights law and international humanitarian law, including the rights to movement, education, healthcare, food, adequate standard of living, property, dignity, liberty, equality, and the right to life. In addition, this included violations of the rights of children, as 30,000 children lived in Artsakh prior to its ethnic cleansing and were hugely affected by the blockade, military offensive, and ethnic cleansing.

Azerbaijani reactions to the blockade followed a similar pattern to their denials of violence by Azerbaijani military personnel against Armenians, which was either outright doubt or denial combined with the glorification of anti-Armenian discrimination. These contradictory responses, denying

¹<https://documents.un.org/doc/undoc/gen/n94/200/60/pdf/n9420060.pdf?token=jawZoxM9Nw4bWEs1zW&fe=true>

discrimination while celebrating it, are no different than the anti-Armenian narrative in Armenian Genocide denial, summarised as “there was no genocide, and the Armenians were to blame for it.”²

Connections have been drawn between this anti-Armenian discourse and the notion of “bad faith” developed by Jean-Paul Sartre to describe anti-semitism following the Second World War and the Holocaust, that a level of anti-Armenian hate has emerged in Azerbaijan that fuels itself in its desire for the destruction of the “enemy,” in this case, Armenians.³ This kind of racism denies a people their personhood and seeks their total destruction, an attitude not arrived at rationally and not easily shaken through rational arguments.

It is the result of Azerbaijan’s persistent institutionalisation of anti-Armenian discrimination, both presenting itself as welcoming of multiculturalism while describing Armenians in such derogatory ways that they are completely dehumanised. The horrific hate speech and extreme violence against Armenians follow from this systematised racism, which condones and celebrates such acts.

Addressing this discrimination would take a concerted effort, beginning at the institutional level in Azerbaijan and with the involvement of civil society; given the length of time it has been promoted, its legacy would likely still linger. However, with civil society and independent media in Azerbaijan facing an existential crisis from government crackdowns, all that remains at present is a state that exerts near total control on media and society, which has incorporated this discrimination into the institutions of the state. Without substantial and sustained international pressure, it is impossible to imagine any meaningful changes to address this discrimination.

This anti-Armenian discrimination and the violent intolerance of any perceived “Armenianness” manifested as the blockade of Artsakh, military offensive against Artsakh, and ethnic cleansing of Artsakh. Armenians lived in a territory perceived as an integral part of Azerbaijan, rendering the history of Armenians in this territory irrelevant, alongside the fact that the Armenians of Artsakh shared the same fundamental human rights as everyone else. The institutionalisation of anti-Armenian discrimination in Azerbaijan is such that Armenians are not seen as people; the months of extreme suffering they endured is the result of the actions of a state that fundamentally saw them as less than people; it refused to tolerate their presence, and even in their absence, it refuses to tolerate their cultural heritage sites and traces of their history. The ethnic cleansing of Artsakh was a manifestation of anti-Armenian discrimination that only tolerates the destruction of Armenians.

Glossary

As control of different towns and regions changed in the former Nagorno-Karabakh Autonomous Oblast (NKAO), so did their names. As such, since the deportation of the ethnic Armenian population from the former NKAO, Azerbaijan refers to many titles by their Azerbaijani name. To clear any uncertainty, we will be referring to towns and regions known by multiple titles based on which side of the line of contact they fell under following the 9 November 2020 Trilateral Statement. There are two exceptions to this. The first is Shushi/Shusha, which is referred to by both the Armenian and Azerbaijani names, as demonstrated here. The second is Karin Tak, a historically Armenian village that was razed to the ground by Azerbaijan between 2021 and 2024; as its physical destruction means it is no longer an entity as such, it is referred to in this report as Karin Tak as the only way to refer to it is in the past tense. The titles used are listed in **Bold** in this glossary and will be used henceforth. The alternative names by which these places are known is presented here so as to avoid any confusion.

² Suny, Ronald Grigor. *“They Can Live in the Desert but Nowhere Else”*: A History of the Armenian Genocide. Princeton University Press, 2015. p. xii-xiii

³ <https://evnreport.com/politics/baku-qanon-the-new-high-armenophobia/>

2020 War/44-Day War - These terms are used interchangeably for brevity; both refer to the conflict from 27 September 2020 - 9 November 2020, what is commonly known internationally as the Second Nagorno-Karabakh War.

Aghbulag - The Azerbaijani name for **Sarnaghbyur**.

Aghdam - The Azerbaijani name for a town and region bordering the former NKAO; it is sometimes referred to by Armenians as Akna.

Aghdara - The Azerbaijani name for the town of **Martakert**.

Akna - the name the Armenian authorities of Artsakh gave to **Aghdam**.

Artsakh - Refers to the Republic of Artsakh, the name of the unrecognised state in the territory of the former NKAO. The area of Nagorno-Karabakh inhabited by Armenians in the former NKAO is referred to as Artsakh in this report, as it is the name given to the region by its inhabitants, was named as such in international documents and treaties to which Azerbaijan is a signatory, and is the entity to which Azerbaijani aggression was directed in the timeframe discussed in this report. The title “Nagorno-Karabakh” is used in this report when the region is being referred to, but as the Azerbaijani blockade and offensive were only directed at the Republic of Artsakh and its residents, the title “Artsakh” is used instead of “Nagorno-Karabakh” or “Nagorno-Karabakh Republic.”

Asgeran - The Azerbaijani name for **Askeran**.

Askeran - A city and region in Artsakh, and one of the major population centres; known as Asgeran in Azerbaijani.

Berdzor - The Armenian name for the town of **Lachin**, which the Lachin corridor passes through between Stepanakert and Goris.

Boyuk Galadarasi - The Azerbaijani name for **Mets Shen**.

Chankatagh - An Armenian community in the Martakert region, referred to as Janyatag in Azerbaijani.

Childiran - The Azerbaijani name for **Chldran**.

Chldran - An Armenian community in the Martakert region; known in Azerbaijani as Childiran.

Daghyurd - The Azerbaijani name for **Sarushen**.

Dashalty - The Azerbaijani name for Karin Tak.

Giziloba - The Azerbaijani name for **Karmirgyugh**.

Gozlu - The Azerbaijani name for **Vaghuhas**.

Hasanriz - The Azerbaijani name for **Haterk**.

Haterk - An Armenian community in the Martakert region; known in Azerbaijani as Hasanriz.

Hin Shen - An Armenian community in the Shushi/Shusha region; geographically isolated during the blockade, it is known in Azerbaijani as Kichik Galadarasi.

Horatagh - An Armenian community in the Martakert region, divided between Verin Horatagh (Upper Horatagh) and Nerkin Horatagh (Lower Horatagh); known in Azerbaijani as Oratagh.

Janyatag - The Azerbaijani name for **Chankatagh**.

Karin Tak - A historically Armenian village in the Shushi/Shusha region which Azerbaijan took control of following the 2020 War; known briefly in Azerbaijani as Dashalty, it was razed to the ground by Azerbaijan by April 2024.

Karmirgyugh - An Armenian community in the Askeran region, known in Azerbaijani as Giziloba.

Karvachar - The Armenian name for **Kelbajar**.

Kelbajar - A city and region between Martakert and the Republic of Armenia; the Azerbaijani name for Karvachar.

Khangutala - The Azerbaijani name for **Khnkavan**.

Khankendi - The Azerbaijani name for the city of **Stepanakert**.

Khnkavan - An Armenian community in the Martakert region, known in Azerbaijani as Khangutala.

Khojavend - The Azerbaijani name for the town of **Martuni**; also an Azerbaijani name for a district in the territory of the former NKAO.

Kichik Galadarasi - The Azerbaijani name for **Hin Shen**.

Lachin - The Azerbaijani name for Berdzor; the Lachin corridor passes through this town and region.

Martakert - A city and region in Artsakh, and one of the major population centres; referred to as Aghdara in Azerbaijani.

Martuni - A city and region in Artsakh, and one of the major population centres; referred to as Khojavend in Azerbaijani.

Mets Shen - An Armenian community in the Shushi/Shusha region; geographically isolated during the blockade, it is known in Azerbaijani as Boyuk Galadarasi.

Mokhrenes - An Armenian community in the Hadrut region, its residents fled during the 2020 War and Azerbaijan took control of it; known as Susanlyg in Azerbaijani.

Nagorno-Karabakh - The broad name for the region; in cases where the region itself is referred to, rather than the unrecognised state of Artsakh, Nagorno-Karabakh will be used.

Oratagh - The Azerbaijani name for Horatagh.

Qarabağ - The Azerbaijani name for the region of Nagorno-Karabakh.

Sarnaghbyur - An Armenian community in the Askeran region; known in Azerbaijani as Aghbulag.

Sarushen - An Armenian community in the Askeran region; referred to as Daghyurd in Azerbaijani.

Sarybaba - The Azerbaijani name for **Yeghtsahogh**.

Shushi - The Armenian name for Shusha, a city and region in Nagorno-Karabakh; the site of the original blockade was at a location where the Lachin corridor passed near this city. Referred to by both names in this report as **Shushi/Shusha**.

Shusha - The Azerbaijani name for Shushi, referred to in this report as **Shushi/Shusha**.

Stepanakert - The capital of the Republic of Artsakh and the largest population centre in the region; referred to as Khankendi in Azerbaijani.

Susanlyg - The Azerbaijani name for Mokhrenes.

Sznek - An Armenian community in the Askeran region, divided between Verin Sznek (Upper Sznek) and Nerkin Sznek (Lower Sznek); known in Azerbaijani as Yemishjan.

Vaghuhas - An Armenian community in the Martakert region; known in Azerbaijani as Gozlu.

Yeghtsahogh - An Armenian community in the Shushi/Shusha region; geographically isolated during the blockade, it is known in Azerbaijani as Sarybaba.

Yemishjan - The Azerbaijani name for **Sznek**.

Map



This is the Nagorno-Karabakh region following the 2020 War.⁴ The area of the former NKAO is outlined with a dotted line. The area Azerbaijan took through military operations in the 2020 War is coloured in blue, and the area Azerbaijan gained control of following the November 2020 Trilateral Statement is coloured in dark green. The orange territory remained under the control of Artsakh following the conclusion of the 2020 War, and was patrolled by Russian peacekeepers. The purple territory between Artsakh and Armenia is near the town of Lachin, which Azerbaijan gained control of following the 2020 War and which was patrolled by Russian peacekeepers. The purple area is commonly referred to as the Lachin corridor, though it shares the name with the whole road between Stepanakert and Goris as this was the primary land corridor between Artsakh and Armenia. In this report, the “Lachin corridor” refers to the road as a whole that connected Artsakh to Armenia.

The road referred to as the Lachin corridor can be seen on the map originating from Stepanakert and going south. It briefly passed through Azerbaijani-controlled territory near the city of Shushi/Shusha before continuing again through the territory controlled by Artsakh, passing the town of Lachin, and entering the territory of Armenia near Goris.

⁴ 2020 Nagorno-Karabakh War, by Kalj, based of File:2020 Nagorno-Karabakh war map.png by User:Golden, CC BY-SA 3.0 <<https://creativecommons.org/licenses/by-sa/3.0/>>, via Wikimedia Commons https://commons.wikimedia.org/wiki/File:2020_Nagorno-Karabakh_war.svg

The blockade that began on 12 December 2022 took place as it passed through Azerbaijani-controlled territory near Shushi/Shusha, though this blockade point was replaced after the construction of an Azerbaijani military checkpoint on 23 April 2023 at the Hakari Bridge, the border between Armenia and the Lachin area. This checkpoint was functionally identical to the previous blockade in completely halting the flow of goods and persons between Armenia and Artsakh.

Methodology

Some of the evidence gathered in this report is very graphic. It contains evidence of racially motivated hate speech and extreme violence in the form of witness testimonies as well as investigations and discussions of recorded evidence. This report does not show any graphic imagery but does discuss graphic elements of specific incidents, as is the nature of the extensive human suffering experienced during Azerbaijan's blockade and offensive against Artsakh. Due to the graphic nature of the topic, reader discretion is advised for the report.

The data for this report has been collected through open-source methods. Sources include articles from media organisations, reports from NGOs, witness testimony, official government publications, and data published on social media accounts that have been verified to the best extent possible.

Some of the sources were originally published in Armenian, Azerbaijani, or Russian; the report provides links to the original or archived copies so readers can review the translations if desired.

In 2021, international media began being denied entry to Artsakh by Russian peacekeepers responsible for approving entry to Artsakh; by 2022 international media had no access to Artsakh, with reporters who had received prior approval to enter Artsakh being denied entry.⁵ Residents of Artsakh themselves published much of the data during Azerbaijan's attack due to the absence of independent international media on the ground during the Azerbaijani military offensive against Artsakh. It is, at present, difficult to verify some eyewitness testimony. Furthermore, the 9-month blockade, aggressive Azerbaijani offensive, and deportation of Armenians from Artsakh are each traumatic incidents in and of themselves, and taken as a whole, are still the source of considerable trauma for former residents of Artsakh. Their testimonies reflect this and, taken together, inform the experience of living through what was an ethnic cleansing.

Due to the inability for international media and organisations to enter Artsakh (with the exception of the ICRC, who maintained an office in Stepanakert until April 2024⁶), the reporting on the ground in Artsakh was primarily conducted by local journalists who were themselves suffering from the blockade. The only access international media had to Artsakh during and following the blockade was through interviews with residents of Artsakh. As such, verification was done by local journalists in Artsakh while this was possible. The media environment in Azerbaijan has become increasingly unfriendly for independent media organisations, leaving Azerbaijani state media or those aligned with the government as the only media options. As such, Azerbaijani media has not been used as primary sources for this report. The primary media sources are international media outlets, particularly those focusing on the South Caucasus region, or those that have published testimonies from residents of Artsakh.

The testimonies have been gathered from openly available sources. Some testimonies are translations from Armenian to English. In these cases, the report provides access to the untranslated originals. These are only a fraction of the testimonies from Armenians deported from Artsakh; many

⁵ <https://blankspot.se/part-1-armenias-new-reality-report-from-the-borderland-between-war-and-peace/>

⁶ <https://www.1lurer.am/en/2024/04/07/Red-Cross-office-located-in-Stepanakert-moved-to-Barda/1105287>

are still being collected or have yet to be released. Over 100,000 Armenians were deported from Artsakh, and it will take considerable time to collect all the testimonies. The testimonies in this report are only based on the experiences of the Armenians deported from Artsakh in the six months since the deportations occurred; the traumatic effects of the blockade, military offensive, and deportation will be felt for some time by those who suffered through them, and it is impossible for the report to investigate this lingering trauma.

Where possible, as standard practice, this report will not share direct links to the social media posts displaying graphic content, so as to not contribute to their dissemination and/or use as psychological propaganda. Instead, analyses of the graphic content are provided and referred to. In cases where such analyses are not available, links are provided to an archive of the graphic content maintained for evidentiary purposes.

However, unlike previous conflicts regarding Artsakh, and unlike the trend in many current international conflicts, including the war in Ukraine, Gaza, and Myanmar, this conflict was marked by a near-absence of photographic and video evidence published to social media by Azerbaijani military personnel. These videos and photographs are often used for propaganda and psychological warfare, and past conflicts between Armenia and Azerbaijan have included videos and photographs taken by participants during the conflicts. Notably, during such conflicts in 2016, 2020, and 2022, these included videos and photographs of war crimes being committed and recorded by Azerbaijani military personnel.

As the report will further discuss in sections III and IV, the Azerbaijani military prohibited filming during its preparations and during the offensive itself. An abundance of social media posts showing the Azerbaijani military mobilisation stopped suddenly as a result of demands for the end of the dissemination of such posts on social media. Azerbaijani social media channels that shared recordings from previous conflicts did not do so during this offensive. Recordings still exist but were less extensively disseminated than in previous conflicts. The lack of such recordings does not mean there were no incidents of abuses of ethnic Armenian civilians and military personnel during the offensive and subsequent deportation of ethnic Armenians from Artsakh, as the witness testimony gathered indicates.

As such, this report⁷ is limited by the information blackout by the Azerbaijani armed forces that has prevented some open-source information gathering. The region of Nagorno-Karabakh as a whole remains inaccessible for its residents and others, aside from Russian peacekeepers, Azerbaijani military personnel, and those approved to visit by the Azerbaijani government. As such, it is impossible to conduct information-gathering in Nagorno-Karabakh itself in ways that would guarantee the integrity of such an investigation.

⁷ The organization thanks **Alex Faurot**, for authoring this report, and **Arnaud Decombe** and **Emma Kiladjian** for their contributions.

I - Racial Discrimination Against Armenians in Azerbaijan

Previous reports acknowledge Azerbaijan for its multiculturalism; however, even the very reports that acknowledge this mention the extreme anti-Armenian rhetoric and discrimination in Azerbaijan, as well as the forms in which this manifests.⁸ Numerous reports recognize this extreme anti-Armenian sentiment in Azerbaijan, in the rhetoric Azerbaijani officials espouse, in its indoctrination in the Azerbaijani education system through discriminatory language, and in the ways it is displayed in Azerbaijani society or online. *New Lines* magazine notes this pattern of institutionalised hate affecting societal views, stating that,

*“...unlike in Armenia or Nagorno-Karabakh, following the 1990s war the hatred of the enemy in Azerbaijan became institutionalized, from popular culture to news. The official virtual presidential library, ebooks.az, features regime-approved titles like “Armenian Terror” and “Armenian Mythomania,” while books that acknowledge Armenian antiquity and suffering — like prominent Azerbaijani author Akram Aylisli’s novella “Stone Dreams” — are banned on the president’s [Ilham Aliyev’s] orders.”*⁹

The blockade and military offensive against Artsakh, and subsequent deportation of Armenians from Artsakh, was informed and motivated by this anti-Armenian sentiment. As a whole, the ethnic cleansing of Artsakh is a manifestation through policy and action of institutionalised anti-Armenian discrimination.

i. Institutionalisation of Anti-Armenian Rhetoric and Discrimination

A political authority cannot uphold the ideals of combating racial prejudice while at the same time contributing to racial prejudice. Texts such as the UN International Convention for the Elimination of all Forms of Racial Discrimination (CERD), whose article 4c reads as follows, assert this idea :

“[States parties to the Convention] shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.”

Despite encompassing a wide variety of ethnic minorities, the inclusion of which has been assessed by the European Commission against Racism and Intolerance (ECRI),² Azerbaijan has also shown blatant, profound, and repeated disregard towards the principles requiring the protection of said minorities when it came to individuals of Armenian descent, as well as a severe intolerance of anything perceived to be Armenian. Those violations of international law are only made more challenging to properly evaluate given the crackdown on Azerbaijani civil society organisations from 2016¹⁰ and the barring through excessive regulation of international organisations visiting in the context of missions (such as the UNSPT in 2014 and OCSE in 2015). Without adequate oversight or accountability from civil society or international organisations, the institutionalising of anti-Armenian discrimination in Azerbaijan includes Azerbaijani organisations otherwise designed to uphold human rights. Azerbaijan’s Ombudsperson, Elmira Suleymanova, not only contributed to Azerbaijan’s fifth periodic report to the CAT (whose 309th paragraph excuses the country from applying human rights in the Nagorno-Karabakh region while the conflicts lasts, in blatant violation of Article 15 of the ECHR), but also saluted Ramil Safarov, an Azerbaijani military officer and convicted murderer responsible for the brutal

⁸ <https://rm.coe.int/sixth-report-on-azerbaijan/1680ab9e35>

⁹ <https://newlinesmag.com/reportage/investigation-armenian-fears-of-a-concentration-camp-in-nagorno-karabakh-may-have-been-warranted/>

¹⁰ https://www.omct.org/files/2015/11/23478/azerbaijan_shadowreport_omct_iphr_27102015.pdf

killing of an Armenian officer at a 2004 NATO seminar in Hungary, as “an example of patriotism for the Azeri youth.”¹¹

The treatment of Safarov himself by Azerbaijani authorities exemplifies institutionalised anti-Armenian discrimination in many other aspects. Imprisoned following his conviction in Hungary for the premeditated and racially-motivated murder of Armenian Lieutenant Gurgen Margaryan in his sleep, Safarov would eventually be extradited to Azerbaijan to serve the remainder of his sentence there at the request of Azerbaijani President Ilham Aliyev. Aliyev personally welcomed Safarov at the airport and immediately granted him a pardon, excusing him from serving the remainder of his sentence. Revered as a national hero solely for the murder of an Armenian, Safarov received a promotion to the rank of major, as well as financial compensation for the eight years he spent in prison and was even gifted living accommodations.¹²

There were fears that the treatment of Ramil Safarov would foster a sense of impunity for anti-Armenian violence;¹³ these fears manifested in 2016 when hostilities briefly flared in Artsakh. There were three documented cases of Armenian servicemen being beheaded by Azerbaijani military personnel. In each of these cases, the perpetrators were open about their involvement in the beheadings, but no action was taken against them to hold them accountable. These cases are examples of how the institutionalisation of anti-Armenian discrimination not only led to acts of violence, but also to acts of copycat violence as the original perpetrators of such violence as glorified.

One such example of this impunity involves Sarkhan Mammadov, an Azerbaijani officer who confessed to the murder of an Armenian soldier and his driver in an interview for the nationalist newspaper *Yeni Çağ*.¹⁴ The scene, time, and context described by Mammadov correlate with the results of the investigation into the killings of Private Hrant Gharibyan and Major Hayk Toroyan during the 2016 Four-Day War in Artsakh. A key feature left out of Mammadov’s story is how long Mammadov was present at the scene; Mammadov claimed both Toroyan and Gharibyan were killed in combat and that he his unit had moved immediately after their murders, though Toroyan’s autopsy showed evidence of torture, including the severance of his upper limbs, as well as his beheading while still alive.¹⁵ Pictures of Azerbaijani soldiers posing with Toroyan’s severed head were shared online, further proving that Mammadov did not simply kill his victim but also indulged in torture, a war crime under international law. Given the control that Azerbaijan has over the content its citizens publish online,¹⁶ the authorities had adequate means to know of the circumstances in which Toroyan died. Despite this, Mammadov was, as reported in the aforementioned interview to *Yeni Çağ*, awarded the “*İgidliyə görə*,” (“for heroism”) military medal by President Aliyev himself.

Another case is that of the beheading of Kyaram Sloyan. Sloyan was a serviceman who was killed during combat in 2016. After his death he was beheaded by Azerbaijani military personnel, and many videos and photos of Azerbaijani military personnel posing with his head were shared on social media; in one such video, an Azerbaijani serviceman identified as Elnur Ferzeliyev claims to be the individual responsible for beheading Sloyan.¹⁷ Despite this admission, no action was taken to hold Ferzeliyev accountable. Sloyan’s head was taken as a “war trophy” to the Azerbaijani side of the line

¹¹ <https://web.archive.org/web/20120905071818/http://iwpr.net/report-news/murder-case-judgement-reverberates-around-caucasus> (Archived from the original)

¹² <https://hudoc.echr.coe.int/eng?i=001-202524>

¹³ <https://rm.coe.int/fourth-report-on-azerbaijan/16808b5581> §38

¹⁴ <https://yenicag.az/ermeni-zabiti-tapancasini-cixarib-dostuma-tusladi-aprel-doyuslerinin-qehremanlari-sohbet-silsilesinden/>

¹⁵ <https://tatoyanfoundation.org/wp-content/uploads/2024/03/Report-to-the-UN-Committee-against-Torture-on-racial-and-ethnic-discrimination-against-Armenians-by-Azerbaijan-2.pdf> p.5

¹⁶ <https://freedomhouse.org/country/azerbaijan/freedom-world/2024>

¹⁷ <https://tatoyanfoundation.org/wp-content/uploads/2024/03/Report-to-the-UN-Committee-against-Torture-on-racial-and-ethnic-discrimination-against-Armenians-by-Azerbaijan-2.pdf> p.7

of contact, where it was shown to residents of nearby Azerbaijani villages as such. In some of these videos, Ferzeliyev received words of praise from these residents for his actions. Despite being publicly identified as the person responsible for Sloyan's beheading, Ferzeliyev was awarded a medal for his service by President Aliyev.¹⁸

These cases are indicative that the fears expressed by the ECRI regarding the potential for an impunity to violence were both well-founded and prescient. Safarov's celebration as a hero had a causative effect on Azerbaijani military personnel carrying out acts of copycat violence. The public admissions to these acts by their perpetrators reinforces this, as the case of Safarov made it known that beheading Armenians was an act that would earn high praise and had institutional support in Azerbaijan. Both Mammadov and Ferzeliyev received praise and publicity for their actions, and both were awarded medals for their service by President Aliyev himself. This implies a tacit acceptance by Azerbaijan's institutions of their actions as normal to the conduct of war against Armenians. The many documented cases of extreme violence against Armenians during the 2020 War indicates that this conduct had become normalised among Azerbaijani military personnel.¹⁹

Azerbaijan incites anti-Armenian discrimination and rhetoric through more than just condoning or rewarding acts and manifestations of anti-Armenian hatred. State bodies and authorities play a direct role in inciting this hatred; the Azerbaijani Parliament's International and Inter-Parliamentary Relations Committee releasing a public statement in March 2023 calling Armenians and the Armenian diaspora "the tumourous cancer of Europe"²⁰ is one such demonstration of this. The Armenian diaspora's inclusion in that statement goes to show the extent to which the detestation pushed by the authorities is targeting an ethnicity as a whole, implying that the Armenian people as a whole must be "removed" in the case of their metaphor.

The anti-Armenian discrimination and discourse are indiscriminate; this not only reflects in the ill-treatments that ethnic Armenians - whether soldiers or civilians - were subjected to during the 2020 War in Artsakh, but also in the many declarations and decisions made by Azerbaijani officials targeting Armenians as an ethnicity rather than as citizens of a rival political power. Armenians and all things perceived to be Armenian are framed as "the enemy," making any assault against a perceived "Armenianness" justified as a result of this institutionalisation. Numerous reports discuss the persistent public narrative in Azerbaijan that frames Armenians as an enemy, a problem identified by the Advisory Committee of the Framework Convention for the Protection of National Minorities in 2012.²¹ That same year, the Caucasus Research Center published survey results showing that 91% of Azerbaijan's society considers Armenia their country's "greatest enemy."²² In their fifth monitoring cycle report on Azerbaijan, the ECRI noted with concern, "An entire generation of Azerbaijanis has now grown up listening to constant rhetoric of Armenian aggression."²³

Concerns from the ECRI about anti-Armenian discrimination have been a constant feature in their monitoring cycle reports. Commonly mentioned is the anti-Armenian discrimination present in Azerbaijani education, as well as hate speech directed at Armenians. Despite claims after the fact that such speech is directed at Armenian leadership rather than Armenians as a whole, the ECRI noted that this distinction is impossible to discern based on the content of the hate speech.²⁴ Also noted was the construction of the "Trophy Park" in Baku following the 2020 War, where mannequins depicting racist

¹⁸ Ibid, p.8

¹⁹ <https://web.archive.org/web/20240227015916/https://artsakhombuds.am/en/document/785>

²⁰ <https://www.today.az/news/politics/232879.html>

²¹ <https://rm.coe.int/168008c664> §50

²² <https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CAD-51-52.pdf> fig. 2b

²³ <https://rm.coe.int/fourth-report-on-azerbaijan/16808b5581> §25

²⁴ <https://rm.coe.int/sixth-report-on-azerbaijan/1680ab9e35> §39

caricatures of Armenians were present along with Armenian military equipment seized during the war.²⁵ Though Azerbaijan later removed the caricatures after intense criticism from many international bodies, their initial presence indicates an intense pre-existing level of discrimination.

