



ARMENIAN LEGAL CENTER
FOR JUSTICE AND HUMAN RIGHTS



INTERNATIONAL AND COMPARATIVE
LAW CENTER - ARMENIA

REPORT

ON THE TWENTY-THREE MISSING AFTER THE 2023 GAS DEPOT EXPLOSION



I. Introduction

On September 25, 2023, there was a large explosion at a fuel station in Berkadzor, near Stepanakert, the capital of the Nagorno-Karabakh region.¹ This devastation occurred alongside another tragedy: the forced exodus of over 120,000 ethnic Armenians from Nagorno-Karabakh.² The forced displacement of ethnic Armenians was expedited after Azerbaijan's twenty-four-hour military offensive on September 19, 2023.³ This marked its final brutal effort to capture the ethnically Armenian territory during the war it launched on September 27, 2020.⁴ For over nine months leading up to the explosion, Azerbaijan cut off access to the only road (the Lachin corridor) connecting this territory with Armenia, beginning on December 12, 2022.⁵ The blockade deprived hundreds of thousands of ethnic Armenians access to basic resources such as food and fuel, as well as restricted their freedom of movement. The mass exodus took full effect when the blockade was finally lifted on September 24, 2023, following Azerbaijan's full control of the region.⁶ Nearly the entire ethnic Armenian population fled the region, leaving behind their homes and belongings. They rushed to seek protection in Goris, a city in Armenia's Syunik Province. Fuel shortages caused by the blockade led hundreds to gather at a fuel station to obtain enough to make it through the Lachin corridor and escape the Azeri forces. At that fuel warehouse, a tragic explosion resulted in the confirmed deaths of at least 218 people, hundreds of injuries, and twenty-three missing individuals whose whereabouts are unknown to this day.⁷

A detailed timeline of the events leading up to this tragedy on September 25, 2023, is included in this report below.

1. Azatutyun, 218 Confirmed Dead in Karabakh Fuel Depot Blast (Azatutyun, 22 December 2023) <<https://www.azatutyun.am/a/32743695.html>> accessed 20 December 2024; Hetq, Fuel Depot Explodes in Karabakh, Seriously Injuring More Than 200 (Hetq, 25 September 2023)

<<https://hetq.am/en/article/160544>> accessed 20 December 2024.

2. Human Rights Watch (HRW), Driven by Fear from Nagorno-Karabakh (HRW, 17 October 2023)

<<https://www.hrw.org/news/2023/10/17/driven-fear-nagorno-karabakh>> accessed 20 December 2024; ReliefWeb, New Troubles in Nagorno-Karabakh: Understanding the Lachin Corridor Crisis (ReliefWeb, 22 May 2023)

<<https://reliefweb.int/report/armenia/new-troubles-nagorno-karabakh-understanding-lachin-corridor-crisis>> accessed 20 December 2024.

3. Human Rights Watch (HRW), Azerbaijan: Unlawful Strikes in Nagorno-Karabakh (HRW, 11 December 2020)

<<https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>> accessed 20 December 2024; Azatutyun, Karabakh issue, Live blog (Azatutyun, 19 September 2023) <<https://www.azatutyun.am/a/32599235.html>> accessed 20 December 2024.

4. Human Rights Watch (HRW), Azerbaijan: Armenian POWs Abused in Custody (HRW, 19 March 2021)

<<https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>> accessed 20 December 2024.

5. International Crisis Group, New Troubles in Nagorno-Karabakh: Understanding the Lachin Corridor Crisis (International Crisis Group, 22 May 2023)

<<https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/new-troubles-nagorno-karabakh-understanding-lachin-corridor-crisis>> accessed 20 December 2024.

6. Human Rights Watch (HRW), Guarantee Right to Return to Nagorno Karabakh (HRW, 5 October 2023)

<<https://www.hrw.org/news/2023/10/05/guarantee-right-return-nagorno-karabakh>> accessed 20 December 2024.

7. Azatutyun, 218 Confirmed Dead in Karabakh Fuel Depot Blast (22 December 2023)

<<https://www.azatutyun.am/a/32743695.html>> accessed 20 December 2024.