With this in mind, statements by those such as Ali Hasanov, the head of the Presidential Administration's Social and Political Department, claiming that “We, as the Azerbaijani people, must express public hatred toward these [Armenian] people,”²⁶ about the censorship of the Akram Aylisli novella *Stone Dreams*,²⁷ reflects a conflation between anti-Armenian discrimination and rhetoric and a general Azerbaijani patriotism. The actions of Azerbaijani military personnel acting in line with this official and public rhetoric echo this blurred distinction. For example, Elnur Ferzeliyev edited himself in front of an Azeri flag with a caption that reads “I have a love, it is my flag. I have an enemy, it’s an Armenian.”²⁸

Further, the erasure of anything considered Armenian or representing “Armenianness” is part of a narrative that replaces all Armenian cultural sites and objects with Azerbaijani, Turkic, or “Caucasian Albanian” equivalents to instrumentalise these sites and objects and justify claims of Armenian land as ahistorical. The results of this narrative appear in various contexts, such as mapping sites. The Azerbaijani-supported GoMap, an online mapping and navigation service for the Caucasus region, appears to abide by the demands of President Aliyev from 17 August 2021: “All other ancient Azerbaijani settlements located in the territory of president-day Armenia should be called by their real names... Therefore, I request that both journalists and the general public use real names of these places.”²⁹ These methods deny Armenia’s history and Armenia's connection to the territory. One element of this is the promotion of “Western Azerbaijan,” an irredentist and revisionist promotion of all of Armenia being historically part of Azerbaijan - an idea also used to advance claims on Armenian territory by Azerbaijan.

The claims of a “Western Azerbaijan” are particularly concerning when taking into consideration the pre-existing anti-Armenian discrimination and rhetoric for the implications implicit in the claims. Aziz Alakbarli, a sitting Azerbaijani MP with the ruling New Azerbaijan Party and the chair of the Western Azerbaijan Community advanced these claims in verifiably ahistorical and irredentist ways. Among them, he claims that Gregory the Illuminator (the founder of the Armenian Apostolic Church) was of Turkic origin and that the ancient Armenians were of Turkic origin (he further claims they were displaced in the 15th century by what he terms as “Hay-Armenians,” and expresses racial hostility against Armenians based on this). By association, he calls all ancient Armenian monuments either Turkic or Albanian in origin.³⁰ Though clearly revisionist, ahistorical, and irredentist, these theories have received institutional support in Azerbaijan. Alakbarli is a sitting MP, and the claims to Western Azerbaijan have come from multiple members of the Azerbaijani government, including numerous times from President Aliyev himself.³¹ These claims, in part, derive from statements from Azerbaijan regarding ethnic Azerbaijanis who resided in Armenia and left as the Soviet Union began to fracture and the First Nagorno-Karabakh War began. However, they ignore any mention of the Armenians who once lived in Azerbaijan, including outside of the NKAO; following pogroms in Sumgait, Baku, and Kirovabad, it was clear to Armenians that staying in Azerbaijan and being able to

²⁵ Ibid, §41

²⁶ https://www.hrw.org/report/2013/09/01/tightening-screws/azerbaijans-crackdown-civil-society-and-dissent#_ftn167

²⁷ https://www.tert.am/files/files/Interim_Public_Report_NKR%20Omb_FINAL.pdf §45-47

²⁸ <https://tatoyanfoundation.org/wp-content/uploads/2024/03/Report-to-the-UN-Committee-against-Torture-on-racial-and-ethnic-discrimination-against-Armenians-by-Azerbaijan-2.pdf> p.27

²⁹ <https://www.cftjustice.org/wp-content/uploads/2024/02/Azerbaijans-Policy-of-Irredentism-Illegitimate-Territorial-Claims-on-the-Republic-of-Armenia.pdf> §5.1

³⁰ <https://evnreport.com/politics/baku-qanon-the-new-high-armenophobia/>

³¹ <https://oc-media.org/aliyev-says-yerevan-historically-azerbaijani/>

live as Armenians was impossible.³² While Azerbaijan claims “Western Azerbaijan” in part due to the movement of forcibly displaced Armenians from this era, it refuses to acknowledge Armenian refugees, as acknowledging them would mean acknowledging an “Armenianness” that was part of Azerbaijan. Such an acknowledgment is impossible in Azerbaijan today. The other intent of this claim is to deny any Armenian connection to the territory and supplant it with irredentist Azerbaijani claims. Given the anti-Armenian discrimination already present, this implies, in the best case, an ethnic cleansing of Armenians for the territories claimed by Azerbaijan.

The result of this institutionalised anti-Armenian discrimination and propaganda is that, in Azerbaijan, the dehumanisation of Armenians is a regular element of state-sponsored Azerbaijani rhetoric, leading to tacit support for those who commit grievous crimes against Armenians. Further, it denies Armenians even the recognition of a state in the region. As a result, the institutionalised view of Armenians as “the enemy” implicitly calls for their removal or extermination, demonstrable in the blockade of and military offensive against Artsakh and the deportation of the Armenian population of Artsakh.

ii. General and Online Displays of Hate Speech

The harassment campaign against Akram Aylisli following the publication of his 2013 novella, *Stone Dreams*, is indicative of how anti-Armenian discrimination and rhetoric in Azerbaijan manifests. A story that offers sympathy to Armenians and describes the massacres of Armenians in Aylisli’s birthplace of Aylis, as well as the Baku pogrom of 1990, the novel produced an extremely negative backlash in Azerbaijan. Aylisli’s wife and son lost their jobs, Aylisli was stripped of his many literary titles and awards, and some even took to investigating his ethnicity.³³ This last point is very revealing, the implication being that the belief that a “true” Azerbaijani would not offer sympathy to Armenians or acknowledge their suffering. The campaign against Aylisli also included Hafiz Hajiyef’s pro-government political party offering a bounty of ten thousand manats for Aylisli’s severed ear, an astronomical amount considering the average salary in Azerbaijan was roughly four hundred manats a month. In addition, the bounty was reminiscent of a common practice of Azerbaijani military personnel against ethnic Armenians. The campaign against Aylisli shed light on how anti-Armenian discrimination and rhetoric impact public discourse, where even acknowledging and recognising Armenians as a people is an act met with public calls for violence.

This anti-Armenian sentiment is highly visible in Azerbaijani social media, and its perpetuation provides a direct obstacle to the peace process in the South Caucasus and the application of normative standards to combat discrimination. It is apparent in the social media posts Elnur Ferzeliyev posted after beheading Kyaram Sloyan. Ferzeliyev not only flaunted his decapitation of Sloyan, mimicking the use of Sloyan’s head for sport, but he additionally boasted that he avenged his uncle by doing so, echoing Ramil Safarov’s claim that he lost his childhood home to the First Nagorno-Karabakh War. In each case, the association of personal revenge with violence against Armenians illustrates the dependence on said violence in narratives around the conflict. The effects of a persistent narrative promoting hate speech and anti-Armenian discrimination are direct actions committed by those raised within this narrative and inspired by its calls for violence and revenge.

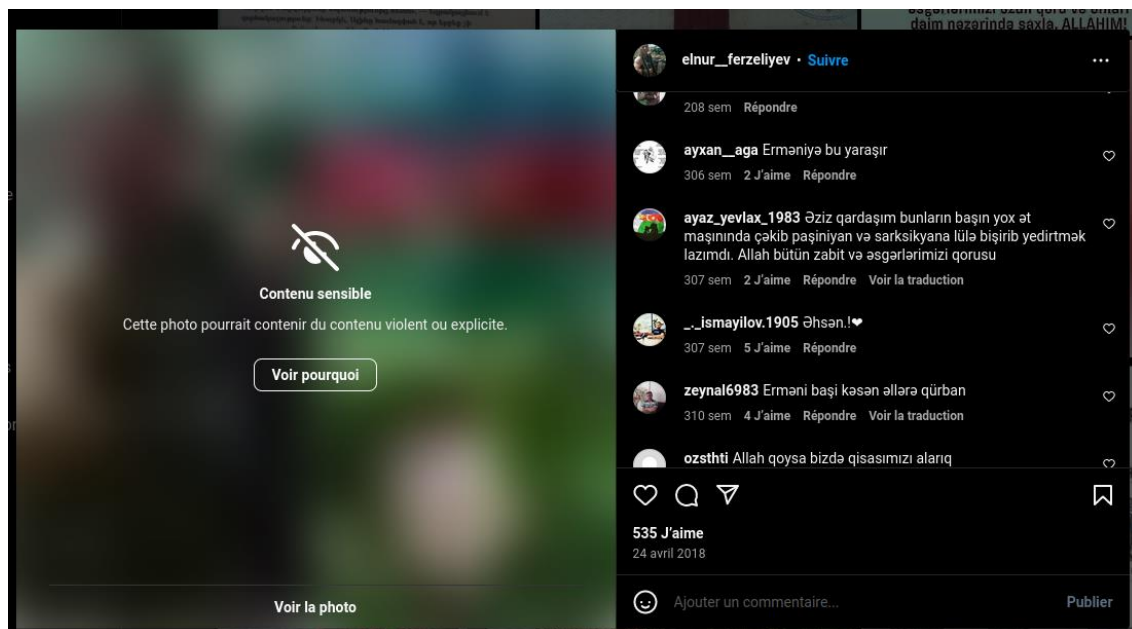
News outlets have widely reported on societal expression of anti-Armenian discrimination in everyday Azerbaijani life for over a decade. It includes folk tales taught in Azerbaijani schools that

³² <https://www.nybooks.com/articles/1990/09/27/an-open-letter-on-anti-armenian-pogroms-in-the-sov/>

³³ <https://web.archive.org/web/20150129111122/http://www.caucasus-survey.org/vol2/ismayil-role-of-stone-dreams-in-azerbaijani-armenian-conflict.php> (Archived from original)

depict Armenians as the villains,³⁴ an incident in which Azerbaijan's State Borders Service immediately repatriated two football players from the Russian FC Armavir ("Torpedo Armavir" at the time) upon their arrival in Azerbaijan due to their Armenian descent (and despite their Russian citizenship),³⁵ and the denial of entry to Azerbaijan of an Azerbaijani-born citizen of Kazakhstan due to his previous visit to Armenia.³⁶ This discrimination is also evident in instances such as the refusal of two Azerbaijani dancers in a Vienna dance company to perform *Gayane*, a ballet by Armenian composer Aram Khachaturyan,³⁷ the denial of an Azerbaijani announcer to announce an Armenian contestant in the OPUS international singing contest,³⁸ and the removal of an Azerbaijani TV presenter from his position following his brief recitation of a section of a song in Armenian at a party.³⁹ There has been a persistent normalisation of the denial of recognition of Armenians or Armenian heritage, and those who have done so have faced punishment in some form as a result.

With or without the veil of anonymity available to social media users, anti-Armenian hate speech is likewise very prevalent on social media platforms. One of the comments on Elnur Ferzeliyev's Instagram posts, dated 14 April 2018, stated, "Dear brother, we should put their heads in a meat grinder, make lula [kebab] and feed Sargsyan and Pashinyan. Beheader of Armenians, may your hands be blessed."⁴⁰ Ferzeliyev's Instagram account still contains many graphic photos, including the aftermath of Sloyan's beheading, despite its depiction of a war crime motivated by anti-Armenian hatred. These posts draw numerous comments from other Azerbaijani Instagram users, such as the one mentioned above, who praise Ferzeliyev and call for further violence against Armenians.



Ferzeliyev's Instagram post, which is automatically blurred by Instagram but otherwise still publicly available, with the quote from above.

³⁴ <https://tarix.konspekt.az/qan-yaddashi/qani-yanvar/1221-304lham-v601-f601riz601nin-na2873051305.html>

³⁵ ECHR, V.T and Others v. Azerbaijan, application n°20075/16, lodged on April 13th 2013. Pp. 16-17

³⁶ <https://www.panarmenian.net/m/eng/news/133536>

³⁷ <https://www.panorama.am/ru/news/2012/06/30/gayane/723409>

³⁸ <https://www.vesti.az/news/163033>

³⁹ <https://web.archive.org/web/20131111165516/http://anspress.com/index.php?a=2&lng=ru&nid=86827>

(archived from the original)

⁴⁰ <https://www.instagram.com/p/Bh9TK-mAdfN/>

Azerbaijani social media channels often contain this type of anti-Armenian hate speech. Despite the hate speech laws in Azerbaijan, Azerbaijani social media users face no punishment for online hate speech against Armenians. Many public figures in Azerbaijan posted hate speech against ethnic Armenians on social media platforms, the evolution of a pattern that was first visible with the public support for Ramil Safarov in 2004, even before the common use of social media platforms. This anti-Armenian rhetoric on social media has been the subject of numerous reports; the Human Rights Defenders of Armenia and Artsakh noted the very likely causative effect this rhetoric had on explicit calls for violence and the war crimes committed against ethnic Armenians during the 2020 war.⁴¹ The Human Rights Defender of Armenia further noted that the hate speech against Armenians on Azerbaijani social media continued after the end of the 2020 War.⁴² It is not a coincidence that many of the purported “eco-protesters” who blockaded Artsakh in December 2022 had extensive social media histories that promoted acts of violence or hatred against Armenians.⁴³

The posting of anti-Armenian hate speech and videos or pictures of dead, mutilated, or beheaded Armenians on Azerbaijani social media creates a grim and increasingly violent feedback loop. With anti-Armenian hate speech being, at best, condoned or, at worst, glorified at the institutional level in Azerbaijan, perpetrators of horrific crimes against Armenians have felt emboldened to post evidence of the aftermath of their crimes to Azerbaijani social media channels. With a precedent set by the glorification of Ramil Safarov, these perpetrators are similarly glorified on Azerbaijani social media channels, despite the identities of the perpetrators either being known, based on their social media accounts or interviews, or identifiable based on the Azerbaijani military’s knowledge of which units were active in the theatres in which these crimes were committed. There has been no accountability for those who commit these crimes, only glorification, inspiring further acts of racially-motivated violence against ethnic Armenians by Azerbaijani personnel. In this way, there is a direct connection between the institutionalisation of anti-Armenian discrimination in Azerbaijan, the proliferation of anti-Armenian hate speech in Azerbaijani public discourse and on Azerbaijani social media platforms, and the acts of racially-motivated violence committed by Azerbaijani personnel against Armenians.

iii. Acts of Racially-Motivated Violence

In part, this report discussed forms of violence inspired by anti-Armenian discrimination and rhetoric, including the killings and beheadings of Guren Margaryan, Hayk Toroyan, Hrant Gharibyan, and Kyaram Sloyan. It is important to note that these are not isolated instances of extreme violence, but rather fit into a systemic pattern of racially motivated violence at the hands of the Azerbaijani state. This violence takes the form of brutal killing and mutilation, as well as torture and mistreatment for Armenians in Azerbaijani captivity. The glorification of the perpetrators at an institutional level perpetuates this cycle of violence, carrying the implicit message that extreme violence against Armenians is both heroic and patriotic. These acts of violence breach international human rights law and international humanitarian law, in addition to being wholly predicated on ethnic grounds.

Even prior to the wars of 2016, 2020, and 2022, there were cases of violence against Armenians at an institutional level in Azerbaijan. Due to the mountainous nature of the Armenia-Azerbaijan border, which included unmarked boundaries, there were multiple instances of Armenians captured by Azerbaijani personnel in the border region, with many of these cases presented before the European

⁴¹ <https://www.ombuds.am/images/files/2032f021fe81176414a649d588ad0e86.pdf>

⁴² <https://ombuds.am/images/files/3101f60c869b0f378dbc737b002e5054.pdf>

⁴³ <https://tatoyanfoundation.org/in-the-almost-300-page-report-we-have-placed-the-evidence-that-confirms-the-direct-connection-of-the-eco-activists-who-blockaded-the-road-of-life-path-connecting-artsakh-with-the-world-with-t/?lang=en>

Court of Human Rights (ECHR). In 2010 Manvel Saribekyan, from the Gegharkunik region of Armenia, was captured by Azerbaijani personnel close to the border, was accused of being an Armenian saboteur, and taken to Baku; Azerbaijani authorities claim he committed suicide in captivity soon after, though a forensic investigation of his body found evidence of extensive torture that led to his death.⁴⁴ In 2014 Karen Petrosyan, from the Tavush region in Armenia, was captured in a situation similar to Saribekyan's; a day after being captured, Azerbaijani authorities announced that Petrosyan had suddenly died, with a forensic investigation showing evidence of torture.⁴⁵ Also in 2014, an elderly Armenian named Mamikon Khojoyan from the Tavush region was captured by Azerbaijani personnel. Despite being in good health at the time of his capture, Khojoyan later appeared in an Azerbaijani interview with extensive injuries, which investigations following his repatriation to Armenia determined were incurred during his captivity.⁴⁶

Reports by the Armenian Human Rights Defender's Office repeatedly tied the violence committed against Armenians by Azerbaijani military personnel to the persistent anti-Armenian narrative institutionalised by Azerbaijan, the extensive anti-Armenian hate speech promoted on Azerbaijani social media, and the glorification of figures such as Ramil Safarov. The ECRI concerns that the glorification of Safarov would grant a sense of impunity in Azerbaijan⁴⁷ were seemingly prophetic; less than a month after the adoption of the report including these concerns, Azerbaijan suddenly attacked Artsakh in the Four-Day War of April 2016, during which the Azerbaijani military committed numerous unpunished crimes against ethnic Armenians. These included the beheadings of Kyaram Sloyan, Hayk Toroyan, and Hrant Gharibyan, with the perpetrators of these crimes again attaining a glorified status on Azerbaijani social media, similar to Safarov. This war also lent itself to the murder and mutilation of Armenian civilians, as was the case with three elderly members of an Armenian family unable to flee from their village, later found executed and mutilated in their home.⁴⁸

For Armenians held as captives of Azerbaijani personnel, whether civilians or POWs, there are longstanding patterns of severe mistreatment, torture, or killing by their Azerbaijani captors. Testimony from civilians and POWs following the 2020 War report similar levels of mistreatment, which constitute breaches of Geneva Conventions I, III, and IV with regards to the treatment of POWs and civilians.⁴⁹ The mistreatment's basis on anti-Armenian hatred provided further breaches of these conventions, alongside violations of Articles 5 (prevention of torture) and 7 (anti-discrimination before the law) of the Universal Declaration of Human Rights (UDHR), which Azerbaijan is a signatory to.⁵⁰ Many civilians had lingering health issues due to mistreatment by Azerbaijani personnel during their captivity; others were murdered.⁵¹ A notable case of the latter is that of Arsen Gharakhanyan, who was captured in Hadrut while attempting to evacuate his father in 2020. Arsen was not released following the cessation of hostilities and appeared in videos posted on Azerbaijani social media, being forced to repeat Azerbaijani propaganda and being mocked by Azerbaijani personnel as late as 8 January 2021. Following a 13 January 2021 ECHR order for Azerbaijan to provide information regarding Gharakhanyan, ICRC personnel found his body near the village of Aygestan in Artsakh on 18 January;

⁴⁴ <https://hudoc.echr.coe.int/app/conversion/docx/?library=ECHR&id=001-200439&filename=CASE%20OF%20SARIBEKYAN%20AND%20BALYAN%20v.%20AZERBAIJAN.docx&logEvent=False>

⁴⁵ <https://hudoc.echr.coe.int/fre?i=001-212965>

⁴⁶ <https://hudoc.echr.coe.int/fre?i=001-212964>

⁴⁷ <https://rm.coe.int/fourth-report-on-azerbaijan/16808b5581> §38

⁴⁸ https://eoi.at/wp-content/uploads/2018/09/Interim_Public_Report_NKR-Omb_FINAL-1.pdf

⁴⁹ <https://www.ombuds.am/images/files/8f33e8ccaac978faac7f4cf10442f835.pdf> §86

⁵⁰ <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%205,or%20degrading%20treatment%20or%20punishment.>

⁵¹ <https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes>

forensic analysis determined that he had been executed by gunshot on 15 January, after the ECHR order was given for information on his whereabouts and condition.

During the 2020 War, Azerbaijani military personnel committed a huge number of extremely violent acts against Armenians. Azerbaijan took control of a large amount of territory during the conflict, including majorly populated settlements such as Hadrut and Shushi/Shusha with notable civilian populations. Many elderly or disabled Armenian civilians in these areas were unable to flee due to their conditions, making them the primary victims of this violence. These cases could only have been racially motivated in nature, as either video, photographic, or forensic evidence made it clear that the Armenians were in Azerbaijani captivity, were civilians, and were clearly elderly or disabled, therefore posing no military threat. Following Azerbaijan's occupation of Hadrut, videos were shared of the capture and extrajudicial executions of two Armenians, 73-year-old Benik Hakobyan and 25-year-old Yuri Adamyan,⁵² by an Azerbaijani firing squad at a park in Hadrut.⁵³ Videos shared on Azerbaijani social media shortly after the end of the war showed two separate beheadings of Armenian civilians, 69-year-old Gennadi Petrosyan and 82-year-old Yuri Asryan, by Azerbaijani personnel. Another video shared of the aftermath of Petrosyan's execution showed Azerbaijani military personnel putting his severed head on a pig and mocking him in death.⁵⁴ A report by the Artsakh Human Rights Defender following the end of the war and the search and rescue operations noted the discovery of many remains of Armenian civilians, with forensic investigations finding evidence of captivity, torture, mutilation, and beheadings at the time of death in nearly every case.⁵⁵

On 13 September 2022, Azerbaijan launched a military offensive against the Republic of Armenia, with troops still occupying territory in the Vayots Dzor and Syunik regions following this attack. Multiple videos and photos that emerged after the attack showed further atrocities against Armenians by Azerbaijani military personnel. A video was shared on Azerbaijani social media channels on 1 October 2022 showing the extrajudicial execution of multiple Armenian POWs by Azerbaijani personnel, with photos of the aftermath available on Azerbaijani social media as early as 13 September; the Azerbaijani serviceman who opened fire appeared to have been ordered to stop shooting shortly after opening fire, but continued firing along with other Azerbaijani personnel.⁵⁶ Following this attack, another video was posted on Azerbaijani social media showing the torture and mutilation of an Armenian servicewoman.⁵⁷ Her legs were mutilated, her fingers were mutilated and placed in her mouth, a rock was placed in her eye socket, she was stripped naked, and the text "Yaşma" was written on her stomach. The special forces of Azerbaijan are sometimes referred to as Yaşma, as they are based in a city of that name in Azerbaijan. A report by the Armenian Human Rights Defender following the attacks noted the widespread discriminatory treatment shown by Azerbaijani military personnel to Armenian servicewomen in particular; multiple videos recorded by Azerbaijani military personnel and shared on Azerbaijani social media following the attack demonstrated this, including the video of the Armenian servicewoman.⁵⁸

The cycle of extreme racially motivated violence against Armenians by Azerbaijani military personnel and the glorification of this violence in Azerbaijani discourse are symptoms of the underlying and persistent anti-Armenian rhetoric and discrimination that are endemic to the Azerbaijani government and its institutions. The Armenians of Artsakh were acutely aware of this pattern of racially

⁵² <https://www.bbc.com/news/world-europe-54645254>

⁵³ <https://www.bellingcat.com/news/rest-of-world/2020/10/15/an-execution-in-hadrut-karabakh/>

⁵⁴ <https://www.theguardian.com/world/2020/dec/15/two-men-beheaded-in-videos-from-nagorno-karabakh-war-identified>

⁵⁵ <https://web.archive.org/web/20240227015916/https://artsakhombuds.am/en/document/785>

⁵⁶ <https://www.bellingcat.com/news/2022/10/20/an-execution-near-sev-lake-armenia-azerbaijan/>

⁵⁷ <https://oc-media.org/footage-appears-to-show-desecration-of-female-armenian-soldier/>

⁵⁸ <https://www.ombuds.am/images/files/bb0ed8808617aa8b63c6a52e2891c7b3.pdf> §26

motivated violence and its celebration in Azerbaijan. Under Azerbaijani rule, the reality of the people of Artsakh would be one of inescapable violence, promoted and facilitated by their explicit labels as enemies of the Azerbaijani state.

iv. Destruction of Armenian Cultural Heritage in Azerbaijan

The destruction of Armenian cultural heritage sites in Azerbaijan has been ongoing since the independence of Azerbaijan from the Soviet Union, most notably in the Nakhchivan exclave and in the areas of Artsakh that Azerbaijan took control of following the 2020 War. Azerbaijani authorities have systematically destroyed sites of Armenian cultural or religious heritage, including churches, inscriptions in the Armenian alphabet, and khachkars, an Armenian carved stone monument used to mark graves and commemorate important events.

Outside of the complete destruction of sites of Armenian heritage, a persistent risk is their modification to remove any evidence of Armenian heritage. One of Azerbaijan's justifications for its actions is the claim to a revisionist history of "Caucasian Albania." In roughly the Hellenic era, a civilisation now referred to as Caucasian Albania existed in the Caucasus region; however, that civilisation never included the territory of modern-day Nakhchivan. Instead, Azerbaijan uses claims of Caucasian Albania to relabel historical and well-documented Armenian sites and figures from that era in Artsakh, attempting to separate Armenians from their historical ties to the land. A prominent example of such sites is Amaras Monastery, established by Grigor Lusarovich, the founder of the Armenian Apostolic Church. The monastery later housed the first school to teach the writing of the Armenian alphabet, created by an Armenian theologian named Mesrop Mashtots in the 5th Century. The grandson of Grigor Lusarovich, named Grigoris, was an Armenian who preached Christianity in Caucasian Albania and became the Katholikos of the Albanian Church. After his death, he was buried at Amaras Monastery.⁵⁹ Rather than constituting a denial of the Armenianness of historical figures or cultural heritage sites, the history of Amaras Monastery speaks to the interplay of cultures in the region. Claiming that sites are actually Caucasian Albanian in heritage primarily serves as a revisionist tool used to deny any connection Armenians have to the territory of Artsakh or Armenia, one that is transparently ahistorical.⁶⁰ Over time, Azerbaijan has made claims that sites are "Caucasian Albanian" to initiate modifications or destruction before abandoning these claims as interest faded. This pattern likewise occurred in Nakhchivan. Between 1997 and 2007, Azerbaijan denied the Armenian heritage of sites, claimed that they were "Caucasian Albanian," and then destroyed them entirely.⁶¹

The erasure of every site of Armenian heritage in Nakhchivan was a process that started in 1997 with the destruction of churches and cemeteries. Azerbaijani authorities detained foreign observers who tried to photograph the damage, while making fantastical claims that Armenians had taken photos of empty areas and edited the photos so that they showed Armenian heritage sites.⁶² This destruction was most apparent in Julfa, which housed the world's most extensive collection of mediaeval khachkars at the time. Azerbaijan began destroying the khachkars in 1998, first toppling them before eventually bulldozing them into the nearby Araks River in 2006.⁶³ Azerbaijanis noticed this destruction at the time;

⁵⁹ <https://monumentwatch.org/en/monument/the-amaras-monastery-general-information/>

⁶⁰ <https://evnreport.com/politics/baku-qanon-the-new-high-armenophobia/>

⁶¹ <https://hyperallergic.com/482353/a-regime-conceals-its-erasure-of-indigenous-armenian-culture/>

⁶² <https://evnreport.com/politics/artsakh-heritage-what-is-happening-to-nagorno-karabakhs-armenian-monuments/>

⁶³

https://web.archive.org/web/20060524080442/http://iwpr.net/index.php?p=crs&s=f&o=261191&apc_state=henpcrs261191

Akram Aylisli, from the town of Aylis in Nakhchivan, sent a telegram to then-Azerbaijani President Heydar Aliyev protesting this destruction which read:

“To the President of the Republic of Azerbaijan – Mr. HEYDAR ALIYEV

Honorable Mr. President

Recently it became known to me that in my native village of Aylis large-scale work is underway for the eradication of Armenian churches and cemeteries. This act of vandalism is being perpetrated through the involvement of armed forces and employment of anti-tank mines. I bring to your attention my deepest concern regarding the fact that such senseless action will be perceived by the world community as manifestation of disrespect for religious and moral values, and I express my hope that urgent measures will be undertaken on your part for ending this evil vandalism.

Respectfully,

AKRAM AYLISLI

10 June, 1997”⁶⁴

This destruction continued regardless of those who protested, until there were no sites of Armenian heritage in Nakhchivan remaining.



Photos of the Julfa Cemetery and its khachkars before and after its destruction in 2005⁶⁵

Due to the difficulties in assessing the damage to Armenian heritage sites, including the aforementioned issues with the Azerbaijani authorities in Nakhchivan, Caucasus Heritage Watch conducted surveys and investigations in 2022 based on satellite imagery. These surveys showed the

⁶⁴ <https://hyperallergic.com/482353/a-regime-conceals-its-erasure-of-indigenous-armenian-culture/>

⁶⁵ <https://www.rferl.org/a/armenia-azerbaijan-julfa-cemetery-destruction-unesco-cultural-heritage/30986581.html>

complete destruction of 98% of Armenian heritage sites that could be located by satellite imagery.⁶⁶ With the destruction of the sites of Armenian heritage in Nakhchivan, Azerbaijani authorities began to promote Nakhchivan's "ancient and mediaeval Turkish-Islamic culture,"⁶⁷ having destroyed any evidence of its Armenian past.

Sites of Armenian heritage in the areas of Artsakh that Azerbaijan took control of following the 2020 War have similarly been destroyed or modified to remove their Armenian heritage. The Dadivank Monastery, located outside the former NKAO and controlled by Artsakh, was outside of the jurisdiction of Artsakh following the 2020 War; from 2020 until 2023, it was under the jurisdiction of Russian peacekeepers. On 3 February 2022, Azerbaijan's Ministry of Culture announced the creation of a committee whose purpose would be to erase centuries-old engravings, crosses, and scriptures on the walls of such landmarks, part of a process to remove evidence of their Armenian heritage under the claim such sites were actually Caucasian Albanian.⁶⁸ Dadivank Monastery is a notable Armenian Monastery founded in mediaeval times - Caucasian Albania, as a political entity, had ceased to exist by that point, and the Caucasian Albanian Church had long since joined into the Armenian Apostolic Church and functionally and meaningfully been the Armenian Apostolic Church at the time of Dadivank's founding.

Caucasus Heritage Watch began regularly monitoring the status of Armenian heritage sites in Artsakh following the end of the 2020 War. They published four reports prior to Azerbaijan's blockade of Artsakh in 2022, each containing further evidence of Azerbaijan's damage to or destruction of Armenian heritage sites in Artsakh. A focus of these reports is damage to Ghazanchetsots Cathedral in Shushi/Shusha from Azerbaijani shelling in the 2020 War.⁶⁹ Built in the late 19th Century, Ghazanchetsots is one of the most famous Armenian churches in Artsakh and one of the most recognisable Armenian churches in general. Following the shelling, Azerbaijan announced plans to repair and renovate it, though these repairs and renovations erased the very prominent Armenian features of Ghazanchetsots, and any further work appeared to have stopped in 2022.⁷⁰ Caucasus Heritage Watch also tracked the Azerbaijani work on Ghazanchetsots in their reports, noting that the recognisable spire on Ghazanchetsots, initially removed during the pogrom of Shushi/Shusha's Armenian residents in 1920, had again been removed.⁷¹ Azerbaijan's second removal of this spire is one of the most indicative and noticeable changes to the cathedral. In 2022, Caucasus Heritage Watch similarly documented the destruction of the St Sargis Church of Mokhrenes in the Hadrut region. It notes that, despite St Sargis Church's construction in the 18th or 19th Century and Mokhrenes' history of Armenian settlement dating back to the 5th century, Azerbaijan stated St Sargis Church was an "Albanian temple" and destroyed it regardless, in addition to renaming the village to Susanlyg.⁷²

Article 4 of the 1954 Hague Convention for the Protection of Cultural Property in Armed Conflict strictly prohibits any act of vandalism, theft, robbery, misappropriation, hostility, or reprisal against cultural heritage, with the destruction of cultural or spiritual values in occupied territories also

⁶⁶ <https://indd.adobe.com/view/2a6c8a55-75b0-4c78-8932-dc798a9012fb> p. 6

⁶⁷ <https://hyperallergic.com/482353/a-regime-conceals-its-erasure-of-indigenous-armenian-culture/>

⁶⁸ <https://report.az/en/cultural-policy/working-group-set-up-to-restore-armenianized-temples-of-ancient-albania/>

⁶⁹ <https://indd.adobe.com/embed/29f1209a-86e5-45a6-a53e-974eda2177b6?startpage=1&allowFullscreen=true>
p. 25

⁷⁰ <https://monumentwatch.org/en/alerts/about-the-azerbaijani-restoration-of-surb-amenaprkich-ghazanchetsots-church-in-shushi/>

⁷¹ <https://indd.adobe.com/embed/73cac945-7eb0-4f25-95a0-caf2afe7964c?startpage=1&allowFullscreen=true> p.
39

⁷² <https://indd.adobe.com/embed/bc52b43e-ea70-4967-9b26-1c57fcfd7ed?startpage=1&allowFullscreen=true>
p. 21

prohibited.⁷³ The United Nations Educational, Scientific and Cultural Organization (UNESCO)'s Convention on the Protection of World Heritage likewise prohibits State Parties to the Convention from taking "any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention."⁷⁴ Notably, both Azerbaijan and Armenia are ratifying parties to this convention.⁷⁵ The ICJ has already condemned the destruction of cultural heritage sites in Nakhchivan based on the Convention on the Elimination of All Forms of Racial Discrimination (CERD).⁷⁶ Similarly, the European Parliament passed a resolution on 10 March 2022 condemning the destruction of Armenian cultural heritage in Artsakh⁷⁷ and called for the involvement of UNESCO, with the following sections particularly relevant:

2. *Acknowledges that the erasure of the Armenian cultural heritage is part of a wider pattern of a systematic, state-level policy of Armenophobia, historical revisionism and hatred towards Armenians promoted by the Azerbaijani authorities, including dehumanisation, the glorification of violence and territorial claims against the Republic of Armenia which threaten peace and security in the South Caucasus;*

3. *Stresses that cultural heritage has a universal dimension as a testimony of history inseparable from peoples' identity, which the international community has to protect and preserve for future generations; underlines the importance of the rich cultural heritage of the region; urges all states to take the necessary measures to ensure the safeguarding of the intangible cultural heritage sites present in territory under their control; deplores the fact that the conflicts in the Nagorno-Karabakh region have led to the destruction, pillaging and looting of common cultural heritage, which has fuelled further distrust and animosities;*

...

7. *Welcomes UNESCO's proposal to send an independent expert mission and calls for it to be sent without delay; stresses that Azerbaijan must grant unhindered access to all cultural heritage sites in order for the mission to draw up an inventory on the ground and to see what has happened to the sites;*

8. *Strongly insists that Azerbaijan enable UNESCO to have access to the heritage sites in the territories under its control, in order to be able to proceed with their inventory and for Azerbaijan to ensure their protection; urges Azerbaijan to ensure that no interventions on Armenian heritage sites occur prior to a UNESCO assessment mission, and that Armenian and international cultural heritage experts are consulted prior to, and closely involved during interventions on Armenian cultural heritage sites; calls for the full restoration of these and other demolished sites and for greater involvement of the international community, particularly UNESCO, in protecting the world heritage sites located in the region;*

9. *Calls for the EU to actively participate in efforts to protect cultural heritage at risk in Nagorno-Karabakh, notably by deploying mechanisms to facilitate UNESCO's fact-finding mission; encourages all initiatives, including private ones, to help preserve this heritage; suggests the use of the EU Satellite Centre (SatCen) to provide satellite images in order to help determine the external condition of the endangered heritage in the region;*

⁷³<https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-1954/article-4a#:~:text=The%20High%20Contracting%20Parties%20undertake,for%20purposes%20which%20are%20likely>

⁷⁴<https://whc.unesco.org/archive/convention-en.pdf>, Article 6

⁷⁵<https://whc.unesco.org/en/statesparties/>

⁷⁶<https://www.icj-cij.org/public/files/case-related/180/180-20211207-PRE-01-00-EN.pdf>

⁷⁷https://www.europarl.europa.eu/doceo/document/TA-9-2022-0080_EN.html

With all this in mind, the destruction of Armenian cultural and religious heritage sites in Azerbaijan is an example of the manifestation of anti-Armenian discrimination in Azerbaijan. The intent is to deny Armenian history and culture as well as its connection to a physical place. In this way, Azerbaijani state rhetoric presents Armenians as a form of “invader” without connection to the territory Azerbaijan claims as its own, in part through this denial of Armenian history and culture. Whether presenting Armenians as “invaders” of the “Caucasian Albania” to which Azerbaijan claims a partial heritage to, or presenting them as “invaders” in general, the effect is the same. This denial of Armenian heritage and the presentation of Armenians as “invaders” underpins the justifications for the discrimination and hate speech against Armenians, followed by the violence against Armenians.

v. Denying the Possibility of Reconciliation

From the methods in which it has been institutionalised, including the permissiveness for anti-Armenian hate speech and violence, this racial discrimination against Armenians by Azerbaijan amounts to a total denial of the opportunity for reconciliation with Armenia or Armenians by Azerbaijan. Despite its statements on the peace process with Armenia, its acts of anti-Armenian discrimination make it clear that the conception of peace and reconciliation promoted at an institutional level in Azerbaijan is one that does not include Armenians at all, whether through destruction or forced removal.

The institutionalised anti-Armenian discrimination, combined with the displays of anti-Armenian rhetoric and violence as well as the denial and destruction of Armenian heritage, make it clear that “Armenianness” is not tolerated in Azerbaijan; even acknowledging “Armenianness” becomes something to oppose violently. Without naming specific parties, the ECRI adopted a statement in 2021 regarding ultranationalist and racist hate speech and violence relating to Europe’s unresolved conflicts, noting with alarm that “failure to prevent and combat ultranationalist and racist hate speech and violence in this context further fuels hatred between communities.”⁷⁸ Not only has Azerbaijan failed to prevent or combat ultranationalist and racist hate speech and violence, it enthusiastically promoted them; Azerbaijani ultranationalist and racist hate speech and violence have become a distressingly common feature in the Armenia-Azerbaijan conflict that persists to the present.

This fact has been abundantly more clear following the 2020 War. Azerbaijan not only took control of the areas outside of the former NKAO formerly controlled by Artsakh, but also substantial parts of Artsakh. Many Armenian civilians who remained in these areas were tortured and killed in horrifically brutal and intentional ways. There is no possibility of a return to cities such as Hadrut for their former Armenian residents, and even if it were permitted, hate speech and violence against Armenians in Azerbaijan is either condoned or glorified.

Azerbaijan’s claims to the entirety of Artsakh, as well as “Western Azerbaijan,” then take a genocidal tone. It has been made clear that, de facto, Armenians cannot live under Azerbaijani control without significant threats to their lives as a result of sustained anti-Armenian discrimination, rhetoric, and violence. Azerbaijani control over areas where Armenians live makes life *for* Armenians *as* Armenians untenable and impossible. In the worst cases, Azerbaijani anti-Armenian discrimination manifests itself as ethnic cleansing and genocide, whether by intent through the seizure of territory or by proxy through its adoption by the State.

⁷⁸ <https://rm.coe.int/statement-of-ecri-on-preventing-and-combating-ultra-nationalistic-and-/1680a20d58>

II - Conditions During the Blockade

The months prior to the Azerbaijani military offensive against Artsakh were primarily characterised by a blockade of Artsakh that began on 12 December 2022, first by ‘eco-protesters’ (purported environmental activists) supported by Azerbaijani police and military personnel and later by Azerbaijani military checkpoints, that prevented the flow of goods, people, and fuel between Armenia and Artsakh. While humanitarian convoys from the International Red Cross were allowed to bring vital goods into Artsakh, Azerbaijan prevented these from 15 June 2023 onwards, resulting in a total blockade of all goods into Artsakh.

During this blockade, famine increasingly began to take hold as food could not be brought into Artsakh. Further, agricultural workers in communities along the line of contact with Azerbaijan were targeted by munitions from the Azerbaijani side of the line of contact, preventing agricultural work from taking place.

Following Azerbaijan’s installation of a control valve on a fuel pipeline between Armenia and Artsakh,⁷⁹ a fuel crisis began that eventually led all public transportation in Artsakh to be halted, caused emergency vehicles to be unable to operate, and was the cause of extensive suffering during the winter of 2022-2023. The vital need for fuel during the deportation also led to a mass gathering of people at a fuel depot near Stepanakert, which exploded, leading to the deaths of at least 218 people and injuries to hundreds more. Hospitals and schools were also unable to operate, depriving the people of Artsakh of the human rights to medical attention and education (Articles 25 and 26 of the UDHR).⁸⁰ The International Committee of the Red Cross was able to facilitate convoys to escort some ethnic Armenians through the blockade and out of Artsakh for reasons such as medical attention. However, during one such convoy on 29 July 2023, Azerbaijani military personnel kidnapped an elderly ethnic Armenian citizen in need of medical attention due to his participation in the First Nagorno-Karabakh War.

Supplying power to the region, especially without a gas supply, became an increasingly pressing issue. A hydroelectric plant supplied by the Sarsang reservoir in the Martakert region could provide some power to the region, but due to a lack of energy alternatives and the constant need for electricity the reservoir began to dry in May 2023, leading to rolling blackouts to conserve electricity.⁸¹ The reservoir supplies water to numerous communities along the Tartar River, which flows into the Kura River in the Barda region of Azerbaijan. Contrary to any claims that the blockade of Artsakh was motivated by “environmental concerns,” the blockade contributed to the serious environmental concern of water insecurity in a region persistently vulnerable to water security issues.⁸²

Ethnic Armenian communities in Artsakh were increasingly cut off from each other by the lack of fuel, as well as by Azerbaijani attacks along transportation routes. On 5 March 2023, Azerbaijani military personnel killed three ethnic Armenian police working for the Artsakh Ministry of Interior in an ambush. It is impossible to separate all of these acts from the greater framework of extreme anti-Armenian discrimination promoted at all levels in Azerbaijan, which directly contributed to the blockade of Artsakh.

⁷⁹ <https://pace.coe.int/en/files/32878/html>

⁸⁰ <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Everyone%20has%20the%20right%20to%20a%20standard%20of%20living%20adequate,age%20or%20other%20lack%20o, Articles 25 and 26>

⁸¹ <https://www.civilnet.am/en/news/700212/critical-reservoir-in-karabakh-dries-up-amid-azerbajians-blockade/>

⁸² <https://eurasianet.org/perspectives-dont-water-it-down-the-role-of-water-security-in-the-armenia-azerbaijan-war>

i. The Blockade



On 3 December 2022, the Lachin corridor was briefly blockaded by Azerbaijani government employees who approached a Russian peacekeeper checkpoint near Shushi/Shusha, claiming they were attempting to inspect what they alleged to be “illegal mining” in the area. The road was reopened on the same day.

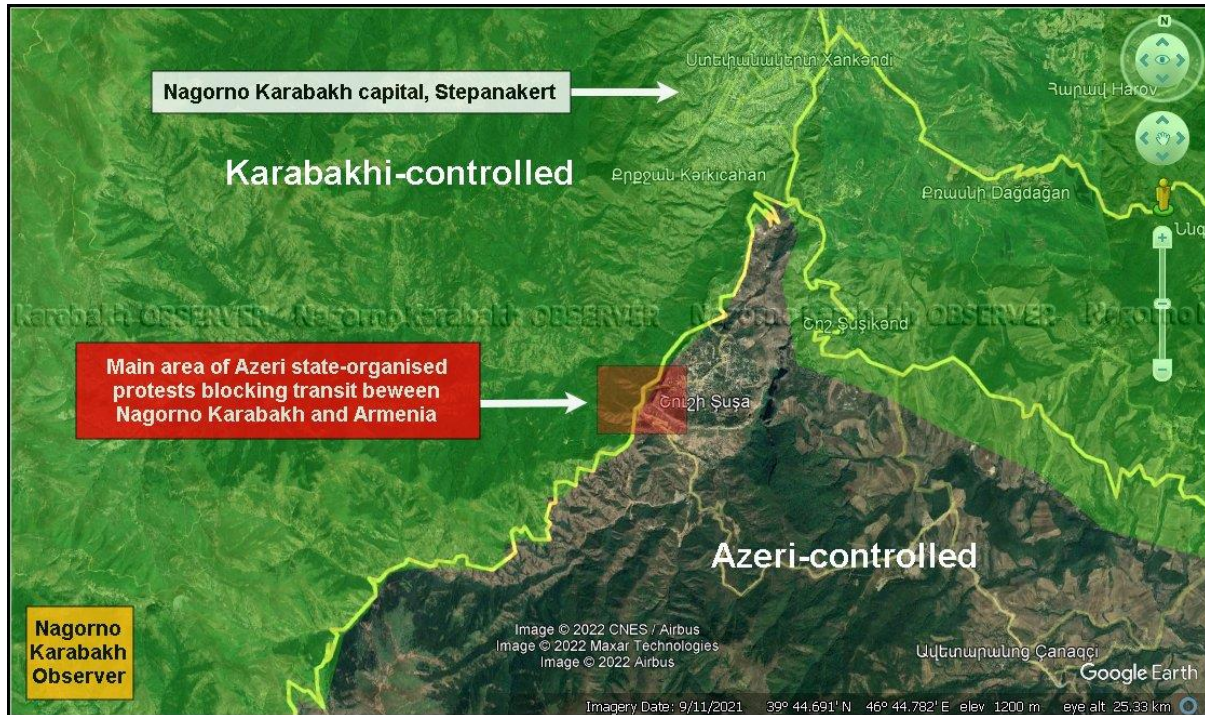
Growing tensions regarding Azerbaijani “environmental concerns” characterised the following week, including an attempt by Azerbaijanis to enter the Kashen mine, one of the primary mines in the region.⁸³ At this point, the government of Azerbaijan stepped up its rhetoric regarding its concerns over “environmental issues” in Artsakh.

12 December 2022 marked the official start of the blockade,⁸⁴ when a large group of Azerbaijanis, describing themselves as “eco-activists,” blockaded the Lachin corridor along the Stepanakert-Goris road at a location near Shushi/Shusha.⁸⁵ A few days later, Azerbaijan installed a control valve on a gas pipeline that facilitated gas flow from the Republic of Armenia to Nagorno-Karabakh, at a location where it passed through Azerbaijani territory. As the “eco-protest” escalated, Azerbaijani police arrived at the scene to offer protection to the “eco-protesters,” though not to end the blockade. In response, the Russian peacekeepers set up a physical barrier on either side of the site where the eco-activists gathered so they could not proceed further towards Stepanakert in Artsakh or towards the ethnic Armenian villages between Shushi/Shusha and the Republic of Armenia.

⁸³ <https://eurasianet.org/azerbaijanis-again-block-the-road-to-karabakh>

⁸⁴ <https://twitter.com/NKobserver/status/1651317808981061633>

⁸⁵ <https://twitter.com/NKobserver/status/1603074979788197891>



The pretext of the blockade as an “eco-protest” immediately drew international suspicion. Protests in Azerbaijan are heavily policed with frequent crackdowns and are often banned outright in Baku.⁸⁶ In addition, social media posts from some of the “eco-protesters” explicitly stated their intent to demonstrate that, in their view, Artsakh belonged to Azerbaijan.⁸⁷ Furthermore, at the same time Azerbaijan was blockading Artsakh under the pretence of an “eco-protest,” Azerbaijani police were blockading the village of Soyudlu in Azerbaijan after its residents protested plans for the construction of an artificial lake meant to contain runoff from a nearby gold mine, including dangerous substances such as cyanide. The blockade continued for months, and many residents of Soyudlu and environmental activists supporting the residents were arrested.⁸⁸ In and of itself, Azerbaijan’s prior treatment of environmental protesters undermines the claim that its support of the blockade of Artsakh was based solely on environmental concerns, especially in the context of the conflict.

Furthermore, Azerbaijani civilians did not have unrestricted access to the territories Azerbaijan gained control of following the 9 November 2020 Tripartite Statement. The Azerbaijani government would have allowed the “eco-protesters” entry to those territories and the presence of Azerbaijani police in support of the “eco-protesters” implies official government support for the blockade. The participants of this “eco-protest” were not environmental activists; they included military personnel, employees of various Azerbaijani government ministries or government-funded organisations, employees of Azerbaijani state media,⁸⁹ and students transported by the Azerbaijani government to the site of the blockade to participate in the blockade.⁹⁰ In addition, these participants’ online profiles and activities featured many documented instances of anti-Armenian discrimination and derogatory statements about

⁸⁶ <https://www.hrw.org/world-report/2023/country-chapters/azerbaijan>

⁸⁷ https://irp.cdn-website.com/c75f4b97/files/uploaded/ZPO_ANK_RM1_Report_19122023_v17-Accessible.pdf p. 17

⁸⁸ <https://eurasianet.org/azerbaijani-village-still-under-lockdown-after-protest-arrests-continue>

⁸⁹ <https://tatoyanfoundation.org/in-the-almost-300-page-report-we-have-placed-the-evidence-that-confirms-the-direct-connection-of-the-eco-activists-who-blockaded-the-road-of-life-path-connecting-artsakh-with-the-world-with-t/?lang=en>

⁹⁰ https://tatoyanfoundation.org/joint-report/?lang=en&fbclid=IwAR28AeLvcANmbivPTRC_pvXSrNTIObla09nWb2-D95JpzwXE-1uRpDW6pmg

Armenia and/or Armenians; they included support for the Grey Wolves, a Turkic ultranationalist group banned in France that the European Parliament has urged the European Union to designate as a terrorist group, and during the blockade videos showed the alleged eco-protesters singing songs that promote violence against Armenians. None of the prominent figures at the blockade had histories of environmental concerns or protests; the common feature uniting them was their public support of the Aliyev family or anti-Armenian social media posts.⁹¹ Azerbaijani military personnel and units associated with the Azerbaijani Ministry of Internal Affairs were also present in uniform, again demonstrating that the blockade had a significant measure of official government support or coordination.⁹² Outside of vague statements made by the Azerbaijani government regarding “environmental concerns” as the motivating factor for the “eco-protest,” all available evidence indicates this was a deliberate blockade of Artsakh by the Azerbaijani government, using those associated with the Azerbaijani government or with pasts of anti-Armenian discrimination as proxies.

This stage of the blockade was characterised by regular breaches of the 9 November 2020 Tripartite Statement by Azerbaijan. They gradually began taking positions along the Lachin corridor that were previously under the control of Russian Peacekeepers, as well as taking additional positions in Artsakh overlooking roads that connected communities, including an under-construction road intended to replace the road bypassing Shushi/Shusha prior to the blockade. These breaches culminated in Azerbaijani military personnel taking land at the start of the Lachin corridor in the sovereign territory of Armenia on 30 March 2023. On 23 April 2023, they again violated the 9 November 2020 Tripartite Statement by building a military checkpoint on the Lachin corridor on the Hakari Bridge, the border between Armenia and Artsakh. Days later, on 28 April 2023, the “eco-protest” officially ended, with the installation of the military checkpoint given as the primary reason. From this point, the Azerbaijani military controlled access to Artsakh. Throughout the blockade, Russian Peacekeepers refused to take action to end the blockade or restrict the actions of Azerbaijani military personnel, and their only role in the blockade was to accompany humanitarian convoys through the Azerbaijani blockade and later, checkpoint.

Following an attempt by Azerbaijani military personnel to cross the Hakari bridge and raise the Azerbaijani flag on the Armenian side on 15 June 2023, Azerbaijan blocked any movement into Artsakh along the Lachin corridor; this included all humanitarian aid convoys and Russian peacekeeper convoys. While Russian peacekeepers could still access Artsakh via helicopter from their base in the Republic of Armenia, all humanitarian goods were blocked from Artsakh from this point on.

The only vehicle transport through the Lachin corridor at this point was ICRC convoys that would bring Armenians from Artsakh to Armenia for vital medical treatments they could not access in Artsakh; however, during one such convoy on 1 August 2023, a 65-year-old patient was kidnapped and arrested by Azerbaijani military personnel. This patient, Vagif Khachatryan, was accused of having committed war crimes in the First Nagorno-Karabakh War, though no evidence for this was provided. Just days later, another ethnic Armenian was detained by Azerbaijani military personnel; Rashid Belgaryan, a resident of Artsakh, was detained while intoxicated and accidentally crossing the line of contact near the village of Hin Shen (according to authorities in Stepanakert), or while trying to enter Armenia from Azerbaijan, according to Azerbaijani authorities.⁹³ The claim by Azerbaijani authorities is interesting in that it tacitly admits that ethnic Armenians were not legally allowed to cross the border into Armenia, adding to the case that the Azerbaijani state was knowingly blockading Artsakh.

⁹¹ <https://www.azatutyun.am/a/32176325.html>

⁹² https://irp.cdn-website.com/c75f4b97/files/uploaded/ZPO_ANK_RM1_Report_19122023_v17-Accessible.pdf p. 20

⁹³ <https://oc-media.org/azerbaijan-arrests-nagorno-karabakh-resident-for-illegal-border-crossing/>

Azerbaijan changed its rhetoric regarding the blockade as conditions changed; once the Azerbaijani checkpoint was established, the claims changed from “environmental concerns” to “territorial integrity,” and had become a “counter-terrorism operation” by the time they began their offensive against Artsakh in September 2023. Throughout, Azerbaijan claimed that there was no blockade that Azerbaijan had the right to erect a checkpoint regardless of whether there was a blockade, and that even if they had blockaded the Lachin corridor, other routes were still available to bring in aid or for free movement; all such points have been debunked.⁹⁴ Artsakh endured a blockade for over nine months until Azerbaijan launched an offensive to remove it entirely.

ii. The Conditions Created

The blockade halted the flow of food and essential goods from Armenia to Artsakh; only ICRC humanitarian aid convoys were allowed into Artsakh until their restriction on 15 June 2023. Prior to the blockade, 400 tons of food and medicine were transported daily to Artsakh from Armenia,⁹⁵ and Armenia transported 90% of the food in Artsakh before the blockade.⁹⁶ Furthermore, Azerbaijani military personnel deliberately impeded domestic food production in Artsakh; agricultural workers in Artsakh in communities along the line of contact with Azerbaijan were routinely fired at, halting any agricultural work for significant periods of time. Azerbaijani forces also fired on water trucks, leaving border communities increasingly isolated.⁹⁷

Following Azerbaijan’s aforementioned installation of a control valve on the fuel pipeline between Armenia and Artsakh, Artsakh became affected by an increasingly severe fuel shortage. During the winter, many had to use wood-fuelled ovens for heating, and many larger buildings could not operate during colder conditions, as it was impossible to heat them appropriately. The power for the region was also severely affected, with rolling blackouts common. As the fuel crisis continued, public transportation had to shut down, emergency services could no longer operate, and travel between various communities became impossible, including the transportation of the few agricultural goods that could still be produced in Artsakh.