TIMELINE LEADING UP TO GAS DEPOT EXPLOSION

Events leading up to the gas depot explosion in Berkadzor, near Stepanakert (from the onset of the 2020 Nagorno-Karabakh War)



1) HRW Report, 2020 2) HRW Report, 2020 3) MFA, 2020 MFA, 2022 HRW 2023 4) HRW Report, 2023 Amnesty Intl. 2023 5) ICJ, 2023 UN Meeting Coverage, 2023 6) AP News 2023, HETQ 2023, European Parliament, 2023 7) US Embassy Report, 2023 HRW Report, 2023 Reuters, 2023 8) HETQ 2023, Azatyun 2023.

This timeline is based on information from the sources cited below, in order of their appearance.⁸

8. Human Rights Watch (HRW), Azerbaijan: Unlawful Strikes in Nagorno-Karabakh (HRW, 11 December 2020) <<https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>> accessed 20 December 2024; HRW, Azerbaijan: Armenian Prisoners of War Badly Mistreated (HRW, 2 December 2020) <<https://www.hrw.org/news/2020/12/02/azerbaijan-armenian-prisoners-war-badly-mistreated>> accessed 20 December 2024; Ministry of Foreign Affairs of The Republic of Armenia, Statement by the Foreign Ministry of Armenia on the violation of the ceasefire regime by Azerbaijan (MFA, 13 December 2020) <https://www.mfa.am/en/interviews-articles-and-comments/2020/12/13/v_az/10715> accessed 20 December 2024; Ministry of Foreign Affairs of The Republic of Armenia, Statement of the Foreign Ministry of Armenia (24 March 2022) <https://www.mfa.am/en/interviews-articles-and-comments/2022/03/24/mfa_statement_/11366> accessed 20 December 2024; HRW, World Report 2024: Country Chapter - Azerbaijan (HRW, 2024) <<https://www.hrw.org/world-report/2024/country-chapters/azerbaijan>> accessed 20 December 2024; HRW, Hardship in Nagorno-Karabakh as Lifeline Road Remains Blocked (21 February 2023) <<https://www.hrw.org/news/2023/02/21/hardship-nagorno-karabakh-lifeline-road-remains-blocked>> accessed 20 December 2024; Amnesty International, Azerbaijan: Blockade of Lachin corridor putting thousands of lives in peril must be immediately lifted (Amnesty International, 9 February 2023) <<https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/>> accessed 20 December 2024; Armenian National Institute, Nagorno Karabakh Detail (Armenian National Institute, 22 February 2023) <https://www.armenian-genocide.org/Karabakh.34/current_category.400/nagorno-karabakh_detail.html> accessed 20 December 2024; United Nations Security Council, Lachin Corridor Must Be Reopened for Humanitarian Aid, UN Doc SC/15384 (UN, 16 August 2023) <<https://press.un.org/en/2023/sc15384.doc.htm>> accessed 20 December 2024; AP News, Azerbaijan claims full control over the Nagorno-Karabakh region as Armenian forces agree to disarm (AP News, 21 September 2023) <<https://apnews.com/article/azerbaijan-armenia-explosions-nagomokarabakh-73df9b8b03c3748868e2e358b67bd018>> accessed 20 December 2024; Hetq, Artsakh 2023: Civilians Killed in Azerbaijani Offensive (Hetq, 23 September 2024) <<https://hetq.am/en/article/169552>> accessed 20 December 2024; European Parliament, Joint Statement on Azerbaijan's attack on Nagorno-Karabakh (European Parliament, 19 September 2023) <<https://www.europarl.europa.eu/delegations/en/joint-statement-on-azerbaijan-s-attack-o/product-details/20230919DPU37422>> accessed on 20 December 2024; United States Embassy in Armenia, 2023 Human Rights Report on Armenia <<https://am.usembassy.gov/2023-human-rights-report-on-armenia/>> accessed 20 December 2024; HRW, Guarantee Right to Return to Nagorno Karabakh (HRW, 5 October 2023) <<https://www.hrw.org/news/2023/10/05/guarantee-right-return-nagorno-karabakh>> accessed 20 December 2024; Reuters, Nagorno-Karabakh's Armenians start to leave en masse for Armenia (Reuters, 25 September 2023) <<https://www.reuters.com/world/armenia-calls-un-mission-monitor-rights-nagorno-karabakh-2023-09-24/>> accessed 20 December 2024; Hetq, Fuel Depot Explodes in Karabakh, Seriously Injuring More Than 200 (Hetq, 25 September 2023) <<https://hetq.am/en/article/1605444>> accessed 20 December 2024; Azatutyun, 22 Karabakh Armenians Still Missing After Fuel Depot Blast (Azatutyun 25 September 2024).