There was a constant threat to the personal safety of everyone in Artsakh during this time. People in communities along the line of contact faced the constant risk of Azerbaijani fire. On 5 March 2023, Azerbaijani military personnel attacked and killed three police from Artsakh along a road;⁹⁸ a video of the incident showed that this was a deliberate ambush planned by Azerbaijani military personnel. For the duration of the blockade, the people of Artsakh were subject to constant psychological torture in the form of constant threats of harm.

These conditions directly led to deaths during the blockade, offensive, and deportation of Artsakh. Severe conditions, such as malnutrition or lack of fuel, were compounded as time went on and the offensive began, all of which was occurring under a cloud of intense psychological torment. Incidents such as the fuel depot explosion during the deportation would not have claimed as many lives as they did if the people of Artsakh did not have the desperate need for fuel that forced so many to gather at the depot when the explosion occurred. The conditions created here were the start of a process

⁹⁴ https://irp.cdn-website.com/c75f4b97/files/uploaded/ZPO_ANK_RM1_Report_19122023_v17-Accessible.pdf

⁹⁵ <https://armenpress.am/eng/news/1100170/>

⁹⁶ <https://english.elpais.com/international/2023-04-05/the-siege-on-nagorno-karabakh-tightens-increasing-tension-in-the-caucasus.html>

⁹⁷

<https://www.facebook.com/100064819083479/posts/pfbid0247xH1SYx1utAvTgSG2GtvLE5cwc82YMPZun3Quy81Z6CKxH7pWP8LcKfBNE8rDel/?>

⁹⁸ <https://www.civilnet.am/en/news/693914/azerbaijani-claims-debunked-as-video-of-ambush-on-karabakh-police-released/>

that only became worse for the people of Artsakh and were directly caused by the government of Azerbaijan.

iii. Denial of the Right to Education and Medical Attention

The blockade resulted in two significant breaches of the right to education and medical attention. Exacerbated by the extreme shortages of food and fuel, the deterioration of the ability to access these rights was severely affected and, in some cases, made impossible by the blockade.

Many schools in Artsakh could not operate for extended periods, especially when the weather was cold; the lack of fuel meant that the schools had to remain closed as they could not heat the buildings. The rolling blackouts added further difficulties even when the schools could operate. Due to the blockade, international education organisations were also unable to assist, constituting a denial of the right to education enshrined in the UN Declaration of Human Rights and the UN Convention on the Rights of the Child.

The conditions of the blockade, as well as its length, impacted the psychological development of the 30,000 children of Artsakh. On 19 January 2023, Russian peacekeepers transported 19 children to Artsakh who had been stranded in Armenia by the blockade, most of whom had been in Armenia to attend the Junior Eurovision Song Contest. When the convoy was bypassing the blockade, around a dozen Azerbaijanis in civilian clothes surrounded the convoy, with some opening the doors to the vehicles to terrify the children inside.⁹⁹ This psychological assault on the children of Artsakh was part of the effort by Azerbaijan to make Artsakh unlivable for Armenians.

Medical facilities were similarly affected by the blockade. Fuel shortages and rolling blackouts affected their ability to operate effectively, and the fuel shortage eventually meant that emergency vehicles were unable to respond to emergencies and offer assistance. The blockade also meant that access to medicine was minimal. This medical crisis corresponded with the food shortages caused by the blockade, meaning that emergency services were increasingly unable to respond as the need for emergency aid grew.

The effects of these conditions on the Armenians of Artsakh were very noticeable. One of the first deaths from chronic malnutrition occurred on 15 August 2023 in Stepanakert.¹⁰⁰ There was a noticeable increase in miscarriages in Artsakh due to a lack of nutrients available to pregnant women, and many babies suffered from health conditions due to the lack of baby formula.

The most effective hospitals in the region were in Yerevan, so many residents of Artsakh would travel from Artsakh to Yerevan for specific medical treatments. The blockade meant that this option was rarely accessible, and only possible through ICRC convoys travelling through the blockade to bring patients to Yerevan. These challenging conditions added to the psychological stress of many patients, as they now had to worry if they would be able to return home, in addition to focusing on the treatment of their conditions.

The transportation of people in need of medical treatment became an even more risky situation after the 1 August 2023 arrest of Vagif Khachatryan from one such ICRC convoy; despite requiring medical attention in Yerevan and despite being under the supervision of the ICRC, Azerbaijani military personnel abducted him from an ICRC convoy and put him in criminal detention for his participation in the First Nagorno-Karabakh War. As many men above a certain age are veterans of this war, it meant that the right to medical attention was not available to them regardless of their medical condition.

⁹⁹ <https://armenpress.am/eng/news/1101925.html>

¹⁰⁰ <https://www.civilnet.am/en/news/747294/man-dies-of-hunger-in-karabakh/>

iv. Anti-Armenian Discrimination During the Blockade

This blockade was occurring in conditions of extreme anti-Armenian discrimination in Azerbaijani society that many bodies, including the Parliamentary Assembly of the Council of Europe and the UN Committee on the Elimination of Racial Discrimination, have noted. As previously described, many of the “eco-protestors” displayed anti-Armenian discrimination on their publicly available social media pages, and some did not hesitate to terrorise anyone transported through the blockade, including children. It is of particular note that the prior displays of anti-Armenian discrimination and rhetoric of many of those claiming to be “eco-protestors” at the blockade were almost certainly the only reason they were part of the blockade, regardless of the supposed “environmental concerns,” the lack of prior acknowledgement or environmental activism and the direct harm and discrimination that resulted to Armenians from the blockade makes it likely that such anti-Armenian discrimination was the point for many “eco-protestors.”

The actions of the alleged eco-protestors during the blockade, such as singing songs calling for violence against Armenians while at the blockade site and making the hand symbol associated with the Grey Wolves,¹⁰¹ supports this assertion. Other displays of support for the Grey Wolves, as well as calls for violence, among the “eco-protestors” have been recorded during the blockade.¹⁰²

Despite constant Azerbaijani claims on the entire territory of Artsakh, and regardless of their claims to treat the Armenians of Artsakh equally within Azerbaijan, none of the statements by Azerbaijani officials or the people they promoted indicate that there is any sincerity to these claims of equal treatment. The blockade and the conditions it created were a material display of anti-Armenian discrimination, meant to make it clear that Azerbaijan did not sincerely offer a place for Armenians in Azerbaijan.

The anti-Armenian discrimination continued unabated during the blockade, in effect punishing the Armenians of Artsakh for being Armenian. Azerbaijan’s exercise of sovereignty over Artsakh during the blockade had its intended effect, enacting its goal that the Armenians of Artsakh would no longer be in Artsakh or no longer be Armenian. During this time, the Lemkin Institute for Genocide Prevention published a report on the risk of genocide in Artsakh resulting from the blockade, describing many of the aforementioned examples of anti-Armenian discrimination. It also includes direct statements by Azerbaijani authorities that add to this anti-Armenian discrimination and make clear that the goal of the blockade was either the deportation of Armenians from Artsakh or their existence in Azerbaijan as Azerbaijanis citizens devoid of their Armenian identities.¹⁰³

¹⁰¹ https://tatoyanfoundation.org/wp-content/uploads/2023/03/Eco-Students-15.03.2023-1_compressed-1.pdf p. 4

¹⁰² https://tatoyanfoundation.org/wp-content/uploads/2023/09/ECO_ACTIVISTS.pdf p. 7

¹⁰³ https://www.lemkininstitute.com/files/ugd/9bc553_2e3babd9d7834d7fbcfa262f88c9fa74.pdf p. 120

III - Escalation and Military Buildup

The final months of the blockade saw an escalation in the blockade and preparations by Azerbaijan for a military operation. The shortage of fuel and essential supplies in Artsakh led to an increasingly desperate situation in Artsakh, with residents becoming increasingly aware of the construction of a concentration camp that awaited them on the Azerbaijani side of the line of contact. . In addition, Azerbaijan increasingly insisted that any ICRC aid to Artsakh come from Azerbaijan, a situation seen as unacceptable by the residents of Artsakh, who had been blockaded for months by Azerbaijan.

At the same time, Azerbaijan began to amass its armed forces and ordered a mobilisation. Arms shipments to Azerbaijan increased, and videos of Azerbaijan's armed forces showed its mobilisation before an Azerbaijani order banned such filming of Azerbaijani military personnel. However, it was clear at this point that Azerbaijan was planning a military operation.

Many organisations and individuals with expertise in international affairs warned of the risk of genocide against the Armenians of Artsakh, including the Lemkin Institute for Genocide Prevention (on five separate occasions, from the initial blockade on 3 December 2022¹⁰⁴ to June 2023 following Azerbaijan's refusal to follow an ICJ order to lift the blockade¹⁰⁵) and Luis Moreno Ocampo,¹⁰⁶ former chief prosecutor for the International Criminal Court.

Azerbaijan's message to the Armenians was abundantly clear - Azerbaijani President Ilham Aliyev stated that Armenians in Artsakh needed to "bend their necks" and accept full integration as part of Azerbaijan.¹⁰⁷ With this level of anti-Armenian rhetoric present at all levels in Azerbaijan, including the public celebration of Azerbaijani military personnel who had committed gross atrocities against Armenians, and alongside the deliberate blockade by Azerbaijan for months, the Armenians of Artsakh faced an existential threat.

i. Situation in Artsakh Prior to Attack

Deprived of almost all humanitarian goods since June 2023 and fuel for even longer, the situation in Artsakh was increasingly dire. Food lines were established to distribute what little supplies were left, primarily flour.¹⁰⁸ Artsakh authorities reported that one in three deaths in this time was due to malnutrition; pregnant women were disproportionately affected, primarily due to the difficulties with reaching medical facilities due to the fuel shortage. There was also an acute lack of baby formula, medications, and essential goods such as shampoo.¹⁰⁹ Public transportation could no longer operate due to the fuel shortages; supermarkets and shops were closed as all they had to offer were empty shelves, and even in areas where goods such as fruits could be grown, they were impossible to transport due to the fuel shortage.¹¹⁰ Anya Avanesyan, a resident of Artsakh, testified that there was nothing available in the shops; the prices of staple foods increased exponentially, so a kilogram of sugar became 3000 AMD (~\$7.50 USD), a kilogram of cooking oil 12,000 AMD (~\$30 USD) and one container of gasoline

¹⁰⁴ <https://www.lemkininstitute.com/red-flag-alerts/red-flag-alert-for-genocide---azerbaijan-update-4>

¹⁰⁵ <https://www.lemkininstitute.com/red-flag-alerts/red-flag-alert-for-genocide---azerbaijan---update-8>

¹⁰⁶ <https://www.cftjustice.org/former-international-criminal-court-prosecutor-luis-moreno-ocampo-issued-report-stating-the-blockade-of-nagorno-karabakh-is-genocide/>

¹⁰⁷ <https://president.az/en/articles/view/60027>

¹⁰⁸ <https://newlinesmag.com/first-person/living-through-war-and-waiting-for-peace-in-nagorno-karabakh/>

¹⁰⁹ <https://www.bbc.com/news/world-europe-66646677>

¹¹⁰ <https://www.theguardian.com/world/2023/aug/22/inside-nagorno-karabakh-blockade-armenia-azerbaijan>

cost 70,000 AMD (~\$180 USD).¹¹¹ Due to the lack of gas and the terrible forced conditions Armenians lived under, people were increasingly getting sick and, at the same time, less able to access medical care. Karen Sargsyan, another resident of Artsakh, testified that his sister's child's arm was broken and they had to beg for 10 litres of gasoline to take the child to the hospital; conditions were very dire, with a lack of drinkable water, light, and gas, and no food or vitamins at all.¹¹²

International media had no access to Artsakh itself, so the reports all came from residents of Artsakh; local journalists there documented the effects of the blockade. In Stepanakert, the only hospital was closed on weekends, unable to offer medications such as antifu or even medical supplies such as bandages;¹¹³ pharmacies similarly ran out of supplies, and even basic medical supplies such as painkillers were unavailable.¹¹⁴ Due to the lack of supplies, livestock could not be sufficiently fed, which impacted their ability to produce milk.¹¹⁵ Running water was no longer available in many areas, including Stepanakert, and public water tanks became the only source of clean water for many.¹¹⁶ The situation outside of Stepanakert was similarly grim. Safety was a primary concern, with increasing ceasefire violations leaving communities worried for the safety of themselves and their children, and with agricultural workers targeted and livestock wandering across the line of contact and seized by Azerbaijani military personnel.¹¹⁷

The food shortage was the most pressing issue; officials in Artsakh declared a state of emergency at the end of July 2023, and the government began providing vouchers for bread and flour as bakeries began running low.¹¹⁸ By the end of August 2023, many had begun queuing at bakeries overnight in order to increase their chances of getting bread due to ever-increasing shortages,¹¹⁹ with some bakeries not even having enough flour to bake bread.¹²⁰ People walking or biking from bakery to bakery hoping to find bread, often unsuccessfully, became an increasingly common sight.¹²¹ The first confirmed death of malnutrition was reported on 15 August 2023 in Stepanakert, and many feared for the approaching winter.¹²² Due to the targeting of agricultural workers in communities along the line of contact, supplies of fruits and agricultural goods were also low, and the rainy season began at the end of August, ending any hopes of getting more agricultural goods from that year's harvest.¹²³ By the time of the Azerbaijani offensive, the situation was incredibly dire. Greta Aghabekyan, a resident of Stepanakert, stated that the last four months were the worst because they had nothing to eat. Artsakh's

¹¹¹ <https://iravaban.net/453662.html> : “«Ոչ մի բան չկար, խանութներից ամեն ինչ հավաքել էին: Ինչ ունեինք առած՝ դրանով յուր էինք գնում: Դրանից հետո շաքարի կիլոգրամը դարձավ 3000 դրամ, ձեթը 12.000 դրամ: Ամեն ինչ թանկ, բերում էին այստեղից-այնտեղից, վաճառում էին: Մենք էլ փոքր երեխա ունենք, ստիպված առնում էինք, որ սոված չմնան: Մեկ բակ բենզինը 70 հազար դրամ արժեր: Մեկ-մեկ մի քիչ առնում էինք, որ երեխաները հիվանդանան, տանենք հիվանդանոց»

¹¹² <https://iravaban.net/453941.html> “Քրոջս երեխայի ձեռքը կտորվել էր, խնդրել ենք, մի կերպ 10 լիտր բենզին ենք ճարել, որ երեխային հասցնենք հիվանդանոց: Շատ վատ է եղել ամեն ինչը: Բռնած այլուրի տեսանկյունից, հացի, ձեթի, միայն մի խմելու ջուր կար: Լույս չկար, գազ չկար: Ուտելիք ընդհանրապես չկար: Մեծ ու փոքր վիսամիներից զրկված էինք”

¹¹³ <https://twitter.com/marutvanian/status/1692974215644000435?s=20>

¹¹⁴ <https://twitter.com/SiranushSargsy1/status/1692533246498603279?s=20>

¹¹⁵ <https://twitter.com/SiranushSargsy1/status/1692591223872123386?s=20>

¹¹⁶ <https://twitter.com/marutvanian/status/1692806394779521359?s=20>

¹¹⁷ <https://providencemag.com/2023/08/surviving-the-siege-the-life-of-the-artsakhs-villages-under-the-target-of-azerbaijan/>

¹¹⁸ <https://armenianweekly.com/2023/08/08/under-siege-struggle-amidst-bread-shortages-in-artsakh/>

¹¹⁹ <https://twitter.com/SiranushSargsy1/status/1693539042804019397?s=20>

¹²⁰ <https://twitter.com/marutvanian/status/1693335487275061322?s=20>

¹²¹ <https://twitter.com/SiranushSargsy1/status/1703086951954334156?s=20>

¹²² <https://oc-media.org/features/bread-is-all-we-have-nagorno-karabakhs-armenian-population-face-starvation/>

¹²³ <https://twitter.com/marutvanian/status/1701950115261333698?s=20>

officials could only provide 200g of bread, but the quality was increasingly poor due to a lack of ingredients, and it was difficult to eat.¹²⁴

The effect of these conditions on children was catastrophic. Their previous school year was interrupted by frequent school closures due to the blockade, and their next school year began in circumstances not only defined by the previously mentioned lack of food, fuel, sanitary items, and medical supplies, but also by an acute lack of school supplies. Some parents had to ask for spare school supplies such as notebooks on Facebook groups;¹²⁵ not only was their children's attendance in schools important from an educational perspective, but it also offered the children a diversion from constantly being confronted by the realities of the blockade.¹²⁶ The authorities in Artsakh were committed to reopening the schools for the next academic year while acknowledging the difficulties in doing so without all the necessary materials due to the blockade. Gegham Stepanyan, the Artsakh Human Rights Defender, noted that the right to education was about more than simply opening schools; it included what was prohibited by the blockade, including food for school children, school materials, and sanitary items.¹²⁷ Due to the conditions created by the blockade, some schools were unable to open entirely; all kindergartens in Stepanakert were closed at the end of August 2023 due to the lack of food.¹²⁸

ii. Humanitarian Convoys

The lack of humanitarian aid to Artsakh was directly responsible for the conditions there in the final months of the blockade; the lack of food, fuel, medical supplies, sanitary items, and school supplies all stemmed from Azerbaijan denying even humanitarian aid access to Artsakh. Despite multiple humanitarian aid convoys sent to the Lachin corridor from the Armenian side, Azerbaijan allowed none to pass through, even in the face of continuing international pressure.¹²⁹

Azerbaijan demanded the opening of the road from Aghdam to Askeran and insisted on allowing aid from Azerbaijan into Artsakh. At the end of August, Azerbaijan's Red Crescent Society sent an aid convoy to the Aghdam road as part of a plan to bring the aid convoy to Artsakh.¹³⁰ The residents of Artsakh viewed the reception of this convoy as unacceptable. After suffering through nine months of a blockade by Azerbaijan, they saw accepting an aid convoy from them as akin to a hostage situation, where the captors offered supplies to the hostages rather than granting them freedom.

The community of Askeran blocked the road and did not allow the Azerbaijani convoy to enter Artsakh; it was clear they did not see it as humanitarian aid.¹³¹ Russian peacekeepers separated the two sides when it was clear that the people of Askeran would not allow the Azerbaijani convoy through.¹³² Pointing to this incident, Azerbaijan denied accusations of imposing a blockade on Artsakh and shifted blame for the resulting conditions. Azerbaijan argued that Artsakh rejected its aid rather than being subject to a blockade.

¹²⁴ <https://iravaban.net/448010.html> : “«Հատկապես վերջին չորս ամիսը սհավոր էր, քանի որ ոչինչ չկար ուտելու: 200 գրամ հաց էին տալիս, չգիտեմ՝ ինչ էր խառնած, ուտում էինք փորլուծություն, չգիտեմ ինչն էր, գնում էինք այն աշխարհ, հեռ գալիս»

¹²⁵ <https://twitter.com/siranushsargsyl/status/1697525501512888787?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹²⁶ <https://twitter.com/siranushsargsyl/status/1697519524050813237?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹²⁷ <https://iwpr.net/global-voices/start-school-jeopardy-nagorny-karabakh-blockade-continues>

¹²⁸ <https://twitter.com/marutvanian/status/1694631720203469001?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹²⁹ <https://www.politico.eu/article/france-paris-mayor-anne-hidalgo-armenia-azerbaijan-nagorno-karabakh-conflict-war-zone/>

¹³⁰ <https://twitter.com/GabrielCSGavin/status/1696440228330811616?s=20>

¹³¹ <https://twitter.com/marutvanian/status/1696574268505551127?s=20>

¹³² <https://twitter.com/NKobserver/status/1700563440597692541?s=20>

This incident highlighted both how the Azerbaijani government was attempting to exercise sovereignty over Artsakh as well as punishing the Armenians of Artsakh for their Armenian identities, creating a de facto hostage situation. The Azerbaijani government's stated position was that Artsakh was Azerbaijan, therefore, aid convoys could come from Azerbaijan to Artsakh freely, and, following that logic, there was no blockade. This rationale ignores the history of the region, including international treaties such as the Tripartite Agreement that ended the 2020 War, the fact that the dire need for aid was the direct result of Azerbaijan's actions and that the Azerbaijani government's anti-Armenian policies and rhetoric make it impossible to exist as an Armenian in Azerbaijan. In presenting the possibility of aid from Azerbaijan, the Azerbaijani government attempted to force the Armenians of Artsakh to accept that their land was in Azerbaijan and reinforced the unspoken but well known fact that Azerbaijani policies and rhetoric make existing as an Armenian in Azerbaijan impossible.

As the situation in Artsakh continued to worsen, Russian mediation facilitated a deal on 9 September that would allow the Russian Red Cross, as opposed to the Azerbaijani Red Crescent, to send a humanitarian aid convoy to Artsakh along the Aghdam road.¹³³ It finally reached Artsakh on 13 September,¹³⁴ after being held on the Azerbaijani side of the line of contact since at least 10 September, when it was documented as being near the border.¹³⁵

No further discussions of humanitarian aid convoys were announced with the 9 September agreement, but on 17 September, another deal was announced with the hope that it would lead to the opening of the Lachin corridor. Azerbaijan agreed to let simultaneous ICRC convoys into Artsakh along the Aghdam road as well as the Lachin corridor;¹³⁶ the goods contained were agreed to be of international origin, as the residents of Artsakh refused goods from Azerbaijan for the reasons discussed above. The ICRC reported the successful delivery of both shipments, from the Lachin corridor and the Aghdam road, on 18 September.¹³⁷

This deal received praise from international mediators; US Secretary of State Anthony Blinken welcomed the deal in a tweet that was posted at 1:27 local time in Artsakh;¹³⁸ within 12 hours of this, Azerbaijan launched a full scale military offensive against Artsakh along the entire line of contact.

iii. Military Escalations and Mobilisations

At the same time that the humanitarian situation was becoming increasingly dire in Artsakh, the security situation began to deteriorate considerably. Ceasefire violations along the Artsakh/Azerbaijan line of contact occurred daily from 17 August to 19 September; targets included both civilians, such as agricultural¹³⁹ workers¹⁴⁰ (with some communities, such as Sarushen, being

¹³³

<https://www.facebook.com/ArtsakhInformation/posts/pfbid0ojGPSwvMsHC4wDLHrp9yojxjYT9gHjBL8bEqN1JR7nekN5AAxaCSEwEY8h6whp1l>

¹³⁴ <https://twitter.com/NKobserver/status/1702037047509201019>

¹³⁵ <https://twitter.com/NKobserver/status/1700485931940135168>

¹³⁶

<https://www.facebook.com/ArtsakhInformation/posts/pfbid036tB1ghvNyaaRFqTjXmwwLDnRtUBspzrai9AJKpG7EjuWhcve8bvx2dJunQzReLpcl>

¹³⁷ <https://twitter.com/ICRC/status/1703631183282651397?s=20>

¹³⁸ <https://twitter.com/SecBlinken/status/1703883541933699274>

¹³⁹

<https://www.facebook.com/artsakhdefencearmy/posts/pfbid0cPoquqEePb2tkh9XZX2bJRJBw2YbgMJKBMr7ZvpK2mEM1ABmz6GeXHUevyMmbU7FI>

¹⁴⁰ <https://twitter.com/NKobserver/status/1691915246070542396>

targeted multiple times¹⁴¹), as well as Artsakh Defence Army¹⁴² positions.¹⁴³ These regular ceasefire violations only include those along the Artsakh/Azerbaijan line of contact; a count of violations that includes the Armenia-Azerbaijan border would be significantly higher, indicating the tense security situation at the time. Notably, even as humanitarian aid convoys were being discussed and delivered in September 2023, the ceasefire violations did not stop, with some ceasefire violations mentioned above even occurring on the same dates as aid deliveries.

Part of the tense security situation and a significantly higher rate of ceasefire violations than before is likely due to the mobilisation of Azerbaijan's armed forces to positions both along the Artsakh/Azerbaijan line of contact and the borders of Armenia. Armenia had noted the military buildup of Azerbaijan and warned that Azerbaijan was planning a military operation in early September 2023.¹⁴⁴ The extent of Azerbaijan's mobilisation initially surfaced through videos circulated on Azerbaijani social media. NKObserver, which has been closely monitoring developments in Armenia, Azerbaijan, and Artsakh since 2016, pointed out that the volume of videos depicting Azerbaijani mobilisation on social media was on par only with the military buildup observed prior to the 2020 War.¹⁴⁵

NKObserver reported on many such videos that Azerbaijani social media users shared, and provided analysis when possible. Troop transports and military columns were some of the first observed elements of the mobilisation.¹⁴⁶ Azerbaijani users seemed aware that the target of the military operation would include Artsakh, as some videos shared included Azerbaijani songs about Nagorno-Karabakh.¹⁴⁷ Fuel carriers, towed artillery, and armoured vehicles were also observed.¹⁴⁸ Some footage provided geolocation data, such as videos showing Azerbaijani military personnel mobilising from a base in the Fuzuli region of Azerbaijan. Additionally, footage captured of Azerbaijani troop movements near the borders of Armenia and Iran in an area Azerbaijan took during the 2020 War.¹⁴⁹ Azerbaijan's special forces units were also observed in mobilisation;¹⁵⁰ these units have previously played large roles during the wars in 2016, 2020, and 2022, with grave human rights violations against ethnic Armenians associated with their actions in each of these conflicts.

While it is not possible to confirm that each of these videos is from September 2023 and not previous mobilisations, none have been connected to videos previously shared on social media yet; the Azerbaijani offensive that would occur within two weeks of these videos emerging also indicates that some form of military mobilisation took place.

What has been confirmed are apparent weapons shipments from Israel to Azerbaijan. The Ovda military base, the originating airfield for these flights, is the sole Israeli air base responsible for exporting explosives.¹⁵¹ From early September 2023,¹⁵² multiple flights between airports in Azerbaijan and the Ovda air base were logged,¹⁵³ including in the days directly preceding the Azerbaijani

¹⁴¹ <https://twitter.com/NKobserver/status/1699789817268335103>

¹⁴² <https://twitter.com/NKobserver/status/1702413766132981854>

¹⁴³

<https://www.facebook.com/artsakhdefencearmy/posts/pfbid02sZjLYUKYTKasagdNrVw5kGepDQpU6SxKNVUWMYzZzXwiqVPXpfbMvbfzPQj6Wmrl>

¹⁴⁴ <https://www.dw.com/en/armenia-says-azerbaijan-mobilizing-troops-in-border-regions/a-66744206>

¹⁴⁵ <https://twitter.com/NKobserver/status/1699272656233673100>

¹⁴⁶ <https://twitter.com/NKobserver/status/1699000725869597019?s=20>

¹⁴⁷ <https://twitter.com/NKobserver/status/1699068025897717973>

¹⁴⁸ <https://twitter.com/NKobserver/status/1699502973615743050>

¹⁴⁹ <https://twitter.com/NKobserver/status/1700601870614507723>

¹⁵⁰ <https://twitter.com/NKobserver/status/1699635643435913293>

¹⁵¹ <https://english.alarabiya.net/News/world/2023/10/05/Officials-experts-say-Israeli-arms-quietly-helped-Azerbaijan-retake-Nagorno-Karabakh>

¹⁵² <https://twitter.com/avischarf/status/1697937099423470059>

¹⁵³ <https://twitter.com/avischarf/status/1698945141472375000>

offensive.¹⁵⁴ It has been noted that there is an increase in such flights between Azerbaijan and the Ovda air base preceding Azerbaijani military operations.¹⁵⁵

After 10 September, videos and photographs of the Azerbaijani mobilisation suddenly stopped circulating, despite the prior dissemination of an alarming amount of content.¹⁵⁶ Many accounts associated with Azerbaijani propaganda, which shared videos of Azerbaijani troop movements and war crimes during the 2020 war, began to prohibit and delete such content. The Azerbaijani army reportedly banned the filming of troop movements and activities. Consequently, many accounts that had previously shared such content refrained from doing so during this period.¹⁵⁷ This would also explain the lack of videos recorded or shared by Azerbaijani participants in the 2023 Azerbaijani offensive, in contrast to the numerous videos and photos shared during the conflicts of 2016, 2020, and 2022.

The Artsakh Defence Army noted the Azerbaijani military buildup on 5 September, observing the presence of heavy artillery.¹⁵⁸ On 16 September, the Artsakh Defence Army was put on high alert, mobilising some forces from Stepanakert to positions near Askeran.¹⁵⁹ While this could have been related to the negotiations regarding the humanitarian aid convoy, which was announced on 17 September due to residents of Askeran previously blocking aid along the Aghdam-Askeran road, it coincided with a period of extremely high tensions and daily ceasefire violations. General knowledge of the Azerbaijani mobilisation was present in the replies to this announcement, with one Azerbaijani X (formerly Twitter) user replying, “Yashma are coming;”¹⁶⁰ Yashma is the informal name for Azerbaijan’s special forces, which were already mobilised and played prominent roles in past conflicts in Artsakh. On 17 September, the Artsakh Defence Army reported actively monitoring the situation along the line of contact with Azerbaijan, particularly concerning Azerbaijan’s military buildup.¹⁶¹ Azerbaijan began its offensive two days later, shortly after noon on 19 September.

¹⁵⁴ <https://twitter.com/avischarf/status/1703350625822556481>

¹⁵⁵ <https://www.haaretz.com/israel-news/security-aviation/2023-03-06/ty-article-magazine/.premium/92-flights-from-israeli-base-reveal-arms-exports-to-azerbaijan/00000185-fd3d-d96e-edef-ff3dc38e0000>

¹⁵⁶ <https://twitter.com/NKobserver/status/1702042454470340935>

¹⁵⁷ <https://blankspot.se/part-5-the-invisible-war-crimes/>

¹⁵⁸ <https://twitter.com/NKobserver/status/1699124967340744800>

¹⁵⁹ <https://twitter.com/NKobserver/status/1703162613754941864?s=20>

¹⁶⁰ <https://twitter.com/orkhanseyid/status/1703163188500386084?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹⁶¹ <https://twitter.com/NKobserver/status/1703288397907804491>

iv. Construction of a Concentration Camp

Reports of the construction of a concentration camp near Aghdam began emerging in August 2023; an 11 January 2024 report by *New Lines* Magazines revealed that Azerbaijan had been constructing what was almost certainly planned to be a concentration camp since the Spring of 2023, when residents on the Artsakh side of the line of contact first heard the construction noise.¹⁶²



2024 satellite imagery of the site of the concentration camp; the initial facility with structures arranged in a grid-like pattern (40° 2'58.90"N, 46°54'27.66"E) can be seen south of the other site (40° 3'22.46"N, 46°54'38.46"E), a tent camp that was temporarily constructed in September 2023.

There were legitimate fears that Armenians in Artsakh could be held in actual concentration camps should Azerbaijan take the region, as opposed to the open-air concentration camp Artsakh had become during the blockade. Alongside the detention of Vagif Khachatryan, an incident that instilled fear in many veterans of the First Nagorno-Karabakh War who worried that they could be detained solely for their past participation in the conflict, three Armenian men were detained on 29 August while being escorted through the Lachin corridor by Russian peacekeepers to resume their studies in Armenia. Their travel had been agreed to beforehand, and Azerbaijani authorities had given no indication that it planned to detain them. The Azerbaijani government accused the three Armenian men of allegedly

¹⁶² <https://newlinesmag.com/reportage/investigation-armenian-fears-of-a-concentration-camp-in-nagorno-karabakh-may-have-been-warranted/>

“insulting” the Azerbaijani flag. Although they were released and charges against them dropped, many feared they could be detained without provocation by Azerbaijan.¹⁶³

The *New Lines* investigation located the construction site on satellite maps near the ruins of the ancient Armenian city of Tigranakert, noting the psychological implications of building a concentration camp near such important historical sites. Features common to detention facilities were observable in satellite images of the site during its construction. *New Lines* also noted the site’s placement near other Azerbaijani government structures and its exclusion from maps of planned civilian developments in the region following Azerbaijan’s victory in the 2020 war, indicating its secretive purpose.

New Lines’ government sources from Armenia and Artsakh confirmed their knowledge of the construction. However, they refrained from releasing information due to the inability to formally verify its nature and concerns about the psychological impact it could have on the Armenians of Artsakh. Despite this, many were still aware of the construction, its likely purpose, and the future that awaited them there if they remained in Artsakh once Azerbaijan began its military offensive.

¹⁶³ <https://oc-media.org/azerbaijan-arrests-three-nagorno-karabakh-armenians-for-insulting-azerbaijani-flag/>

IV - Azerbaijani Military Offensive

On the morning of 19 September 2023, Azerbaijan reported that six Azerbaijanis, four of them government employees and two of them electricians, were killed when their vehicle detonated a mine allegedly planted by the Artsakh Defence Army in the Martuni region. A journalist familiar with the area noted the considerable distance between the Artsakh and Azerbaijan lines of contact, making the plausibility of Azerbaijani non-military personnel being close enough to the Armenian line of contact to detonate a mine unlikely.¹⁶⁴

Using this pretext, around midday on 19 September 2023, Azerbaijani military forces launched a military offensive across the entire line of contact against Artsakh; the Artsakh Ministry of Defence stated that Azerbaijani forces began their assault with rocket artillery strikes around 13:00 local time,¹⁶⁵ and local journalists began reporting on the assault on positions near Stepanakert at 13:10 local time.¹⁶⁶ Civilian areas were hit by artillery and munitions during the offensive, leading to civilian casualties. Infrastructure was also attacked, exacerbating the fuel shortage and causing power outages, rendering communication within Artsakh difficult, as the military offensive aimed to isolate each major population centre in Artsakh from one another. Evacuations from some communities were ordered, but the Azerbaijani offensive made evacuation impossible in certain areas. . Azerbaijan also encouraged civilians in Artsakh to flee to “safe positions” they had created on the Lachin corridor, which was viewed as the pretext for ethnic cleansing.

The offensive ended on 20 September 2023 with a ceasefire, as the leadership of Artsakh agreed to surrender. Given the brief length of hostilities, both sides suffered an exceptionally high proportion of casualties and combat fatalities; this indicates a particularly aggressive offensive and a desperate defence.

¹⁶⁴ https://twitter.com/Jake_Hanrahan/status/1704078522111656043

¹⁶⁵ https://twitter.com/Karabakh_MoD/status/1704079647674175819?s=20

¹⁶⁶ <https://twitter.com/marutvanian/status/1704060448352420063?s=20>

shelter. However, in communities such as Martakert, the Azerbaijani encirclement rendered evacuation impossible. The communication difficulties compounded the psychological torment experienced by the besieged people of Martakert, Martuni, and other encircled communities.

Even the capital of Stepanakert was unsafe; due to its extreme proximity to the line of contact with Azerbaijan and Azerbaijani positions overlooking Stepanakert, munitions fire was clearly audible for the duration of the conflict,¹⁶⁹ and there were various reports of Azerbaijani forces breaching the city in places.

At the time a ceasefire was declared, the major population centres of Martakert and Martuni were encircled, making evacuations impossible due to the proximity of Azerbaijani forces. Askeran had been evacuated, with many of its residents seeking shelter in the Russian peacekeepers' headquarters or Stepanakert. Many residents of Artsakh who were able to flee converged on Stepanakert. Some communities, such as Chankatagh, Yeghtsahogh, and Mets Shen, could not evacuate to major population centres due to their isolation, either as a result of their geography or their proximity to the Azerbaijani line of contact.

The Artsakh Defence Army reported over 200 combat deaths.¹⁷⁰ Official numbers are difficult to calculate given the deportation of Armenians from Artsakh immediately following the offensive, the official dissolution of many of its bodies, and the inability of independent organisations to access Artsakh to search for remains. Azerbaijan reported its official casualty figures as 192 killed and 511 wounded.¹⁷¹ These are staggering figures for a 24-hour military operation. In addition to losing much of its arsenal, which was not replaced after the 2020 War, the Artsakh Defence Army suffered from the sustained effects of a lack of food and medical attention.¹⁷² These high casualty figures suggest both an aggressive offensive aimed at achieving a swift ceasefire and the desperation of defending forces unable to retreat due to Artsakh's isolation.¹⁷³

ii. Targeting of Civilian Areas

Despite the 2023 Azerbaijani offensive avoiding direct assaults on major population centres, Azerbaijani forces still targeted civilian areas. The Artsakh Ministry of Defence documented the Azerbaijani use of artillery, rockets, drones, and aircraft,¹⁷⁴ and observers claim that Grad rockets were used as well.¹⁷⁵ Hours after the offensive began, Azerbaijani munitions struck a site near the primary hospital in Stepanakert.¹⁷⁶ Additional shelling occurred inside Stepanakert on 19 September.¹⁷⁷ An apartment complex in Stepanakert sustained damage due to these strikes,¹⁷⁸ and munitions were observed to have landed in residential neighbourhoods in Stepanakert.¹⁷⁹ Further evidence of the targeting of residential areas in Stepanakert includes damage to civilian vehicles parked on the streets¹⁸⁰

¹⁶⁹ <https://twitter.com/marutvanian/status/1704067945729605695?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹⁷⁰ <https://www.azatutyun.am/a/32639653.html>

¹⁷¹ <https://apnews.com/article/nagorno-karabakh-azerbaijan-armenia-troops-killed-offensive-1d13668014fac4e44a76c04b54378268>

¹⁷² <https://twitter.com/neilphauer/status/1706933328840950233?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹⁷³ <https://twitter.com/NKobserver/status/1709646192441770126?s=20>

¹⁷⁴ https://twitter.com/karabakh_mod/status/1704156050910327144?s=61&t=1y9z8QxrndsVi3UPXDNBIQ

¹⁷⁵ <https://twitter.com/marutvanian/status/1704068323455963395?s=20>

¹⁷⁶ <https://twitter.com/marutvanian/status/1704095934076887202?s=20>

¹⁷⁷ <https://twitter.com/marutvanian/status/1704167612798623896?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹⁷⁸ <https://twitter.com/siranushsargsy1/status/1704095356022038617?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹⁷⁹ <https://twitter.com/siranushsargsy1/status/1704105649372529017?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹⁸⁰ <https://twitter.com/geviskajyan/status/1704161674263941265?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

and to shopping areas.¹⁸¹ The Artsakh Ministry of Internal Affairs reported on unexploded artillery on the streets of Stepanakert next to residential houses.¹⁸²



Damage to an apartment complex in central Stepanakert¹⁸³

Communities outside of Stepanakert were also constant targets, resulting in their evacuation when possible.¹⁸⁴ The village of Yeghtsahogh was completely surrounded, with its school destroyed by Azerbaijani fire¹⁸⁵ and no ability to evacuate the civilians to safety due to its position.¹⁸⁶ Residents of the village of Sarnaghbyur, which was not near any military target, experienced a severe artillery bombardment that killed five civilians, including two children, and injured 16 more before Russian

¹⁸¹ <https://t.me/texekatvakanshtab/6236>

¹⁸² <https://t.me/infocomm/49454>

¹⁸³ https://twitter.com/Gegham_Artsakh/status/1704102599929073829

¹⁸⁴ <https://twitter.com/avetissianan/status/1704209950862393744?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

¹⁸⁵ https://twitter.com/gegham_artsakh/status/1704148238830284858?s=61&t=1y9z8QxrndsVi3UPXDNBIQ

¹⁸⁶ <https://twitter.com/nkobserver/status/1704165190604828858?s=61&t=1y9z8QxrndsVi3UPXDNBIQ>

peacekeepers evacuated them.¹⁸⁷ Another eyewitness reported the deaths of five children in Sarnaghbyur due to shelling.¹⁸⁸ Eyewitness accounts allege that Azerbaijani forces beheaded captured civilians, including children.¹⁸⁹ However, these reports are difficult to verify, and due to Azerbaijani control of the territory, no independent forensic investigation could be carried out. Nevertheless, previous incidents during the 2020 War provide precedent for such claims, with video, photographic, and forensic evidence indicating that Azerbaijani military personnel committed war crimes against captured Armenian civilians, including mutilations and beheadings.

Testimony from residents of Artsakh includes frequent mention of casualties due to the use of explosive weapons in civilian areas. Greta Aghabekyan, a resident of Artsakh, noted that many sought shelter when the offensive began due to the use of explosives. When the situation momentarily calmed, some went to see their homes. However, the violence resumed shortly after, killing three people in Greta's village when the building they took refuge in was hit by explosive munitions.¹⁹⁰ Another civilian, Arevik Sahakyan, received serious injuries and had to be evacuated to Stepanakert for what treatment was possible after receiving shrapnel wounds from an explosive device that was thrown into a yard in her village.¹⁹¹ The harm inflicted on civilians and civilian areas indicates that, even though the most intense combat was not focused on residential areas, Azerbaijani military personnel still used explosives without regard for the potential of civilian casualties.

Azerbaijani forces had also advanced to the point that they were able to target civilians with small arms fire in some places, including major population centres; it was reported on 20 September that Aznavur Saghyan, the mayor of the town of Martuni, was killed by Azerbaijani sniper fire.¹⁹² This indicates that, while they were not advancing into major population centres, Azerbaijani forces were restricting movement within them through small arms fire and effectively placing them under siege. The killing of Saghyan also indicates that civilians were considered fair targets by Azerbaijani military personnel in these cases. Even after the ceasefire that concluded the offensive on 20 September, Azerbaijani forces were reportedly advancing in Stepanakert, and small arms fire was heard.¹⁹³

Russian peacekeepers were also not entirely safe from the Azerbaijani offensive; Azerbaijani gunfire killed four Russian peacekeepers between the village of Chankatagh and their nearby observation post, including Captain Ivan Kovgan, the deputy commander of the Russian peacekeepers.¹⁹⁴ Photos released after the killings appear to show the Russian peacekeeping vehicle riddled with bullets, with the bodies of the Russian peacekeepers pulled from the vehicle and allegedly looted.¹⁹⁵ This also relates to reports regarding Chankatagh from the offensive. After its encirclement, atrocities were reportedly committed against civilians by Azerbaijani military personnel whom Russian peacekeepers discovered.¹⁹⁶ Allegedly, the peacekeepers were ambushed and killed on their way to report their findings at their observation post, and their bodies were looted of their photos and equipment used to document the scene at Chankatagh.¹⁹⁷ Rescue teams discovered the bodies of two civilians in

¹⁸⁷ https://www.bbc.com/news/world-europe-66925791?xtor=AL-72-%5Bpartner%5D-%5Bbbc.news.twitter%5D-%5Bheadline%5D-%5Bnews%5D-%5Bbizdev%5D-%5Bisapi%5D&at_medium=social&at_campaign_type=owned&at_campaign=Social_Flow&at_format=link&at_link_origin=BBCWorld&at_link_type=web_link&at_bbc_team=editorial&at_ptr_name=twitter&at_link_id=541B50BA-5CCF-11EE-B101-0272FE754D29

¹⁸⁸ <https://www.intellinews.com/the-fall-of-nagorno-karabakh-293875>

¹⁸⁹ <https://politik.am/am/arcakhum-erku-anchapahas-erekha-en-glkhatel-turqery-hraparak>

¹⁹⁰ <https://iravaban.net/448010.html>

¹⁹¹ <https://iravaban.net/450421.html>

¹⁹² <https://www.azatutyun.am/a/32600096.html>

¹⁹³ <https://twitter.com/NKobserver/status/1704783324802101690>

¹⁹⁴ <https://twitter.com/NKobserver/status/1704535471164944464>

¹⁹⁵ <https://twitter.com/NKobserver/status/1704926207966376409>

¹⁹⁶ https://twitter.com/Gegham_Artsakh/status/1704169042498466165?s=20

¹⁹⁷ <https://twitter.com/AliTahmizian/status/1705564941065851281>

the area of Chankatagh a week after Azerbaijan's offensive.¹⁹⁸ Since this was the earliest investigation possible, the full extent of what happened in Chankatagh cannot be confirmed.



Map showing location of Chankatagh relative to Azerbaijani advance¹⁹⁹

Under normal circumstances, the Human Rights Defender's Office of Artsakh would have been logging and investigating each of these reports as they occurred. However, Gegham Stapanyan, the Human Rights Defender of Artsakh, noted that this was impossible during the Azerbaijani offensive. The frequent power and communication outages and the scarcity of fuel and transportation meant his office could not pursue their remit to investigate human rights abuses during the offensive.²⁰⁰ In total, at least 25 civilians were confirmed to have been killed during the offensive between 19-20 September.²⁰¹

The targeting of civilian areas during Azerbaijan's offensive resulted in the killing of civilians and the destruction of property through the use of aerial explosives. Whether or not they were controlled or uncontrolled munitions, the targeting of civilian areas with no military targets nearby directly resulted in civilian deaths and the destruction of civilian property. Furthermore, it added to the conditions that resulted in the deportation of Artsakh's population following the offensive. Even though civilian areas were not directly attacked in the same manner as in 2020, their targeting indicated Azerbaijan's lack of regard for their safety and personhood as worthy of protection. After months of the blockade and the aggressive assault, the people of Artsakh were under no illusions that this was a deliberate attempt to force them from their homes.

¹⁹⁸ <https://www.1lurer.am/en/2023/09/26/Bodies-of-3-soldiers-and-2-civilians-found-in-area-of-Chankatagh-and-Vardadzor-State-Emergency-Serv/1002998>

¹⁹⁹ <https://tatoyanfoundation.org/we-collected-evidence-that-precisely-show-the-directions-of-the-azerbaijani-armed-attacks-and-armed-advancements-towards-artsakh-on-19-20-september-2023-as-well-as-direction-of-forced-displacements-o/?lang=en>

²⁰⁰ https://twitter.com/Gegham_Artsakh/status/170422179027524411?s=20

²⁰¹ <https://www.azatutyun.am/a/32762731.html>



The Human Rights Defender of Armenia compiled a report on the Azerbaijani offensive, conducted from 24-30 September 2023, noting several key points. The report highlighted numerous civilian deaths, both from Azerbaijan's use of explosive ordnance in civilian areas and the inability of emergency services to provide care to those wounded.²⁰² Attention was also drawn to the 1977 Protocol Additional to the Geneva Conventions, particularly Article 51 (2), which prohibits the targeting of civilian populations and the infliction of terror upon them.²⁰³ Testimonies collected from residents of Artsakh unanimously described the offensive as causing widespread terror.²⁰⁴ One journalist from Artsakh described what the people of Artsakh were going through, from the blockade to this military offensive, as a genocide.²⁰⁵

Evidence of torture and mutilation were found on the bodies of 14 civilians returned to Armenia, including children and the elderly.²⁰⁶ While the report does not specify the exact locations where the bodies were found, it mentions civilian deaths in several of the communities mentioned above. The report also notes the difficulty in recovering bodies due to the isolation of some

²⁰² <https://www.ombuds.am/images/files/a35f939de3e1ce0aebb9a4248f7a5868.pdf> §68-75

²⁰³ Ibid, §76

²⁰⁴ Ibid, §77

²⁰⁵ <https://twitter.com/SiranushSargsy1/status/1704258473779757380>

²⁰⁶ Ibid, §123

communities²⁰⁷ and due to Azerbaijan's interference. In one instance, Azerbaijani military personnel fired at an ambulance dispatched to Martakert to retrieve eight bodies, making their recovery mission impossible.²⁰⁸ The report also documents numerous calls reporting missing persons, with 55 calls recorded between 19-21 September. By 22 October, the Artsakh Human Rights Defender had logged over 600 such calls involving civilians and military personnel.²⁰⁹ As many missing persons were not found during the rescue operations following the offensive, and with Artsakh remaining inaccessible to further search operations, the likelihood that a high number of the missing persons are deceased or disappeared is very high.

iii. Evacuations and Attempted Evacuations

Attempts were made to evacuate Armenian civilians where and when possible; to an extent, this was even encouraged by the government of Azerbaijan, which distributed leaflets and SMS messages encouraging residents of Artsakh to go to "shelters" allegedly established along the Lachin corridor.²¹⁰ Azerbaijan's efforts imply that it was already making plans for the removal of residents of Artsakh and, as will be discussed later, had no intentions of permitting their return.

However, even if the claims of shelters along the Lachin corridor are taken at face value, evacuations were impossible in isolated communities along the corridor, such as Mets Shen and Yeghtsahogh. Russian peacekeepers attempted to evacuate women and children from Mets Shen to the Republic of Armenia, but their vehicles came under fire from Azerbaijani military personnel, forcing them to retreat.²¹¹ This occurred despite Azerbaijani claims, even at the time of the attempted evacuation that the road was open and accessible for anyone wishing to leave.²¹² Firing at those attempting to evacuate, in the territory supposedly allocated for such an evacuation implies that Azerbaijan, at that stage, was preventing the evacuation of individuals from the besieged areas of Artsakh.

²⁰⁷ Ibid, §140

²⁰⁸ Ibid, §142

²⁰⁹ Ibid, §147-150

²¹⁰ <https://oc-media.org/azerbaijan-demands-complete-surrender-of-nagorno-karabakh-as-it-launches-massive-offensive/>

²¹¹ <https://t.me/infocomm/49516>

²¹² <https://twitter.com/robananyan/status/1704371163592278456>

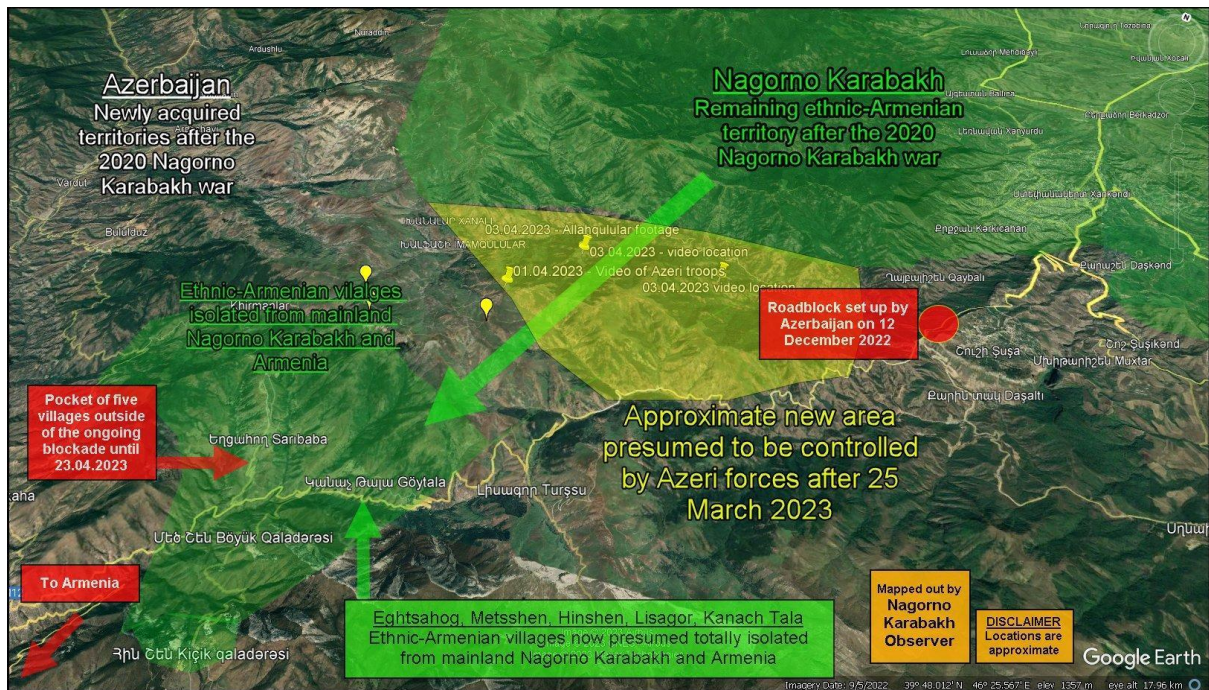


Image showing the location of Yeghtsahogh (Եղցւոհոյ) and Mets Shen (Մեծ Շեն)²¹³

As of 23:27 on the night of 19 September, the Human Rights Defender of Artsakh reported that over 7000 people had been evacuated from 16 communities in Artsakh's Askeran, Martakert, Martuni, and Shushi regions.²¹⁴ Evacuations from the major population centres of Martuni and Martakert, where many from their surrounding areas had fled to, towards Stepanakert were not possible in many cases due to the directions of the Azerbaijani advance.

As the Azerbaijani offensive continued, the major population centre of Askeran was evacuated.²¹⁵ Its positioning meant that it was possible for residents to evacuate towards Stepanakert, though many residents took shelter at the headquarters of the Russian peacekeepers, situated near Askeran. Thousands of residents of Artsakh waited there for aid from the Russian peacekeepers until the deportation.²¹⁶ On 21 September, the day after the ceasefire was declared, many internally displaced persons were reported to be in Stepanakert, as there was no ability to return to areas overtaken by Azerbaijani forces.²¹⁷ What was hoped to be temporary evacuations from threatened civilian areas would become a deportation in the following days, as none were able to return to the homes they had left and the entire Armenian population of Artsakh was forced to leave.

iv. Anti-Armenian Discrimination and Rhetoric During Offensive

The conduct of Azerbaijani forces during their offensive against Artsakh, on the few occasions when it was shared on social media, continued to display anti-Armenian discrimination even as they were engaged in hostilities against the Armenians in Artsakh. Images surfaced depicting Azerbaijani forces making hand signs associated with the Grey Wolves, an ultranationalist Turkic organisation.²¹⁸ These images, previously circulated on Azerbaijani social media, were reposted during the attack to

²¹³ <https://twitter.com/NKobserver/status/1704165190604828858>

²¹⁴ https://twitter.com/Gegham_Artsakh/status/1704215608827502995?s=20

²¹⁵ <https://twitter.com/NKobserver/status/1704400639487324285>

²¹⁶ <https://www.bellingcat.com/news/2023/09/21/chaos-and-crisis-as-azerbaijan-attacks-nagorno-karabakh/>

²¹⁷ <https://twitter.com/marutvanian/status/1704733065673687175>

²¹⁸ https://twitter.com/Jake_Hanrahan/status/1704104507737543046?s=20

show support for the offensive, often explicitly mentioning the killing of Armenians. One such image featured a member of the Azerbaijani military wearing a patch of Enver Pasha, a key Ottoman figure responsible for the Armenian Genocide, on his uniform. Accompanying this image was a caption calling for the death of Armenians, regardless of whether they were fleeing or fighting.²¹⁹

Videos shared on social media also showed Azerbaijani military personnel firing at civilian homes during their advance into Artsakh.²²⁰ These videos, and others recorded by the same person, were geolocated to the village of Charektar in the northern Shahumyan region of Artsakh. Additional videos from the same source indicate that there was no resistance in Charektar at that time and that the firing at civilian homes occurred casually, seemingly for amusement. These videos also indicate that the recorder and perpetrator likely belonged to an Azerbaijani special forces unit passing through Charektar.²²¹

Despite prohibitions on recordings by the Azerbaijan Armed Forces, some videos still circulated on Azerbaijani social media. These videos and photographs were saved as evidence of the broader violence perpetrated against Armenians by Azerbaijani military personnel.²²² Multiple videos depict wounded service members of the Artsakh Defence Army being captured and tortured by Azerbaijani military personnel. In one video, an Azerbaijani serviceman boasts about mutilating and beheading an Armenian. Other videos and photos show the mutilation of deceased Armenians during the offensive, and one captures two Azerbaijani military personnel armed with knives while searching for Armenian civilians. Additionally, several videos of dead Armenian civilians were shared.