The cause of the explosion remains undetermined. Many questions about this tragedy remain unanswered, with no serious attempt made by Azerbaijan to comply with humanitarian standards following such a disaster. Azerbaijan has neither pursued investigative efforts into the incident nor adequately searched for the ethnic Armenians pronounced missing from the explosion. While some have speculated that this tragedy resulted from non-compliance with safety regulations, others allege a deliberate act, as a terrorist attack has not yet been ruled out. Regardless of the exact cause, the victims of this explosion should be regarded as victims of military action, as their violent displacement and forced exile directly led to this tragedy.

While Azerbaijan has violated both International Humanitarian Law (IHL) and International Human Rights Law (IHRL) in numerous ways throughout this conflict, this report focuses specifically on its IHRL violations regarding the gas depot explosion, including its direct contribution to the tragedy and its severely inadequate response. The primary concern of this document is to serve as an informative resource to organizations and call for Azerbaijan to comply with its international obligations by providing all available information regarding the twenty-three missing individuals and facilitating efforts to locate them. Withholding such information and neglecting search efforts breach international law and prolong the suffering of families, who are entitled, at the very least, to know the fate of their loved ones.

In addition to providing further details on the missing individuals and general coverage of the incident, this report outlines applicable laws under IHRL, indicating Azerbaijan's violations of this legal framework. This report also references the Beirut explosion in Lebanon to draw parallels between state responsibility, accountability standards for a disaster induced by negligence, and feasible post-explosion actions required of nations subject to international law. This report draws on primary sources, secondary data, and relevant legal frameworks to provide contextual information regarding the Stepanakert gas depot explosion and explain Azerbaijan's violations of International Human Rights Law (IHRL). Information derived from, and supported by secondary data (consisting of publicly available reports, news articles/coverage, and published legal documents) is cited in the text of this report, from which referenced content can be found. Details regarding the twenty-three missing persons were verified and obtained directly from their family members, along with additional statements from witnesses at the scene regarding their last known whereabouts just before the explosion.

II. Azerbaijan is in violation of international human rights law in regard to the explosion

Azerbaijan is in violation of International Human Rights Law (IHRL) through its breach of the following bodies of law: the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR), and Customary IHRL. Azerbaijan has adopted the ICCPR (accession in 1992)⁹ and the ECHR (ratified in 2002),¹⁰ legally obligating the nation to uphold the provisions in both treaties. Customary IHRL is universally binding, whether or not a nation chooses to acknowledge its obligation to adhere to such tenets through ratification/accession.

European Convention on Human Rights (ECHR), Article 8

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.*
- (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others¹¹*

Azerbaijan is in violation of Article 8 of the ECHR, the provisions of which impose both positive and negative obligations on the state to ensure respect of private and family life. Following the explosion that occurred in September 2023, Azerbaijan has failed to search for the twenty-three individuals who are still missing and/or provide adequate information pertaining to their fate. The families of those who are missing are entitled to information about their loved ones. The ECtHR has recognized that “dealing appropriately with the dead out of respect for the feelings of the deceased’s relatives falls within the scope of Article 8.”¹² As the ECtHR further clarifies, the “Court has found that the way in which the body of a deceased relative is treated, as well as issues regarding the ability to attend the burial and pay respects at the grave of a relative, come within the scope of the right to respect for family or private

9. Office of the High Commissioner for Human Rights (OHCHR), UN Treaty Body Database: CCPR

<https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR> accessed 20 December 2024.

10. European Court of Human Rights (ECHR), Country Profile: Azerbaijan <https://www.echr.coe.int/documents/d/echr/CP_Azerbaijan_ENG?utm> accessed 20.12.2024.

11. European Court of Human Rights (ECHR), European Convention on Human Rights <https://www.echr.coe.int/documents/d/echr/convention_ENG> accessed 20.12.2024.