The patterns of extreme violence committed by Azerbaijani military personnel in previous conflicts continued in the September 2023 offensive.. The mutilation²²³ and beheading²²⁴ of some Armenians killed during the offensive reflect a deep-seated manifestation of anti-Armenian hatred, demonstrating the belief that even in death, Armenians do not deserve dignity. These incidents during the September 2023 offensive were reminiscent of other cases from 2016, 2020, and 2022 that have been discussed previously. Testimony from Lyudmila Petrosyan, who observed some of the combat while fleeing from the Martakert region to Stepanakert during the offensive, reported that a tank ran over the bodies of Artsakh Defence Army servicemen, making their identification impossible.²²⁵

²¹⁹ https://twitter.com/bulutuzay_/status/1704983025459630169

²²⁰ https://twitter.com/PopularFront_/status/1705090792052654317

²²¹ <https://twitter.com/NKobserver/status/1704966797789716911>

²²² <https://azeriwarcrimes.org/2023/10/08/18-torturing-pows-atrocities-looting-and-vandalism-committed-by-azerbaijani-troops/>

²²³ <https://twitter.com/NKobserver/status/1706243064753221897?s=20>

²²⁴ <https://twitter.com/NKobserver/status/1706331782637891746?s=20>

²²⁵ <https://civic.am/society/115950-arcaxic-brni-texahanvac.html>

V - Deportation of Armenian Population

Following the surrender of Artsakh, organisations such as the Lemkin Institute²²⁶ and Genocide Watch²²⁷ gave warnings of the risk of an imminent genocide in Artsakh, with Genocide Watch noting, “the silent genocide has become overt.”

On 24 September 2023, the first Armenians fleeing Artsakh were allowed to pass through the Lachin corridor; within a week, almost the entire population of over 100,000 Armenians had fled Artsakh. The conditions created by the blockade and Azerbaijani offensive left many in a dire situation, and a number of Armenians died on the road to Armenia. The fuel shortage caused by the blockade meant that many needed to access the first fuel shipments allowed into Artsakh; this urgent need for fuel directly resulted in the death of over 200 Armenians when a fuel depot near Stepanakert exploded.

During and prior to their deportation from Artsakh, many Armenians experienced discrimination from Azerbaijani military personnel, who at this time had begun arresting current and former Artsakh political leaders. Despite vague promises made by Azerbaijani leadership for the protection of Armenian rights, the treatment that Armenians in Artsakh endured during the blockade, the offensive and immediately following the offensive coupled with the extreme anti-Armenian discrimination and rhetoric present in Azerbaijani social media networks were the primary factors for the deportation of Armenians from Artsakh.

Despite claims that the Armenians of Artsakh would have the same rights as Azerbaijani citizens if they remained in Artsakh,²²⁸ evidence of extreme anti-Armenian discrimination and hatred prior to this suggests this would not have been the case had many Armenians been allowed to stay. The treatment of Armenians by Azerbaijani military personnel immediately following the offensive made it clear that there was no desire on Azerbaijan’s part for Armenians to stay in Artsakh. Many Armenians were given explicit commands to leave and faced physical mistreatment and violence from Azerbaijani military personnel, which led the Armenians in Artsakh to legitimately fear for their safety if they remained. The use of these intimidation tactics by Azerbaijan makes it clear that what the Armenians of Artsakh experienced was not a voluntary evacuation, but a deportation with no opportunity to remain or return.

i. The Deportation

There is an extreme discrepancy between the apparent promises from Azerbaijan that Armenians could remain in Artsakh and the actual treatment of Armenians in Artsakh by Azerbaijani military personnel following the offensive. This treatment amounted to the use of intimidation tactics and indicates that the deportation was almost entirely involuntary. The ultimatum given to the Armenians of Artsakh was, “forced population transfer or forced integration, both on Azerbaijani terms.”²²⁹ As established by the extensive reports of anti-Armenian discrimination in Azerbaijan, forced integration would have meant death or being unable to be Armenian in any way, leaving the only option a forced deportation of the Armenian population of Artsakh.

Following the offensive, Armenians living in communities further from Stepanakert were forced to go to Stepanakert. In the case of the village of Vaghuhhas, this was done by Azerbaijani military personnel threatening the residents with guns, firing them into the air and demanding the

²²⁶ <https://www.lemkininstitute.com/sos-alerts-1/sos-alert---artsakh->

²²⁷ <https://www.genocidewatch.com/single-post/genocide-alert-azerbaijan-attacks-artsakh>

²²⁸ <https://president.az/az/articles/view/61113>

²²⁹ https://irp.cdn-website.com/c75f4b97/files/uploaded/ZPO_ANK_RM1_Report_19122023_v17-Accessible.pdf p. 9

residents leave.²³⁰ Residents of villages including Vaghuhas were also detained and brought to Azerbaijani military bases in Kelbajar, where many were treated violently before being released back into Artsakh.²³¹ This was part of a broader strategy of intimidation to force Armenians from the region.

Others, including the elderly, reported being detained without explanation. Nunik Mardiyan, 86, from the village of Khachmach in the Askeran region, testified that upon encountering Azerbaijani soldiers in Khachmach on 21 September, they demanded her money and valuables, after which she was taken to an Azerbaijani military base in Fuzuli, held in isolation for four days without being able to contact her family, transferred to Shushi/Shusha, and then released and brought to Stepanakert on 25 September.²³² Elmira, from the village of Karmirgyugh in the Askeran region, testified that her 91-year-old mother-in-law was unable to evacuate from Karmirgyugh during the Azerbaijani offensive. From the heights above the village Elmira evacuated to, she observed her mother-in-law being detained and taken away by Azerbaijani military personnel, and didn't see her mother-in-law for a week until she was brought to Stepanakert via Shushi/Shusha with other detained civilians.²³³

Despite an uncertain future in Armenia, it was apparent that the conditions imposed by Azerbaijan made living under Azerbaijani rule impossible for Armenians. Hayk Harutyunyan, a journalist from Artsakh, said to Eurasianet, "We don't know where to go, we don't have a home there (in Armenia)... We would rather sleep in the streets than live under Azerbaijan. They waged war against us four times, invaded my country, they killed my brothers, my friends, our neighbors, our parents, and we cannot live with them."²³⁴ The extreme displays of anti-Armenian rhetoric and discrimination were mentioned as key reasons many felt they had no choice but to leave Artsakh.²³⁵ There was no timeframe for Armenians to flee, but it was common knowledge that they would need to do so quickly. The roads were filled with people escaping to Armenia, scared for their safety.²³⁶ Many were forced to leave almost everything they owned behind, personal belongings such as family photos that could not be taken along were destroyed for fear they would be found by Azerbaijani military personnel and mocked on Azerbaijani social media sites.²³⁷

Many of those who fled Artsakh have stated in no uncertain terms that what they experienced was a genocide, and that the only options available to them were to flee or to die. Karen Sarsyan, who served with the Artsakh Defence Army during the Azerbaijani offensive, stated that it was a genocide; having seen the scale of the offensive against a starving population who had been blockaded for nine months, the deaths of men, women, and children, and the mutilations of the bodies of the dead, he had no other word for what occurred.²³⁸ Erik Arushanyan, a resident of Artsakh whose two relatives served in the Artsakh Defence Army and were buried in Yerablur, the Armenian military cemetery, without their heads, noted that churches and houses were razed to the ground with tractors. He called the killing of a people in their homes and forcible removal from where their families had been born and died for generations "pure genocide."²³⁹ Zaruhi Hayrapetyan, whose family had to leave almost everything in

²³⁰ <https://hetq.am/en/article/160623>

²³¹ <https://mediahub.am/post/3f8bc5395b03ec63?fbclid=IwAR0QJCpUvIMZ5SE-hx6syLF0W4nt6QLxHby1y5kfjorwVjytYbnve1r1nK8>

²³²

https://mediahub.am/post/dad61b32721fbf1e?fbclid=IwAR29Bpdx4wsAaKoTroNcvUtcdmxX8WUwUqqTrzfE_sObFBDy1qbwcmR6JwQ

²³³ https://mediahub.am/post/68b0b75f5dba0062?fbclid=IwAR2N_5JgOz-0JnVu_xq3HBVzSGvNmChHVQMtT9cGQJgFegCwnMTCpA31s_I

²³⁴ <https://eurasianet.org/armenian-exodus-from-karabakh-begins>

²³⁵ <https://oc-media.org/features/if-i-had-wings-i-would-fly-away-nagorno-karabakh-armenians-seek-evacuation/>

²³⁶ <https://oc-media.org/armenia-receives-thousands-of-refugees-from-nagorno-karabakh/>

²³⁷ <https://eurasianet.org/armenia-scrambles-to-accommodate-uprooted-karabakhis>

²³⁸ <https://iravaban.net/453941.html>

²³⁹ <https://iravaban.net/447370.html>

Artsakh, also testified about the beheading of one of her cousins.²⁴⁰ Maria Shahnazaryan noted that a member of her family had a cross worn as a necklace taken from her while they were fleeing to Armenia.²⁴¹ Noting the number of innocent people who had died and the family history being left behind in Artsakh, Marianna Safaryan could only call it a genocide.²⁴² Many testimonies confirm that people had legitimate fears for their safety and lives were they to remain in Artsakh, making the deportation involuntary as the only alternative seen was death. Shura Ghulyan, from Chldran in the Martakert region, also stated that what occurred was a genocide, observing that if people had stayed, “they were going to slaughter everyone.”²⁴³ Samvel Sargsyan, a resident of Artsakh, stated that they had to flee because that was the only possibility available to them to continue living.²⁴⁴

The last to leave Artsakh were those without their own means of transportation and did so on buses provided by the government, with the last arriving in Armenia on 1 October.²⁴⁵ The ICRC, responsible for assisting the Armenians who remained in Artsakh, estimated that there were around 25 Armenians who remained in Artsakh; Azerbaijan’s migration service stated that 15 Armenians from Artsakh applied for Azerbaijani citizenship.²⁴⁶ At least 64 Armenians died during the deportation, due to a combination of health conditions exacerbated by the blockade and the length of time it took to reach Armenia from Artsakh.²⁴⁷ The journey could take over 30 hours, which worsened conditions and also created conditions for further deaths from health conditions or accidents.²⁴⁸ Over 100,000 Armenians were deported from Artsakh, seeing the choices presented to them as flight or death.

ii. Violence Against Armenians in Artsakh

Between Azerbaijan’s military offensive against Artsakh and the departure of the last Armenians fleeing Artsakh, numerous Armenian civilians in Artsakh reported violent treatment by Azerbaijani military personnel. This treatment significantly impacted their ability to remain in Artsakh, as it became clear that they would receive discriminatory treatment simply because they were Armenian.

Physical abuse, including the use of extreme violence and torture, featured prominently in the testimonies of Armenians from Artsakh following the deportation. These accounts closely resembled those of Armenians captured by Azerbaijani military personnel during the 2020 War. The testimonies described intense physical violence directed at captives, regardless of whether they were soldiers or civilians, often lasting for extensive periods. Injuries of the captured individuals, whether sustained prior to their captivity or as a result of the violence inflicted on them during captivity, were ignored, including if they were knocked to the ground or immobilised due to their injuries.²⁴⁹ Mavrik Pashayan, from the village of Sznek in the Askeran region, testified about his captivity and the torture he endured during that time.²⁵⁰ He was captured while fleeing his village during the Azerbaijani offensive, and

²⁴⁰ <https://iravaban.net/446326.html>

²⁴¹ <https://iravaban.net/446164.html>

²⁴² <https://iravaban.net/445926.html>

²⁴³ <https://iravaban.net/454879.html>

²⁴⁴ <https://iravaban.net/445428.html>

²⁴⁵ <https://oc-media.org/features/the-last-bus-out-of-nagorno-karabakh/>

²⁴⁶ <https://www.rferl.org/a/karabakh-refugees-armenia-welcome-struggling-azerbaijan/32743624.html>

²⁴⁷ <https://www.azatutyun.am/a/32660106.html>

²⁴⁸ <https://twitter.com/geviskajyan/status/1718920159904083975?s=20>

²⁴⁹ https://mediahub.am/post/91b25f4bde82db22?fbclid=IwAR3ljGyTKUyqr8VQxbC2dTUSUqb-UfsWPqcicgzWwI2JpN5mXd5Jdrqc_n8

²⁵⁰ <https://www.aysor.am/am/news/2023/10/21/%D5%A3%D5%A5%D6%80%D5%AB/2171128> : “Ասացին՝ դու որտե՞ր ես ուզում գնաս: Ասացի՛ Արցախ եմ ուզում: Ասաց՝ Արցախ՝ ոչ, մի ասա այդպես: Ասացի՛ լավ, Երևան տարե՞ք: Ասաց՝ Երևան, այո, կտանենք: 2-3 օր պահեցին: Չինվորական էլ կար, ոստիկան էլ կար, բոլորն էլ կային: Քնած ժամանակ կոշիկով խփում էին՝ վեր կաց տեղիդ: Մի ոտքի վրա կանգնեցրին, ասացին՝ օտժիմանի արա {մարզանք՝ հրել-բարձրանալ հատակից}: Ասացի՛ ձեռքերս... չեմ

received beatings from Azerbaijani military personnel upon his apprehension. Pashayan fled with his uncle, whom he had to leave when his uncle could not continue walking, and he still has no news of him. Throughout his captivity, he endured beatings with shoes, hindering his ability to sleep. He was forced to perform physically demanding tasks such as standing on one leg or doing pushups following beatings, although his injuries often prevented him from doing so. In instances where he was unable to comply with his captors' demands due to his injuries, he was subjected to further beatings and, on one occasion, was kicked so hard in the chest he was unable to breathe. He was also mocked during this whole process. His relatives recognised him on Azerbaijani television in footage recorded for propaganda, which purportedly showed him receiving first aid, despite his captors from the Azerbaijani military and police being responsible for the injuries he sustained. When he was finally released, his injuries were so severe that he was unable to walk.

Armenians from Artsakh were subjected to torture disguised as medical treatment. Civilians from Sarnaghbyur and the Martakert region were taken to Aghdam under the guise of hospitalisation but held in conditions more akin to a prison; despite their injuries, they were beaten by Azerbaijani medical personnel, who appeared sympathetic and initially treated their injuries in front of cameras, before assaulting them away from the public eye.²⁵¹ Lernik Aghajanyan, a farmer from a village near Chankatagh in the Martakert region, was captured while riding his horse near his home during the Azerbaijani offensive. Azerbaijani military personnel surrounded him at gunpoint, pulled him by the leg off of his horse, and started beating him without explanation. His partner, Mareta Sargsyan, was captured separately; when she saw him hours after their capture, he was covered in cuts, blood, and bruises, and struggled to move.²⁵² They were then taken to Aghdam with the civilians from Sarnaghbyur; Lernik and Mareta attest both police and medical personnel were responsible for beating and torturing the captured civilians, with the medical personnel displaying particularly egregious cruelty.

Moreover, regardless of their civilian status, gender, age, or disabilities, everyone endured violence and mistreatment. Liparit Mardanyan, a 37-year-old man from Sarnaghbyur, testified that he had been subject to extreme violence for several days during his captivity in Aghdam. Despite his attempts to clarify that he was a civilian, had a disability, and was unaffiliated with the Artsakh Defence Army, Azerbaijani personnel ignored his explanations, and the beatings persisted during his captivity.²⁵³ Liparit's 72-year-old mother, Gemma Mardanyan, was captured with him and also subjected to extreme violence. She recounted being taken to a location that appeared to be a medical facility in Aghdam. However, it was more similar to a detention centre, where medical staff beat Mardanyan for the duration of her captivity.²⁵⁴ Similarly, many civilian men in Artsakh faced detention and beatings despite their obvious non-combatant status. When Lernik Aghajanyan was captured close to his farm, he was wearing civilian clothes and was clearly not participating in the armed hostilities; he was still detained and tortured by Azerbaijani military personnel.²⁵⁵ As Azerbaijani military personnel approached their

կարողանում, ցավում են: Ասաց՝ արա, հարվածեց... Ասացի՛ չեմ կարողանում, բարկացավ, ցատկեց կրծքիս ոտքով խփեց, շունչս կտրվեց.. հետո սկսեցին ծաղրել ինձ”

²⁵¹ https://mediahub.am/post/91b25f4bde82db22?fbclid=IwAR3ljGyTKUyqr8VQxbC2dTUSUqb-UfsWPqcicgzWi2JPn5mXd5Jdrqc_n8

²⁵²

https://mediahub.am/post/8a136a604de44421?fbclid=IwAR0ThbAyKROpXe2oIMMBMX_qOYB2t42KJKLo3Jw84VJIMCOHx1hWIDA8Siw

²⁵³ https://mediahub.am/post/91b25f4bde82db22?fbclid=IwAR3ljGyTKUyqr8VQxbC2dTUSUqb-UfsWPqcicgzWi2JPn5mXd5Jdrqc_n8

²⁵⁴ https://mediahub.am/post/91b25f4bde82db22?fbclid=IwAR3ljGyTKUyqr8VQxbC2dTUSUqb-UfsWPqcicgzWi2JPn5mXd5Jdrqc_n8

²⁵⁵

https://mediahub.am/post/8a136a604de44421?fbclid=IwAR0ThbAyKROpXe2oIMMBMX_qOYB2t42KJKLo3Jw84VJIMCOHx1hWIDA8Siw

village during the offensive, Elmira Arzumanyan, a resident of Karmirgyugh, fled with her husband to the heights above Karmirgyugh, fearing for his safety as a potential target due to his perceived association with the Artsakh Defence Army. They had to leave her 91-year-old mother-in-law behind, who had mobility issues and who they assumed would be safe due to her elderly status. From the higher ground, they witnessed Azerbaijani troops kidnap her mother-in-law and take her away in a vehicle, returning her a week later. Her mother-in-law, who has memory issues, has not spoken about her captivity.²⁵⁶ Elmira Abrahamyan, an elderly woman captured in Verin Horatagh in the Martakert region, gave similar testimony; she endured beatings despite her old age, underscoring the indiscriminate brutality inflicted upon civilians.²⁵⁷

This violence directed at ethnic Armenians, regardless of age, injuries, or civilian status, reflects an extreme anti-Armenian hatred. When considered alongside the blockade and Azerbaijan's history of anti-Armenian discrimination and hatred, this violence must be viewed as part of a broader context of ethnic cleansing rather than in isolation. The intent was the removal of Armenians and Armenian culture and history from the region, using increasingly brutal methods of terror and violence. Most of the public testimonies affirmed that it was not a simple war but instead a genocide. While ethnic cleansing lacks a legal definition comparable to genocide, a UN Commission of Experts, drawing from their analysis of conflicts in the former Yugoslavia, defined ethnic cleansing as, "... a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas."²⁵⁸

iii. Mistreatment of Armenians

Following the offensive, Armenians not subjected to violence still experienced mistreatment, including deprivation of food and water - except for when cameras were present - mockery, blackmail, and coercion to repeat offensive phrases under threat of violence to themselves or their families. This has caused long standing suffering for many who suffered from this mistreatment, including in the form of post-traumatic stress.

As noted, Azerbaijani personnel subjected many detainees to deprivation of food, water, and medical treatment, except for performative acts when cameras were present. Mareta Sargsyan, the 56-year-old woman from near Chankatagh who was in captivity with her partner Lernik Aghajanyan, was in custody for seven days. She explained that whenever she requested water, her captors would take multiple photos with several phones and then offer her sausage and bread, all while taking more pictures. It became evident to her that they only provided food and water for show, to give the appearance of offering humanitarian aid. After the videos, someone approached her and said "you have no right to live, we will kill you."²⁵⁹ Hayaser Safaryan, from the village of Khnkavan in the Martakert region, received similar treatment from his Azerbaijani captors. After he and his family members were captured, they were provided with milk, bread, and water in front of video cameras and treated respectfully. However, after the display, they were not provided with any more food and were subject

²⁵⁶ https://mediahub.am/post/68b0b75f5dba0062?fbclid=IwAR2N_5JgOz-0JnVu_xq3HBVzSGvNmChHVQMtT9cGQJgFegCwnMTCpA31s_I

²⁵⁷ Our translation from : "MediaHub-ին նույն վկայությունն էր տվել նաև Վերին Հոռաթաղից գերեվարված Էլմիրա Աբրահամյանը: Նրան, թեև տարեց կին է, աղբրեջանցիները և չեն խնայել՝ հարվածել են, քաշքշել ու նվաստացրել:"

²⁵⁸ United Nations, office on genocide prevention and responsibility to protect, <https://www.un.org/en/genocideprevention/ethnic-cleansing.shtml>

²⁵⁹

https://mediahub.am/post/8a136a604de44421?fbclid=IwAR0ThbAyKROpXe2oIMMBMX_qOYB2t42KJKLo3Jw84VJIMCOHx1hWIDA8Siw

to frequent death threats and general violence during their captivity.²⁶⁰ Various testimonies report that, during their captivity, people were forced every night to repeat phrases such as, “*Stepanakert is Khankendi*” and “*Shushi is Azerbaijan*,” which referred to places in Artsakh, or Artsakh itself, as part of Azerbaijan using only Azerbaijani names. Refusal to comply would result in beatings, with captors treating this as a form of humiliation while they drank, smoked, and laughed.²⁶¹ This was a common experience during the 2020 War as well; many Armenian prisoners, both POWs and civilians, were forced to repeat similar statements under threat of violence.

Of the testimonies gathered, almost all include examples of psychological abuses inflicted by Azerbaijani military personnel, including mockery, blackmail, and threats. These abuses, following months of blockade and the imminent deportation of Armenians from Artsakh, had a profound psychological effect. Those detained, in particular, endured these abuses on a much larger scale, unable to escape from them until their release.

Even brief encounters with Azerbaijani military personnel during the deportation could become hugely traumatic. In some instances, this psychological abuse was filmed and circulated on the internet. For example, while they were fleeing Artsakh, Mher Zargaryan and his wife were forced to express a preference for Azerbaijan, denounce Arayik Harutyunyan (a former president of Artsakh, currently detained in Baku) and other generals as traitors, and repeat this demand 3 or 4 times. Mher was recorded during this, as Azerbaijani soldiers had threatened to kill his child while he watched if he and his wife disobeyed.²⁶² Marianna Safaryan, a young mother, recounted how Azerbaijani soldiers stopped her family during their escape. The soldiers searched their car, separating and photographing the men. Throughout the ordeal, the soldiers laughed at and humiliated Marianna’s family.²⁶³ Anush Stepanyan, from Martuni, noted that after hours on the road to Armenia from Stepanakert, Azerbaijani military personnel put them through further humiliation at the final checkpoint. The soldiers took her children from the car and repeatedly struck their vehicle. After this, her family was told they could stay and live under Azerbaijani rule.²⁶⁴ In the majority of the testimonies, those interviewed noted that they were routinely laughed at and degraded by Azerbaijani military personnel.

This physical and psychological abuse and violence have more than just an immediate impact on victims. In addition to the intense violence experienced after months of blockade, the victims now have to rebuild their lives having left almost everything behind. Some have spoken of the difficulties they face today as a result of post-traumatic stress. There is a significant body of research that underscores the profound effects of war and forced displacement, particularly on children, who may develop mental health issues as a result of such early trauma.²⁶⁵ Approximately 30,000 children in Artsakh underwent this harrowing experience.

According to his brother, Hayaser Safaryan continues to receive treatment in a psychiatric centre as a result of his trauma. Hayaser's pre-existing health issues escalated significantly after his captivity, and his brother notes that Hayaser developed a stutter since his time in Azerbaijan

²⁶⁰ <https://mediahub.am/post/3f8bc5395b03ec63?fbclid=IwAR0QJCpUvIMZ5SE-hx6syLF0W4nt6QLxHby1y5kfjorwVjttYbnve1rInK8>

²⁶¹

https://mediahub.am/post/8a136a604de44421?fbclid=IwAR0ThbAyKROpXe2oIMMBMX_qOYB2t42KJKLo3Jw84VJIMCOHx1hWIDA8Siw

²⁶² <https://www.tert.am/am/news/2023/09/28/artsakh/4009268>

²⁶³ <https://iravaban.net/445926.html>

²⁶⁴ <https://iravaban.net/444604.html>

²⁶⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9209349/>

captivity.²⁶⁶ Elmira Arzumanyan still recalls the events of September 2023 with terror, saying the situation was “an indescribable hell.”²⁶⁷

iv. Arbitrary Detention of Political Leadership and Others

On 22 September, Azerbaijan promised amnesty to members of the Artsakh Defence Army, with the exception of those accused of crimes during the First Nagorno-Karabakh War.²⁶⁸ This did little to ease the concerns of those in Artsakh; as previously discussed, Armenians still faced violence and mistreatment following the Azerbaijani offensive for the perception (often unsubstantiated) that they had served in the Artsakh Defence Army. The detention of Armenian students travelling to Yerevan for their studies in August also fuelled suspicions that these were not sincere promises from Azerbaijan.

There were also fears for those who had veritabily fought in the First Nagorno-Karabakh War, as Vagif Khachatryan remained in detention for allegations of crimes from the First Nagorno-Karabakh War during this time. Though Azerbaijan claimed Khachatryan was a key participant in massacres during the First Nagorno-Karabakh War, multiple people claim he was only a driver during this war, and the Armenian Human Rights Defender stated that no international prosecution was registered against Khachatryan prior to his detention.²⁶⁹ In the absence of normative legal proceedings for the treatment of Armenians associated with the Artsakh Defence Army, many worried for their future.

During this time, Azerbaijan began detaining the former officials of Artsakh, primarily the civilian leadership. Beginning with the detention of former State Minister Ruben Vardanyan on 27 September,²⁷⁰ eight members of the leadership or former leadership of Artsakh were arrested. Davit Babayan, the former Foreign Minister, turned himself in to Azerbaijani authorities on 28 September.²⁷¹ Three former presidents of Artsakh, Arkadi Ghukasyan, Bako Sahakyan and Arayik Harutyunyan, and the Speaker of the National Assembly, Davit Ishkhanyan, were detained in the following days.²⁷² The former commander and former deputy commander of the Artsakh Defence Army, Levon Mnatsakanyan and Davit Manukyan, were also detained.²⁷³

The case against Vardanyan is indicative of the arbitrary nature of their detention. Vardanyan had been State Minister of Artsakh for less than four months, from November 2022-February 2023. However, he faced charges from Azerbaijan that include financing terrorism, creating illegal armed formations, and illegally crossing a state border. The terms of the first two charges have not been elaborated. The charge of illegally crossing a state border is nonsensical in a variety of ways, including that it violates the ceasefire agreement that ended the 2020 war. According to the agreement, travel along the Lachin corridor required approval from Russian peacekeepers, which Vardanyan received. Incidentally, Azerbaijan breached this part of the ceasefire agreement with its blockade of Artsakh.