12. European Court of Human Rights (ECHR), Guide on Article 8 of the European Convention on Human Rights (ECHR, p.48)

<https://ks.echr.coe.int/documents/d/echr-ks/guide_art_8_eng> accessed 20 December 2024.

life.”¹³ Relating to the twenty-three missing from the explosion, Azerbaijan is required under this provision to respect the family and private life entitlements of their families. By failing to facilitate adequate search efforts for those who are still missing and by neglecting to provide information on their fate to their families, Azerbaijan has deprived such families of their rights under Article 8. The positive obligations Azerbaijan is required to uphold include conducting effective investigations into the explosion and locating those missing from the tragedy. The lack of transparency regarding measures that have/have not been taken to match DNA that has already been provided, and the failure to investigate to return their bodies or provide information regarding their fates has further prolonged the suffering of these families. This case meets the threshold of seriousness, as Azerbaijan’s inaction deprives families of their rights and prolongs their suffering. As the state has exclusive control over the territory, access to the explosion site, as well as the cooperation of Armenians in providing them with DNA of the missing, Azerbaijan’s inaction is inexcusable. Azerbaijan’s refusal to locate the twenty-three missing and provide information constitutes a breach of both the positive and negative obligations of Article 8.

International Covenant on Civil and Political Rights (ICCPR), Article 6:

*(1) Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*¹⁴

European Convention on Human Rights (ECHR), Article 2:

*(1) Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.*¹⁵

Under the binding ICCPR and ECHR treaties of IHRL, Azerbaijan has deprived the victims of the Nagorno-Karabakh conflict of their right to life. Leading up to the devastating gas depot explosion, for over nine months, Azerbaijan implemented a blockade surrounding the entire region. Such action deprived the population of food, medicine, electricity, and gas, among other vital resources necessary to survival.¹⁶ In addition to denying their basic needs, the

13. European Court of Human Rights (ECHR), Guide on Article 8 of the European Convention on Human Rights (ECHR, p.48) <https://ks.echr.coe.int/documents/d/echr-ks/guide_art_8_eng> accessed 20 December 2024.

14. United Nations High Commissioner for Refugees (UNHCR), International Covenant on Civil and Political Rights <<https://www.unhcr.org/sites/default/files/legacy-pdf/496323761b.pdf>> accessed 20 December 2024.

15. European Court of Human Rights (ECHR), European Convention on Human Rights <https://www.echr.coe.int/documents/d/echr/convention_ENG> accessed 20 December 2024.

civilian population was subject to shelling and bombing in this region, resulting in civilian deaths.¹⁷ As such conditions accelerated their forced deportation, when gas finally became available at the Berkadzor fuel station, hundreds gathered to obtain the fuel necessary for their exit. Under customary IHRL, especially during mass displacement, nations are legally compelled to ensure safe conditions for civilians. Prior to, during, and following the fuel depot incident, Azerbaijan failed to fulfill its obligations, neglecting to create secure and orderly conditions for the displaced and their forced evacuation. The displaced people in this region were subject to genocidal conditions for which Azerbaijan is directly responsible. The nation is also responsible for the hundreds of deaths that occurred at the gas depot explosion, as the region was under their full control at the time of the tragedy. The population was deprived of gasoline, making it foreseeable that many malnourished and desperate individuals would gather when the resource was made available. Under IHRL, Azerbaijan also has positive obligations to protect the right to life of civilians, including the requirement to take preventative measures to avoid foreseeable harm to populations. Following the blockade and forced evacuation, it is foreseeable that the sudden availability of such a scarce resource on which survival depends will prompt mass panic and evident safety risks. Not only did Azerbaijan directly violate its positive obligations, which would consist of preventative measures such as securing the gas depot to protect civilians, but they also exacerbated the dire conditions of the population through genocidal deprivation of necessities and forced deportation of ethnic Armenians in the region. As phrased in the ICCPR, this “arbitrary deprivation of life” resulted from Azerbaijan’s actions, marked by both negligence and malice.

In violating procedural aspects of the right to life for the known victims of the explosion, Azerbaijan is also responsible for the twenty-three individuals who remain missing since the explosion, violating their right to life by failing to search for them and depriving them of care. Azerbaijan is responsible for the inadequate state of hospitals, through deprivation of resources by blockade, leaving hospitals ill-equipped to treat the wounded. Additionally, Azerbaijan is responsible for the circumstances obstructing the transfer of individuals who needed care, as well as preventing adequate searches to find missing individuals (especially in the period wherein care would be crucial for survival). Whether the twenty-three missing individuals are deceased as an immediate consequence of the explosion, were wounded and subsequently died, or are confined in conditions yet to be clarified, their right to life - along with the entire ethnic Armenian population of Nagorno-Karabakh - has been violated under IHRL.