These charges effectively criminalise travel between Armenia and Artsakh, potentially targeting any Armenian from Artsakh due to their “illegal crossing of state borders,” as is the case with the former political leadership of Artsakh. This part of the Azerbaijani Criminal Code that has come under criticism, with the United Nations Committee on the Protection of the Rights of All Migrant

²⁶⁶ <https://mediahub.am/post/3f8bc5395b03ec63?fbclid=IwAR0QJCpUvIMZ5SE-hx6syLF0W4nt6QLxHby1y5kfjorwVjttYbnve1r1nK8>

²⁶⁷ https://mediahub.am/post/68b0b75f5dba0062?fbclid=IwAR2N_5JgOz-0JnVu_xq3HBVzSGvNmChHVQMtT9cGQJgFegCwnMTCpA31s_I

²⁶⁸ <https://oc-media.org/azerbaijan-offers-amnesty-to-nagorno-karabakh-soldiers-except-for-crimes-during-first-war/>

²⁶⁹ <https://oc-media.org/azerbaijan-arrests-nagorno-karabakh-resident-for-war-crimes/>

²⁷⁰ <https://oc-media.org/former-nagorno-karabakh-state-minister-ruben-varpanyan-detained-by-azerbaijan/>

²⁷¹ <https://eurasianet.org/nagorno-karabakh-republic-disbands-as-azerbaijan-arrests-its-ex-officials>

²⁷² <https://oc-media.org/azerbaijan-arrests-former-presidents-and-parliamentary-speaker-of-nagorno-karabakh/>

²⁷³ <https://oc-media.org/un-mission-arrives-to-empty-streets-in-nagorno-karabakh/>

Workers and Members of Their Families recommending its repeal and decriminalisation, as these, “should never be considered criminal offences, as they do not infringe upon fundamental, legally protected values and, as a result, are not crimes per se against persons, property or national security.”²⁷⁴

The public nature of the arrests of the former leadership of Artsakh, which included displaying the former leaders in confinement through photographs and videos, was done in a humiliating manner and increased the pressure for Armenians to leave Artsakh, as those who had represented them politically were held in detention for that very representation.

v. Fuel Depot Explosion

On 25 September 2023, a fuel depot at Berkadzor, near Stepanakert, exploded as hundreds were trying to get fuel for their flight from Artsakh. Medical centres in Stepanakert, already stretched thin by the blockade and the Azerbaijani offensive, were immediately overwhelmed.²⁷⁵ The death toll jumped into the hundreds in the coming days, and some patients needed to be airlifted to Stepanakert to receive medical attention.²⁷⁶ The weakened and malnourished state of the wounded was an added concern that made treatment even more difficult, and delays of over 24 hours in accessing medical care for the victims added to this. Many eventually received treatment in Yerevan, though even there the primary hospital for treating them was overwhelmed.²⁷⁷ The final count on 22 December was that at least 218 people were killed, with hundreds more wounded and many left unaccounted for. Many bodies found at the scene were so burned they needed to be identified through DNA samples, significantly prolonging the search for missing persons as a result.²⁷⁸

Though the explosion was unrelated to immediate Azerbaijani actions, the severity of the incident was the direct result of the Azerbaijani blockade of Artsakh. With access to fuel, the people of Artsakh would not have needed to gather in such high numbers at the Berkadzor fuel depot. With access to food denied to them by the blockade, the victims would not have been in weakened or malnourished states that made their medical treatment and survival even more difficult. With access to medical equipment, the medical facilities in Artsakh would have been able to offer more immediate care to the victims of the explosion, which would have saved lives, reduced the stress put on medical facilities in Armenia, and ensured immediate care rather than delays for transportation to Armenia for immediate care.

The Berkadzor fuel depot explosion is a manifestation of the effects of Azerbaijan’s anti-Armenian discrimination through the blockade and offensive against Artsakh. The disaster was exponentially worse than it would have otherwise been as a direct result of Azerbaijan’s anti-Armenian discrimination.

²⁷⁴ Concluding observations on the third periodic report of Azerbaijan, OHCHR, Published 2 November 2021, §30(b) https://digitallibrary.un.org/nanna/record/3946824/files/CMW_C_AZE_CO_3-EN.pdf?withWatermark=0&withMetadata=0&version=1®isterDownload=1

²⁷⁵ <https://www.theguardian.com/world/2023/sep/26/nagorno-karabakh-blast-fuel-depot-armenia-azerbaijan>

²⁷⁶ <https://www.bbc.com/news/world-europe-66958338>

²⁷⁷ <https://oc-media.org/features/the-fight-to-save-nagorno-karabakhs-burns-patients/>

²⁷⁸ <https://www.azatutyun.am/a/32743695.html>

vi. Anti-Armenian Discrimination and Threat of Violence

Anti-Armenian hatred was also evident more broadly on Azerbaijani social media at this time, underscoring that, even with Azerbaijan taking control of Artsakh, the environment created by anti-Armenian discrimination and rhetoric made it untenable for Armenians to live in Azerbaijan as Armenians.

An open-source investigation into Azerbaijani- and Russian-language Azerbaijani social media channels indicated that Azerbaijani social media still displayed significant hatred towards Armenians in a number of ways following the offensive against Artsakh.²⁷⁹ In the aftermath of the fuel depot explosion, there was a notable surge in dehumanising rhetoric targeting the victims. Additionally, there was a proliferation of extreme misogyny directed at Armenian women, including the dissemination of their photos and personal information such as names and surnames, ages, and phone numbers; explicit imagery and pornography, purportedly of Armenian women but impossible to verify, was also disseminated for the purposes of misogyny and dehumanisation directed at Armenian women. Other Azerbaijani social media channels advocated for the fabrication of stories involving the deaths of missing persons to torture Armenians psychologically. The operator of one of these Azerbaijani Telegram channels was observed comparing Armenians in Artsakh to trash and encouraging the psychological torture that users of the Telegram channel could inflict on Armenians for their own cruel enjoyment. The Human Rights Defender's Office in Artsakh also reported that Azerbaijani social media channels were encouraging the finding and raping, torturing, and killing of Armenians reported missing, even offering financial rewards for such acts.²⁸⁰

The Armenian population in Artsakh cited the anti-Armenian discrimination, rhetoric, and violence displayed in Azerbaijan and by Azerbaijani military personnel as reasons that, *de facto*, they could not live under Azerbaijani control. They explicitly mentioned the blockade of Artsakh and atrocities committed against ethnic Armenians and Armenian military personnel in 2020 and 2022 as contributing factors to the pervasive atmosphere of fear and absence of trust in the Azerbaijani authorities.²⁸¹

As the deportation began, the first videos of Azerbaijani personnel looting Armenian homes emerged.²⁸² As many first fled towards Stepanakert, situated along the route to Armenia from most locations in Artsakh, these looting incidents primarily occurred in villages or cities farther from Stepanakert. Subsequently, after the deportation of Artsakh's Armenian population, videos showing the looting of Armenian homes became widespread.

²⁷⁹ <https://www.specialeurasia.com/2023/09/26/osint-report-armenophobia/>

²⁸⁰ <https://twitter.com/ArtsakhOmbuds/status/1705360064310087867>

²⁸¹ <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/azerbaijan/>

²⁸² <https://www.bellingcat.com/news/2023/09/28/azerbaijan-consolidates-control-armenians-flee-nagorno-karabakh/>

VI - Current Situation

At present, almost the entire population of Artsakh has fled to Armenia, and the government of Azerbaijan is taking steps to actively prohibit any possibility of return for the Armenians of Artsakh. The political leadership of Artsakh remains detained in Azerbaijan, and cultural landmarks in Artsakh are either being destroyed or stripped of their Armenian heritage. This includes centuries-old monuments and significant buildings such as the National Assembly building in Stepanakert.

Furthermore, Azerbaijani military personnel are actively looting the homes of Armenians in Artsakh and posting videos of these actions on social media. The destruction and removal of belongings from Armenian homes in Artsakh indicate that Azerbaijan has no intention of allowing the Armenians of Artsakh to return. This intention is further reinforced by explicitly anti-Armenian rhetoric and actions.

What becomes clear from these events is that the blockade and offensive against Artsakh was a blatant ethnic cleansing; from its initial stages as a blockade to the actions of Azerbaijan after the offensive against Artsakh, the goal has always been the removal of the Armenian population of Artsakh by any available means.

i. Continued Detention of Artsakh Armenians in Azerbaijan

On 7 November 2023, the Baku Military Court convicted Vagif Khachatryan of the crimes of genocide and illegal deportation during the First Nagorno-Karabakh War and sentenced him to 15 years imprisonment.²⁸³ This verdict was in spite of his kidnapping while being transported for medical reasons and his record as a driver during the First Nagorno-Karabakh War. Successive US State Department Country Reports on Human Rights Practices raised concerns about impartial trials in politically motivated or sensitive cases in Azerbaijan,²⁸⁴ with the 2022 report stating, “Credible reports indicated that judges and prosecutors took instructions from the Presidential Administration and the Justice Ministry, particularly in politically sensitive cases.”²⁸⁵ Remarkably, the 2023 report contained the same quote, entirely unchanged,²⁸⁶ indicating persistent institutional issues regarding the independence of the judiciary in Azerbaijan and its ability to adjudicate based on fair trials and the rule of law, rather than through arbitrary and politically motivated judgments. The circumstances of Khachatryan’s detention and charges against him can undoubtedly be considered politically sensitive, a concern that also applies to the detention of the Armenians currently held in Azerbaijan.

In November 2023, Azerbaijan brought criminal charges, including for war crimes, against Rashid Beglaryan, more than three months after detaining him in unclear circumstances after he crossed the line of contact in Artsakh; the circumstances of Beglaryan being charged with war crimes was also unclear, as they were added so long after Beglaryan’s initial detention.²⁸⁷ On 12 July 2024, Beglaryan was sentenced to 15 years imprisonment in Azerbaijan, on the same charges of genocide that Vagif Khachatryan was sentenced for.²⁸⁸

²⁸³ https://azertag.az/xeber/vaqif_xachaturyana_15_il_ceza_verildi-2817724

²⁸⁴ <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/azerbaijan/>

²⁸⁵ <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/azerbaijan/>

²⁸⁶ <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/azerbaijan/>

²⁸⁷ <https://www.civilnet.am/en/news/757596/azerbaijan-charges-another-karabakh-armenian-civilian-with-war-crimes/>

²⁸⁸ <https://oc-media.org/baku-court-sentences-nagorno-karabakh-armenian-to-15-years-imprisonment/>

In January 2024, Azerbaijan announced a four-month extension of the terms of detention for the former leaders of Artsakh.²⁸⁹ Their trials have still not begun, and their cases would fall under the same suspicions of lack of impartiality as Khachatryan's case, if not more so due to their leadership of Artsakh and the symbolic weight of prosecuting former Artsakh leadership. Azerbaijan had previously stated that their anti-Armenian rhetoric was aimed solely at Armenian leadership, though the ECRI viewed it as indistinguishable from outright anti-Armenian rhetoric.²⁹⁰ The decision to try members of this leadership, who were publicly and frequently targeted with significant hatred by Azerbaijan, is overtly politically motivated and sensitive. In this context, there is no chance that the detained former leaders of Artsakh will receive fair and impartial trials in Azerbaijan.

On 5 April 2024, Ruben Vardanyan, the former State Minister of Artsakh detained in Azerbaijan, began a hunger strike to protest the detention of Armenians in Azerbaijan. Whereas his family had been in weekly contact with him in the past, authorities in Azerbaijan restricted contact with his family. During the sole contact Vardanyan's family had with him between 2 April and 23 April, he informed them that his captors intentionally worsened the conditions of his detention following the beginning of his hunger strike.²⁹¹ Vardanyan's family also noted that one of his demands was for an expedited trial date, as his detention and the detention of the other political leaders of Artsakh had already been extended by four months with no trial date set.²⁹² On 14 June 2024, Vardanyan's family announced via social media that, over the course of his hunger strike from 5 April to 25 April, Vardanyan had been moved to a special cell as punishment, was denied access to water, deprived of sleep, and denied access to communications with his family, legal counsel, and the Azerbaijani Human Rights Defender's office.²⁹³

On 16 May 2024, the Azerbaijani authorities announced the extension of Vardanyan and the other former political leadership of Artsakh's detention for an additional five months, with no trial date announced.²⁹⁴ By the end of this additional five months, the former political leadership of Artsakh would have been held in pretrial detention for over a year; the lack of a trial date indicates that such a detention is primarily punitive.

²⁸⁹ <https://xalqqazeti.az/en/siyaset/161719-azerbaijan-extends-arrest-term-for>

²⁹⁰ <https://rm.coe.int/sixth-report-on-azerbaijan/1680ab9e35> §39

²⁹¹ <https://twitter.com/amanpour/status/1782828320565989701>

²⁹² <https://apnews.com/article/karabakh-wardanyan-separatist-russia-23175bce62842677808f79c5c32c558a>

²⁹³ <https://twitter.com/RubenVardanyan/status/1801490720303247510>

²⁹⁴ <https://twitter.com/RubenVardanyan/status/1791378229795725592>

ARMENIANS UNLAWFULLY HELD IN AZERBAIJAN

STATUS

- POW
- CIV
- POLITICAL PRISONER

AND DATES OF THEIR CAPTURE

| Year | Date | Name | Status | | |
|--|--|---|--------------------|--|-----|
| 2020 | End of October | Surname: Khosrovyan Name: Alysha Patronymic Name: Aramays Year of Birth: 1967 Status: POW | POW | | |
| | | Surname: Mirtchyan Name: Lyudvig Patronymic Name: Mirtich Year of Birth: 1969 Status: POW | POW | | |
| | | Surname: Eujekjan Name: Vicken Patronymic Name: Abraham Year of Birth: 1979 Status: CIV | CIV | | |
| | | Surname: Davtyan Name: Davit Patronymic Name: Tigran Year of Birth: 1993 Status: CIV | CIV | | |
| | | Surname: Sejyan Name: Gevorg Patronymic Name: Ruben Year of Birth: 1989 Status: CIV | CIV | | |
| | November 10 | Surname: Khachatryan Name: Vagif Patronymic Name: Chemez Year of Birth: 1955 Status: CIV | CIV | | |
| | | Surname: Beglaryan Name: Rashid Patronymic Name: Aramays Year of Birth: 1962 Status: CIV | CIV | | |
| | | 2023 | End of September | Surname: Balyan Name: Levon Patronymic Name: Romik Year of Birth: 1978 Status: POW | POW |
| | | | | Surname: Allahverdiyev Name: Davit Patronymic Name: Nelson Year of Birth: 1988 Status: POW | POW |
| | | | | Surname: Beglaryan Name: Vasil Patronymic Name: Vanyir Year of Birth: 1993 Status: POW | POW |
| Surname: Martirosoyan Name: Gavit Patronymic Name: Grigori Year of Birth: 1972 Status: POW | POW | | | | |
| September 28 | Surname: Pashayan Name: Melikset Patronymic Name: Vladimir Year of Birth: 1971 Status: POW | | POW | | |
| | Surname: Stepanyan Name: Gurgun Patronymic Name: Homeros Year of Birth: 1987 Status: POW | | POW | | |
| | Surname: Ghazaryan Name: Erik Patronymic Name: Robert Year of Birth: 1985 Status: POW | | POW | | |
| | Surname: Babayan Name: Madat Patronymic Name: Arakel Year of Birth: 1952 Status: CIV | | CIV | | |
| 2023 | September 27 | Surname: Social Entrepreneur & Venture Philanthropist Former State Minister Surname: Vardanyan Name: Ruben Patronymic Name: Karlen Year of Birth: 1968 Status: Political prisoner | Political Prisoner | | |
| | | Surname: Former Deputy Commander of the Defence Forces Name: Davit Patronymic Name: Azat Year of Birth: 1971 Status: Political prisoner | Political Prisoner | | |
| | September 28 | Surname: Former Minister of Foreign Affairs Name: Davit Patronymic Name: Klim Year of Birth: 1973 Status: Political prisoner | Political Prisoner | | |
| | | Surname: Former Commander of the Defence Forces Name: Levon Patronymic Name: Henrikh Year of Birth: 1965 Status: Political prisoner | Political Prisoner | | |
| | September 29 | Surname: Former President Name: Akhuti Patronymic Name: Arshavir Year of Birth: 1957 Status: Political prisoner | Political Prisoner | | |
| | | Surname: Former President Name: Sahakyan Name: Dziko Patronymic Name: Sahak Year of Birth: 1960 Status: Political prisoner | Political Prisoner | | |
| | October 3 | Surname: Speaker of the Parliament Name: Davit Patronymic Name: Ruben Year of Birth: 1968 Status: Political prisoner | Political Prisoner | | |
| | | Surname: Former President Name: Horatzyan Name: Arayik Patronymic Name: Vladimir Year of Birth: 1973 Status: Political prisoner | Political Prisoner | | |

Source: Sahakyan and Artak Zepalyan, who serve as legal representatives and human rights defenders, have collected and analyzed this data.

INTERNATIONAL AND COMPARATIVE LAW CENTER - ARMENIA

ARMENIAN LEGAL CENTER

The 23 Armenians detained in Azerbaijan include nine prisoners of war, six civilians, and eight political prisoners, with five in detention since the 2020 War and eighteen in detention since the blockade or period around the military offensive and deportation. The detainees from 2020, two of whom are POWs and three of whom are civilians, have not been included in any prisoner exchanges since the end of the 2020 War, despite the ceasefire agreement explicitly stating so. The three additional civilians, one of whom is Vagif Khachatryan, are likely to remain in detention or face similarly politically motivated trials as with Khachatryan. The seven POWs captured during the Azerbaijani military offensive remain in captivity, with very little information available on their status. The eight political prisoners, former leaders of Artsakh, await trial without announced dates. Without international pressure, the Armenians currently held in Azerbaijan will likely face discrimination and miscarriages of justice due to their ethnicity.

ii. Destruction of Armenian Religious, Cultural, and Political Landmarks

The Destruction of Armenian monuments in Azerbaijan has been a longstanding issue, drawing international attention. With Azerbaijan assuming control of Artsakh, this destruction is taking two forms: first, through the falsification of history, where ancient Armenian monuments are labelled as “Caucasian Albanian,” providing a pretext for the erasure of the Armenian history of these monuments, and second, through the physical destruction of other monuments. The goal of both of these methods is the destruction of both the history and cultural memory of Armenians in Artsakh. Rafael Lemkin noted this practice during his formulation of the definition of the crime of genocide, noting that “An attack targeting a collectivity can also take the form of systematic and organized destruction of the art and cultural heritage.”²⁹⁵

Local and international groups have and continue to observe the outright destruction of more recently constructed cultural and political monuments. One of the first acts Azerbaijani military personnel took upon entering Martuni after the conclusion of their offensive was the destruction of a statue of Monte Melkonyan, a leader during the First Nagorno-Karabakh War who defended Martuni and is revered as a national hero in both Armenia and Artsakh.²⁹⁶ This demolition occurred while Armenians still inhabited Martuni. For the people of Martuni, Melkonyan's statue was so important that among the few belongings they could flee with, many took pieces of marble from the statue following its destruction.²⁹⁷ Additionally, Azerbaijani military personnel removed statues of Charles Aznavour²⁹⁸ and numerous other monuments celebrating Armenian heritage.²⁹⁹ By early March 2024, the National Assembly building and a nearby Armenian veteran's association building in Stepanakert had been destroyed, with Azerbaijani authorities citing them as “illegal” constructions without further clarification on their legality.³⁰⁰ This ambiguity raises intense concerns about the future of other Armenian cultural monuments in Artsakh, including the iconic “We Are Our Mountains” sculpture in Stepanakert which was constructed in 1967.³⁰¹

There are significant causes for concern for the historical and religious monuments in Artsakh. Following the conclusion of the offensive, academics from Cornell University, also serving as directors of Caucasus Heritage Watch, immediately expressed concerns about the preservation of cultural sites in Artsakh. They highlighted the likelihood that Armenians in Artsakh, who had inhabited the region for thousands of years, would be forced to flee, along with the imminent threat of Azerbaijan destroying their cultural heritage, with 200-300 cultural heritage sites identified as being at risk.³⁰² By December, images taken from Azerbaijani media already indicated the removal of Armenian crosses from churches in Stepanakert.³⁰³ An Armenian priest, interviewed shortly after the offensive, believed that Azerbaijan would exploit the claim that religious heritage sites were “Caucasian Albanian” to justify the destruction of Armenian artefacts and historical records at these sites.³⁰⁴

²⁹⁵ Lemkin, Rafael. “Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations.” 1933

²⁹⁶ <https://www.panorama.am/en/news/2023/09/26/Monte-Melkonian-monument/2902848>

²⁹⁷ <https://oc-media.org/features/the-last-bus-out-of-nagorno-karabakh/>

²⁹⁸ <https://twitter.com/marutvanian/status/1762716367264825691>

²⁹⁹ <https://iravaban.net/en/464004.html>

³⁰⁰ <https://www.reuters.com/world/asia-pacific/azerbaijan-demolishes-former-karabakh-armenian-parliament-building-2024-03-05/>

³⁰¹ <https://time.com/6322574/cultural-genocide-armenia-nagorno-karabakh-essay/>

³⁰² <https://as.cornell.edu/news/hundreds-armenian-heritage-sites-risk-nagorno-karabakh/>

³⁰³ <https://www.civilnet.am/en/news/758805/cultural-heritage-at-risk-in-nagorno-karabakh/>

³⁰⁴ <https://www.reuters.com/world/asia-pacific/armenian-priest-fears-karabakhs-christian-heritage-amid-mass-exodus-2023-09-27/>

These fears were realised immediately. On 7 October, Monument Watch noted with concern that Azerbaijani media was already presenting the monastic complexes of Gandzasar, Amaras, and Dadivank as “Caucasian Albanian,” contradicting all established historical consensus on the subject.³⁰⁵ In February 2024, Azerbaijani state media interviewed at Amaras Monastery further claimed that the site was an Albanian complex desecrated by Armenians. They claimed Armenians had even removed the body of St Grigoris, a Katholikos of the Caucasian Albanian Church.³⁰⁶ This claim exemplifies the historical revisionism at play; St Grigoris, the grandson of the priest who facilitated Armenia’s conversion to Christianity, is considered a saint in the Armenian Apostolic Church. His grave is at Amaras Monastery. Concerns regarding Azerbaijan’s stewardship of Amaras Monastery include the possibility of Azerbaijan destroying St Grigoris’ tomb due to his Armenian heritage and recognition as a saint in the Armenian Church. Simon Maghakyan, who published reports on Azerbaijan’s gradual destruction of the Armenian cultural heritage sites in Nakhchivan, warned that something similar could happen in Artsakh. Azerbaijan might first claim sites as “Caucasian Albanian” rather than Armenian and proceed to destroy smaller Armenian cultural artefacts such as writings in Armenian or khachkars. Complete destruction becomes more likely as interest or ability to observe the sites declines.³⁰⁷

Caucasus Heritage Watch has used satellite imagery to monitor sites of Armenian cultural heritage under Azerbaijani control in Nagorno-Karabakh, which now includes all sites in Artsakh. Numerous incidents of destruction have been recorded since the Azerbaijani offensive in September. They report that Azerbaijani military personnel fired small arms at Charektar Monastery, dating back to the 12th century, during or following the Azerbaijani offensive, in direct violation of the ICJ ruling from 2021.³⁰⁸ Caucasus Heritage Watch also noted damage to numerous Armenian cultural heritage sites around Shushi/Shusha that occurred between October and November 2023, when they took their satellite imagery. This includes the Meghretsots Holy Mother of God Church, constructed in 1838³⁰⁹ and two cemeteries, the Yerevan Gate cemetery³¹⁰ and the old Ghazanchetsots cemetery.³¹¹ The December 2023 Caucasus Heritage Watch Monitoring Report provides detailed accounts of numerous Armenian cultural heritage sites that satellite imagery suggests were damaged, destroyed or altered to remove their Armenian heritage by Azerbaijan since Autumn 2023.³¹² Furthermore, on 18 April 2024, Caucasus Heritage Watch reported the destruction of another Armenian church in Shushi/Shusha, the 177-year-old St John the Baptist Church, occurring between December 2023 and April 2024.³¹³ In their report from June 2024, Caucasus Heritage Watch noted with concern that the number of destroyed sites rose by 75% and threatened sites by 29% between their Autumn 2023 and Spring 2024 reports.³¹⁴

The erasure of the Armenian presence in Artsakh includes the destruction of cemeteries that were still in use prior to the ethnic cleansing of Artsakh. A video was released in January 2024 showing the destruction of an Armenian cemetery in the village of Haterk.³¹⁵ Armenian gravestones typically have a carving in the deceased’s image, along with their biographical information; gravestones such as these in the Haterk cemetery were destroyed. Tigran Balayan, the Armenian ambassador to Belgium and head of Armenia’s mission to the EU, noted that such destruction of village cemeteries was

³⁰⁵ <https://monumentwatch.org/en/alerts/azerbaijans-dangerous-statements-and-initiatives/>

³⁰⁶ <https://twitter.com/LindseySnell/status/1759232762328863118>

³⁰⁷ <https://evnreport.com/politics/artsakh-heritage-what-is-happening-to-nagorno-karabakhs-armenian-monuments/>

³⁰⁸ <https://twitter.com/CaucasusHW/status/1706826914009157724>

³⁰⁹ <https://twitter.com/CaucasusHW/status/1726614652661190660>

³¹⁰ <https://twitter.com/CaucasusHW/status/1727366830682165711>

³¹¹ <https://twitter.com/CaucasusHW/status/1729163020264485367>

³¹² <https://indd.adobe.com/view/Oda94550-19a5-4b85-a682-9666a644bb79>

³¹³ <https://twitter.com/CaucasusHW/status/1781024819296833764>

³¹⁴ <https://indd.adobe.com/view/b1b54fc0-dce2-4eb0-ba83-eb728c49dd20> p. 4

³¹⁵ <https://www.civilnet.am/en/news/762063/video-reveals-destruction-of-armenian-cemetery-in-artsakh/>

widespread following the ethnic cleansing of Artsakh's Armenians. Similar destruction was observed following the end of the 2020 War in areas Azerbaijan had gained control of.³¹⁶ The effect of this destruction is that all Armenian heritage in Artsakh is being systematically destroyed, both historical and recent. The destruction of cemeteries such as Haterk's cemetery means that, even if Armenians were able to return to Haterk, they would be unable to locate where their families and ancestors were laid to rest.

With all of Artsakh under Azerbaijani control and no independent observers on the ground to ensure the preservation of these heritage sites, it is likely that the removal of Armenian cultural heritage sites in Artsakh will continue at an accelerated rate. Such destruction also facilitates irredentist claims to the region, as the historical presence of Armenians in Artsakh contradicts the more outlandish irredentist Azerbaijani claims to the area.

iii. Looting and Property Destruction

Some of the most common videos taken by Azerbaijanis in Artsakh following the deportation of Armenians have been of Azerbaijanis looting the homes of Armenians, as most Armenians in Artsakh were unable to bring many of their belongings with them. Azerbaijani military personnel and civilian contractors have shared videos on social media of themselves going through the possessions of Armenians in their homes and either taking, destroying, or throwing items into the streets.

There are too many examples of these videos to include. Many involve the looting of houses and the emptying of cupboards, dressers, or closets, after which everything is thrown away³¹⁷ or destroyed, in the case of objects like ceramics.³¹⁸ Many of the videos appear to have been recorded in Stepanakert, which was the largest population centre in Artsakh prior to the deportation. However, others have been recorded in places such as Martakert,³¹⁹ making it probable that this is a widespread phenomenon happening throughout Artsakh. A video from March 2024 provides an example of the extensive looting and property destruction happening in the villages of the Martakert region.³²⁰

These videos, often set to music with extreme anti-Armenian lyrics, often psychologically torment the people of Artsakh. In certain videos people frequently recognise their streets, which are now empty of people and cars and have belongings piled along the pavement.³²¹ Sometimes they also recognise the homes of their families as they watch Azerbaijanis loot yet another Armenian residence in yet another video.³²²

The scale of the looting and destruction of property is apparent from satellite imagery. In May 2024, Google Earth updated their satellite images of Stepanakert, and these images, dated to 4 May 2024, clearly show property from people's homes thrown into courtyards or alleys.³²³ A video later emerged of this process in action in Stepanakert, showing the belongings ethnic Armenians being thrown out of apartment buildings to a street below.³²⁴ This is similar to videos showing personal property scattered on the floor ready for disposal after the Azerbaijanis have looted the home, as well as images and videos showing personal property deposited outside homes by Azerbaijani personnel for collection as rubbish.

³¹⁶ <https://www.azatutyun.am/a/31249978.html>

³¹⁷ <https://twitter.com/LindseySnell/status/1710265817764384973?s=20>

³¹⁸ <https://twitter.com/araratpetrosian/status/1767845472897540594?s=20>

³¹⁹ <https://twitter.com/araratpetrosian/status/1769369930892197913?s=20>

³²⁰ <https://twitter.com/araratpetrosian/status/1781086681824735451>

³²¹ <https://twitter.com/marutvanian/status/1761995686911131870?s=20>

³²² <https://twitter.com/marutvanian/status/1766434380132606042?s=20>

³²³ <https://twitter.com/NKobserver/status/1787077200614949375>

³²⁴ <https://twitter.com/NKobserver/status/1822824252380479634>

The destruction of property in Artsakh has included entire city blocks, both in areas Azerbaijan gained control of in 2020 as well as in areas it gained control of after September 2023. A video released in May 2024 showed Armenian homes in Shushi/Shusha destroyed through the use of Azerbaijani construction equipment; videos similar to this, coupled with updated satellite imagery on Google Earth, make it clear that Armenian homes in Shushi have been systematically destroyed.³²⁵ The same phenomenon happened in Stepanakert in the months following the ethnic cleansing of the Armenian population. Azerbaijani media and officials have triumphantly announced the opening of “Karabakh/Khankendi University,” formerly Artsakh State University, in Stepanakert, and have carried out significant construction work on the area of the university.³²⁶ However, this construction work destroyed an entire city block next to the university campus, including numerous residential buildings and the city’s bus station.³²⁷ The destroyed area also included civilian residences damaged by Azerbaijani explosive ordnance during the September 2023 military offensive. The damage to these areas caused by the construction effectively erased the damage that Azerbaijani armed forces had inflicted upon civilian areas during the September 2023 military offensive.³²⁸

On 5 April 2024, updated satellite imagery revealed the complete destruction of the village of Karin Tak, also known as Dashaly in Azerbaijani.³²⁹ Karin Tak had been an exclusively Armenian-populated village throughout its history, which extended back centuries as evidenced by its historic architecture and church.³³⁰ Monument Watch noted that President Aliyev had stated his intent to make changes to the village in 2021; in 2022 the church was damaged, and the form of change the village underwent was its total destruction, including its historical Armenian architecture, schools, community and health centres, and a monument dedicated to the fallen from the Second World War. Monument Watch further noted that the destruction of the village breached the 1954 Hague Convention on the Protection of Cultural Property in Armed Conflict and could be prosecuted as a war crime in international courts, in addition to breaching Article 8 of the Rome Statute as a grave crime against humanity.



Karin Tak following the 2020 War (left) and in the updated satellite imagery (right)³³¹

³²⁵ <https://twitter.com/NKobserver/status/1793009297019801765>

³²⁶ <https://twitter.com/marutvanian/status/1790333835365761331>

³²⁷ <https://twitter.com/SiranushSargsy1/status/1792900847057178997>

³²⁸ <https://twitter.com/NKobserver/status/1793331590992470182>

³²⁹ <https://www.civilnet.am/en/news/772998/new-reports-of-damage-to-armenian-heritage-in-karabakh/>

³³⁰ <https://monumentwatch.org/en/alerts/complete-destruction-of-the-village-of-karintak-by-azerbaijan/>

³³¹ <https://monumentwatch.org/en/alerts/complete-destruction-of-the-village-of-karintak-by-azerbaijan/>

The destruction of Karin Tak is the most extreme example of the destruction of Armenian villages. Satellite imagery from September 2023 indicates that numerous Armenian villages in the Hadrut region, including Mokhreneh, have been destroyed in full or in part.³³² In cases where villages were not entirely destroyed, it was noticed that the roofs of many homes had been removed and that buildings were deteriorating as a result.

These events make it extremely clear that Azerbaijan is not prepared to allow the Armenians of Artsakh to return to their homes. They are in the process of destroying belongings inside Armenian homes precisely for this reason, to guarantee the permanence of the deportation of the Armenians of Artsakh, and to ensure that there would be no right of return, effectively preventing Armenians from returning to their homes or lives. After their deportation, the people of Artsakh were left with almost nothing. Anush Stepanyan, a resident of Martuni, noted, “I don't know how I will live now, there is no house, no money, I don't know how we will do it.”³³³

iv. Continued Anti-Armenian Discrimination

Azerbaijani President Ilham Aliyev was in Stepanakert to mark the first holiday of Nowruz since Azerbaijan's deportation of the Armenian population on 19 March 2024. His words to mark that occasion, the caption to a post on X (formerly Twitter) stating that, “the Novruz bonfire is also doing the final cleaning,” coupled with a video of him speaking about the destruction of the National Assembly building in Stepanakert with aerial shots of the empty city of Stepanakert,³³⁴ directly refer to the ethnic cleansing of Artsakh in a positive light. The reference to a “final cleaning” is particularly concerning and dehumanising to Armenians, because it implies a belief that Armenians need to be cleansed through fire and destruction.

Even with a remaining population in the low double-digits, the small number of Armenians who remained in Artsakh still face discrimination by the few Azerbaijanis permitted in Artsakh. A video shared on Azerbaijani social media shows Azerbaijanis mocking and harassing an elderly Armenian man from their car on the otherwise empty streets of Stepanakert.³³⁵ This speaks to the absence of any efforts to promote reconciliation between Azerbaijanis and the very few Armenians left in Artsakh. Even after Azerbaijan took full control of Artsakh and almost the entire population was deported, those who remain still face mockery and discrimination because they are Armenian. This highlights the fact that anti-Armenian rhetoric and discrimination in Azerbaijan continues undiminished, even from the highest levels of government.

In April 2024, it was announced that the ICRC office in Stepanakert would be closed and that its operations would be moved to the ICRC office in Barda, Azerbaijan.³³⁶ The ICRC presence in Stepanakert was supported by the authorities in Artsakh prior to the ethnic cleansing, as it was a major international organisation - and during the blockade, the only international organisation - operating in Artsakh, and was seen as being able to operate with independence due to its mandate from the ICRC headquarters in Geneva, rather than being part of the Azerbaijani ICRC organisation.³³⁷ Following the ethnic cleansing of Artsakh, one of the ICRC Stepanakert office's primary responsibilities was ensuring the wellbeing of the few Armenians who remained in Artsakh, with all of those remaining being

³³² <https://www.civilnet.am/en/news/781352/artsakh-after-the-occupation-of-azerbaijan-part-1-hadrut/>

³³³ <https://iravaban.net/444604.html> “Ես չգիտեմ հիմա ոնց եմ ապրելու, տուն չկա, փող չկա, ո՞նց ենք անելու՝ չգիտեմ:”

³³⁴ <https://twitter.com/presidentaz/status/1769998494196965516?s=61&t=1y9z8QxrndsVi3UPXDNBIO>

³³⁵ <https://twitter.com/LindseySnell/status/1777353679630209096>

³³⁶ <https://www.1lurer.am/en/2024/04/07/Red-Cross-office-located-in-Stepanakert-moved-to-Barda/1105287>

³³⁷ <https://armenpress.am/eng/news/1118380.html>

elderly.³³⁸ Artak Beglaryan, a former Human Rights Defender of Artsakh, noted that the removal of the ICRC presence in Artsakh meant there would be no international monitoring in Artsakh and no means to observe or halt anti-Armenian discrimination or the looting and destruction of Armenian property and heritage sites.³³⁹ Not only would those Armenians who remained and needed support be further from the primary international organisation providing such support, but any actions taken against them or sites of Armenian heritage in Artsakh could be taken with impunity in the lack of international monitoring.

Azerbaijan continues to make claims on territory in Armenia, both in the border regions in the north of Armenia as well as through its irredentist concept of “Western Azerbaijan.” The threats against Armenia in Azerbaijani media have been such that Toivo Klaar, the European Union Special Representative for the South Caucasus, called them “unacceptable.”³⁴⁰ Azerbaijani claims on the territory of Armenia remain worryingly frequent occurrences. Despite Azerbaijan initially backing away from demands for the Zangezur corridor, with Azerbaijani foreign policy advisor Hikmet Hajiyev stating in October 2023 that, “Azerbaijan has no plans to seize Zangezur,”³⁴¹ and reaching an agreement with Iran to connect Nakhchivan with Azerbaijan through a transport route that passes through Iran,³⁴² belligerent rhetoric threatening Armenia quickly returned. Azerbaijan renewed its claims to the Zangezur corridor in the start of 2024, accompanied with hostile rhetoric and threats if this demand is not met.³⁴³ Ilham Aliyev, in a speech on 10 January 2024, also reiterated claims to “Western Azerbaijan,” claiming that significant territories in Armenia, including the Syunik province and even the capital of Yerevan, are historical Azerbaijani lands.³⁴⁴

Considering what has happened to Armenian heritage sites in Azerbaijan, Nakhchivan, and Nagorno-Karabakh, and the deportation of Armenians from Artsakh, these claims amount to threats of, at best, ethnic cleansing. The previous treatment of Armenian heritage sites discussed in this report and elsewhere provides evidence that within the irredentist and revisionist claims of Azerbaijan, that the territory of the Republic of Armenia is historically Azerbaijani, lies a threat of destruction of any and all sites of Armenian history, culture, or religion. The ethnic cleansing of Artsakh discussed in this report indicates that Azerbaijan would allow no future for any Armenians in these territories either, meaning that such claims inherently include the threat of ethnic cleansing or genocide.

The 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide defines it as such:

“... Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

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

³³⁸ <https://www.icrc.org/en/document/karabakh-ground-icrc-one-month>

³³⁹ https://twitter.com/Artak_Beglaryan/status/1781390614677926370

³⁴⁰ <https://twitter.com/ToivoKlaar/status/1772313052517425454>

³⁴¹ <https://www.reuters.com/world/asia-pacific/armenia-says-pashinyan-aliyev-talks-cancelled-after-baku-pulled-out-tass-2023-10-25/>

³⁴² <https://oc-media.org/azerbaijan-begins-construction-of-corridor-to-nakhchivan-through-iran/>

³⁴³ <https://oc-media.org/armenia-tense-as-turkey-and-azerbaijan-renew-zangezur-corridor-discussions/>

³⁴⁴ <https://president.az/en/articles/view/63017>

(e) *Forcibly transferring children of the group to another group.*³⁴⁵

The nature of anti-Armenian discrimination in Azerbaijan makes it impossible to be Armenian in Azerbaijan, and for anything to bear even a trace of “Armenianness.” The ethnic cleansing of Artsakh and the destruction of its monuments are a manifestation of this discrimination, and a demonstration of how it is carried out. Azerbaijan’s actions in Artsakh, their removal of the Armenian population, history, and culture, were genocidal in nature. As intent to destroy is a key part of the legal definition of genocide, their actions themselves were legally not genocide, as the ethnic cleansing of the Armenian population of Artsakh was carried out by forced deportations rather than mass killings. However, it demonstrates that Azerbaijani sovereignty over an area includes the removal of any and every sign of “Armenianness”. Given the continued Azerbaijani claims to the territories of the Republic of Armenia, in the event Azerbaijan acts on these claims it is difficult to conceptualise any case that does not include genocide.

v. *De Facto* Denial of the Right of Return and Reconciliation

The continued detention of the former leaders of Artsakh, denial of Armenian history in Artsakh, the destruction and looting of homes in Artsakh, and continued anti-Armenian discrimination and rhetoric all clearly indicate that Azerbaijan does not intend to allow Armenians to return to their homes, regardless of its official statements.

Any conception of a right of return for the people of Artsakh would require security guarantees. The pervasive anti-Armenian discrimination in Azerbaijan renders it impossible for the people of Artsakh to simply return to their homes and continue life under the sovereignty of a different state when that state institutionalises discrimination against them. The feasibility of the right of return extends further than Azerbaijan providing legal avenues for residents of Artsakh to return; it necessitates institutional reforms to ensure that Armenians can live in Azerbaijan as Armenians without discrimination, a prospect Azerbaijan has shown no inclination to support. Additionally, it requires international guarantees, which Azerbaijan has no interest in agreeing to or may simply ignore, as evidenced by the ineffectiveness of the Russian peacekeepers in protecting the people of Artsakh. Until these conditions are met, there is *de facto* no right of return.

As part of its media campaign before the COP29 climate conference in Baku, Azerbaijan has organised tours of Artsakh for members of the media. The destruction of Armenian heritage sites has been noted by journalists on these tours, with one receiving vague answers in response to questions asked about the total destruction of the village of Karin Tak.³⁴⁶ In these tours, there is much talk of moving Azerbaijanis into the area and doing a complete rebuilding, though never of the possibility of Armenians returning. A scholar at the Carnegie Endowment for International Peace who was interviewed by *Climate Home News* stated, “It’s greenwashing of an ethnic cleansing, pure and simple.”

The conditions created by Azerbaijan are solely responsible for this *de facto* denial of the right of return. Even before considering the conditions post-deportation, the prospect of facing death or ongoing extreme suffering under Azerbaijani rule following the blockade (and the anti-Armenian discrimination and rhetoric that came with it) left Armenians with no choice but to flee Artsakh. The risks to life were too great for Armenians to remain in Artsakh with this persistent anti-Armenian discrimination and hate speech, particularly as it would involve living under the sovereignty of a state which had just blockaded them for nine months. The only practical possibility of a right of return

³⁴⁵ UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, United Nations, Treaty Series, vol. 78, p. 277, 9 December 1948

³⁴⁶ <https://www.climatechangenews.com/2024/05/15/in-nagorno-karabakh-azerbajians-net-zero-vision-clashes-with-legacy-of-war/>

involves institutional changes in Azerbaijan to combat this anti-Armenian discrimination. International observers are also a priority to guarantee that anti-Armenian discrimination is not present; the moves to remove international observers from Artsakh since the end of the 2020 War suggest Azerbaijan has no desire for an international presence in Artsakh.

The continued detention of the former leadership of Artsakh not only serves as punishment for those elected by the people of Artsakh to represent them, but also symbolically and psychologically punishes the people of Artsakh for choosing their own representation. The Armenians currently held in Azerbaijan would need to be released for a right of return to be practical. With the grave concerns over the possibility of fair trials for Armenians detained in Azerbaijan given the political sensitivity of their cases, the continued detention of Armenians in Azerbaijan appears to be arbitrary and punitive, meant to punish them simply for being Armenian and sending the message that other Armenians in Azerbaijan could be similarly punished for being Armenian.

The destruction of sites of Armenian cultural and religious heritage and of Armenian property in Artsakh is the most prevalent example of Azerbaijan's *de facto* denial of the right of return for Armenians to Artsakh. This erasure of both the distant and recent history of Armenians in Artsakh by Azerbaijan includes churches, cemeteries, homes, and even entire villages. It is akin to a scorched earth policy in that any trace of Armenians in Artsakh, any part of what would be considered home, is destroyed so that nothing remains to return to. It includes the destruction or modification of churches or other cultural or religious heritage sites so that they are unrecognisable, if they even continue to exist at all. The destruction of cemeteries, both historical and recent, make it difficult, if not impossible, for Armenians to locate the resting places of their families and ancestors. The looting of homes removes any trace of the lives of their former residents, so that if they were to return only the building would remain and nothing of their lives in the building. This assumes the physical structures themselves are not destroyed; the total destruction of Karin Tak demonstrates that this is never guaranteed. This destruction is the clearest physical example that the right of return to Artsakh is *de facto* being denied to Armenians.

The ongoing anti-Armenian discrimination and rhetoric in Azerbaijan makes it clear that such discrimination is deeply rooted in its institutions, and that Armenians would be physically at risk living in Azerbaijan simply because of their identity. This manufactured environment effectively prohibits "Armenianness" itself within Azerbaijan. Each obstacle preventing the right of return for the people of Artsakh is related to this discrimination. The blockade and ethnic cleansing of Artsakh were clear manifestations of Azerbaijan's policy of anti-Armenian discrimination. Despite Azerbaijan's claims that Armenians were subjects and citizens of Azerbaijan, the Armenians of Artsakh were punished wholly because of their ethnicity. Azerbaijan's rhetoric and policies of anti-Armenian discrimination created conditions where Armenians in Artsakh were seen as enemies with no place in Azerbaijani society, and where Armenianness itself is viewed as incompatible with Azerbaijani identity. This extreme and institutionalised anti-Armenian discrimination and rhetoric makes reconciliation impossible. Reconciliation implies a mutual recognition of the Other, but the entrenched anti-Armenian discrimination and rhetoric in Azerbaijan promotes the destruction of Armenianness rather than its recognition as anything but "the enemy." The intent of the blockade and ethnic cleansing of Artsakh then was to remove all Armenian people, alongside all traces of Armenian identity, of Armenian people, culture, and history from the territories claimed by Azerbaijan.

Conclusion

“Ethnic cleansing” is a term without legal definition. Its primary difference from genocide is that genocide is legally defined as, “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group;”³⁴⁷ In the final report from a UN Council of Experts on Yugoslavia, in an analysis of the conflict where the term “ethnic cleansing” was first used, ethnic cleansing was defined as, “...a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”³⁴⁸ There has been no legal case to rule the blockade and forced deportation of Armenians from Artsakh a genocide at this point. The key element of the legal definition relating to this is on the “intent to destroy.” The result of the blockade and forced deportation is that nearly the entire Armenian population of Artsakh was deported to Armenia. Testimonies from the Armenians of Artsakh as well as evidence of the concentration camp near Artsakh make it clear that the Armenians of Artsakh felt as though their lives would be at risk were they to remain in Artsakh.

Comparisons can be drawn to the genocide of Bosnians in the enclave of Srebrenica during the Bosnian Genocide; Srebrenica, with its large Bosnian Muslim majority, had been blockaded by the ethnic Serbian armed forces of Republika Srpska, causing a humanitarian disaster and calls for the opening of a humanitarian corridor. This culminated with a military offensive by Republika Srpska against Srebrenica which resulted in, among other crimes, mass killings and ethnic cleansing in Srebrenica, and which was ruled a genocide due to the attempted elimination of Srebrenica’s Muslim population through the mass killing of its male Bosnian Muslim inhabitants.³⁴⁹ In the conflict more broadly, Bosnia alleged that Republika Srpska state policy included blockading Bosnian Muslim communities and subjecting them to blockades and starvation, and Republika Srpska forces destroyed Bosnian Muslim historical, religious, and cultural sites.³⁵⁰ One of the prime factors in the classification of a genocide relates to the intent to destroy a group.³⁵¹ Regarding Srebrenica, it was determined in international courts that this intent was present. Artsakh differs from Srebrenica in that almost the entire population of Artsakh was forcibly deported; however, from the testimonies collected, the alternative to this forced deportation was understood by the residents of Artsakh to be concentration camps and potential mass killings. Questions must also be asked as to the intent of the blockade of Artsakh, the persistent institutionalised anti-Armenian discrimination in Azerbaijan, and the destruction of anything deemed Armenian in Azerbaijan. The intent of these policies directly contributed to the understanding of the Armenians of Artsakh of the risks to themselves were they to remain in Artsakh.

The European Parliament overwhelmingly passed a resolution recognising what occurred in Artsakh as an ethnic cleansing on 5 October 2023.³⁵² An opinion piece by an Azerbaijani from Karabakh who was displaced in the First Nagorno-Karabakh War also recognised this as an ethnic cleansing,

³⁴⁷ https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

³⁴⁸ <https://documents.un.org/doc/undoc/gen/n94/200/60/pdf/n9420060.pdf?token=jawZoxM9Nw4bWEs1zW&fe=true>

³⁴⁹ <http://www.worldlii.org/int/cases/ICJ/2007/2.pdf>

³⁵⁰ <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1113&context=gsp> p. 42

³⁵¹

https://ore.exeter.ac.uk/repository/bitstream/handle/10871/27475/KM_Srebrenica_8_May_2017_Clean_Copy.pdf?sequence=2&isAllowed=y p. 4

³⁵² <https://www.europarl.europa.eu/news/en/press-room/20230929IPR06132/nagorno-karabakh-meps-demand-review-of-eu-relations-with-azerbaijan>

tracing it to the institutionalisation of anti-Armenian discrimination and rhetoric in Azerbaijan.³⁵³ Others have gone further; Luis Moreno Ocampo, a former Prosecutor of the International Criminal Court, stated that the ethnic cleansing of Armenians from Artsakh constitutes a genocide.³⁵⁴ Melanie O'Brien, the president of the International Association of Genocide Scholars, also stated this was a genocide, beginning with the blockade due to the conditions it created for the Armenians of Artsakh.³⁵⁵ The testimony from the residents of Artsakh presented above also made clear that they felt they had experienced a genocide due to the impossible living conditions stemming from the blockade and Azerbaijani offensive. It has been noted that "ethnic cleansing" has been referred to as a euphemism for genocide as an act still to condemn, but without the responsibility of intervention for the international community.³⁵⁶ It has also been noted that, regarding Srebrenica, the denial of genocide/ethnic cleansing absolves the perpetrators of any liability for their actions and makes the ethnic cleansing permanent through the denial of the right of return.³⁵⁷

Whether the blockade and ethnic cleansing of Artsakh constitutes a genocide is ultimately something that would be decided in international courts; though not a member at the time of the ethnic cleansing, Armenia formally joined the International Criminal Court in November 2023.³⁵⁸ The legal precedent set by cases such as Srebrenica would likely impact whether the ethnic cleansing of Artsakh constitutes a genocide.

That this constituted a clear case of ethnic cleansing is what this report presents. Based on the definition that ethnic cleansing is, "...a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas,"³⁵⁹ evidence of this can be seen in the anti-Armenian discrimination prior to the offensive, the blockade and the conditions the blockade created for Armenians in Artsakh, the forcible deportation of Armenians from Artsakh including elements of coercion, and the denial of the right of return for Armenians to Artsakh. As more testimonies are gathered from those forcibly displaced from Artsakh, the conclusion has been strengthened that what occurred in Artsakh between 2020 and 2023 was a deliberate ethnic cleansing by the authorities and institutions of Azerbaijan to remove any trace of "Armenianness" from Artsakh. This conclusion is backed by extensive research and testimony; a Freedom House report came to the same conclusion, noting, "The evidence demonstrates that the Azerbaijani state acted upon a comprehensive, methodically implemented strategy to empty Nagorno-Karabakh of its ethnic Armenian population and historical and cultural presence."³⁶⁰ The Freedom House report also noted that Azerbaijani authorities demonstrated clear intent in their actions to remove the Armenian population and presence in Artsakh, noting, "In a gradual process and methodical manner, the Azerbaijani state-imposed conditions of life designed to either bring about the

³⁵³ <https://www.theguardian.com/commentisfree/2023/oct/09/azerbaijani-ethnic-cleansing-armenians-nagorno-karabakh-children>

³⁵⁴ <https://luismorenoocampo.com/wp-content/uploads/2023/12/USP-Innovation-on-Global-Order.-Nagorno-Karabakh-case-2023.pdf>

³⁵⁵ <https://www.reuters.com/world/asia-pacific/nagorno-karabakh-exodus-amounts-war-crime-legal-experts-say-2023-09-29/>

³⁵⁶ <http://agmipublications.am/index.php/ijags/article/view/82/82> p. 70

³⁵⁷

https://ore.exeter.ac.uk/repository/bitstream/handle/10871/27475/KM_Srebrenica_8_May_2017_Clean_Copy.pdf?sequence=2&isAllowed=y p. 21-22

³⁵⁸ <https://www.icc-cpi.int/news/armenia-joins-icc-rome-statute>

³⁵⁹

<https://documents.un.org/doc/undoc/gen/n94/200/60/pdf/n9420060.pdf?token=jawZoxM9Nw4bWEs1zW&fe=tr>

³⁶⁰ https://freedomhouse.org/sites/default/files/2024-06/DDF_FH-REPORT_06.2024.pdf, p. 4

destruction of the Armenian population over time or render it impossible for them to stay and survive.”³⁶¹

As a case study of ethnic cleansing, there are a number of particular elements to note. The institutionalisation of anti-Armenian discrimination in Azerbaijan frames this, creating the conditions for the support of violence and mistreatment of Armenians as well as the impossible conditions for Armenians to live in Azerbaijan. The blockade of Artsakh formally began this ethnic cleansing, being the start of an intentional effort to force the Armenians of Artsakh into submission. The military offensive against Artsakh was the culmination of this effort, with the offensive itself creating conditions of terror for Armenians as well as other acts of violence and mistreatment towards Armenians following the offensive. With the impossible conditions for Armenians to live in Azerbaijan in mind, the only option for the Armenians of Artsakh was to leave. The destruction of any physical trace of Armenians from Artsakh is the final part of this ethnic cleansing, as it makes any possibility of return to Artsakh impossible for Armenians.

This ethnic cleansing must also be viewed in the broader context of the Armenia-Azerbaijan conflict. Azerbaijani authorities continue to refer to Armenia as “Western Azerbaijan,” and occupy territory in Armenia. If Azerbaijani authorities decide to act on these irredentist claims - which is possible, given their continued occupation of Armenian territory following attacks in 2021 and 2022 - this case study makes clear that living in Azerbaijan is impossible for Armenians due to the conditions created by Azerbaijan’s anti-Armenian discrimination. Ocampo warned of this, noting that the Azerbaijani institutional embrace of irredentist claims on Armenia constituted a future risk in addition to what he was calling a genocide in Artsakh.³⁶² The possible outcomes of the continued anti-Armenian discrimination and rhetoric by Azerbaijani institutions is ethnic cleansing or, if Azerbaijan decides to act on its irredentist claims to “Western Azerbaijan” as a whole, another genocide.

³⁶¹ Ibid, p. 18

³⁶² <https://www.washingtonpost.com/opinions/2023/09/22/nagorno-karabakh-genocide-armenia/>