16. Amnesty International, Azerbaijan: Blockade of Lachin corridor putting thousands of lives in peril must be immediately lifted (Amnesty International, 9 February 2023) <<https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/>> accessed 20 December 2024.

17. Hetq, Artsakh 2023: Civilians Killed in Azerbaijani Offensive (Hetq 23 September 2024) <<https://hetq.am/en/article/169552>> accessed 20 December 2024.

The positive obligations of the treaties require the state to investigate deaths under these circumstances and hold those responsible accountable. This denial of access to justice for both victims and the families of victims, as well as a failure to account for the missing persons, constitutes a breach of IHRL. The European Court of Human Rights has ruled that the ECHR's right to life includes carrying out subsequent investigations to establish responsibility for such an accident.¹⁸

Consider, for example, the application of IHRL to the Beirut explosion on August 4, 2020, wherein the combustion of improperly stored ammonium nitrate kept in warehouses resulted in over 200 deaths and thousands of injuries.¹⁹ Though the specific circumstances of each case are not comparable, Beirut serves as a salient case of how a state's failure to take preventative measures leading up to a tragedy can render such a state accountable for the deaths that occurred resulting from the negligence. There has been an in-depth investigation into the Beirut explosion, resulting in examining the accountability of Lebanese authorities and their negligence, mismanagement, and failure to act on the foreseeable damage of storing tons of ammonium nitrate in an unsafe way, despite awareness of the risks. These failures ultimately led to the accident.²⁰ As described in a report from Human Rights Watch (HRW), the ammonium nitrate that was stored improperly was initially offloaded into a hangar in Beirut's port years prior, on October 23 and 24, 2014. The HRW report states that it was highly likely that certain government officials were aware of the risks presented by the improper storage and the deaths that could occur as a result. In addition to the improper storage and handling of the ammonium nitrate, the Lebanese authorities failed to post security agents to monitor the port, did not establish an adequate emergency response plan (in the case of a fire), and neglected to supervise work undertaken on the hangar, with the latter suspected to have been the exact catalyst of the explosion. As the HRW concludes, "The actions and omissions of Lebanese authorities created an unreasonable risk to life. Under International Human Rights Law, a state's failure to act to prevent foreseeable risks to life is a violation of the right to life."²¹

18. The Law Society of Scotland, *The European Court and the Duty to Investigate Deaths* (Law Society of Scotland, 19 October 2009)

<<https://www.lawscot.org.uk/members/journal/issues/vol-54-issue-10/the-european-court-and-the-duty-to-investigate-deaths/>> accessed 20 December 2024.

19. BBC News, *Beirut Explosion: What We Know So Far* (BBC News, 11 August 2020) <<https://www.bbc.com/news/world-middle-east-53668493>> accessed 20 December 2024.

20. Human Rights Watch (HRW), *"They Killed Us from the Inside"* (HRW, 3 August 2021)

<<https://www.hrw.org/report/2021/08/03/they-killed-us-inside/investigation-august-4-beirut-blast>> accessed 20 December 2024.

21. *Ibid.*

Due to international pressure and the extensive covering of this incident, Lebanon has undertaken subsequent efforts for accountability, provided emergency aid, and searched for those missing following the explosion. Azerbaijan's response to the 2023 gas depot explosion starkly contrasts, although Azerbaijan is also guilty of depriving civilians of their right to life and thus violating IHRL. The gas depot explosion, which occurred during mass depopulation, widespread panic, and a rush for fuel supplies, was a direct consequence of Azerbaijan's actions. For over nine months, Azerbaijan's blockade of the Lachin corridor subjected the population within the region to severe deprivation, violating their freedom of movement and access to necessary resources. After Azerbaijan's large-scale attack, which resulted in full control of Nagorno-Karabakh, only then was the corridor re-opened for one-way traffic out of the region, facilitating the mass exodus of ethnic Armenians fleeing in fear for their lives. Despite the foreseeable chaos of this forced depopulation, Azerbaijan neglected to make any efforts to mitigate safety risks, or even enable oversight at critical locations, such as the site of the gas depot explosion, one of the few spots where fuel was still accessible. The negligence exhibited by Azerbaijan, particularly given the predictable risks posed by months of deprivation of resources, directly contributed to the devastating gas depot explosion. Azerbaijan's negligence leading up to the explosion constitutes a violation of IHRL, as they failed to address safety risks accompanying the blockade, forced depopulation, widespread panic, and surge towards scarce fuel supplies. Though the actions and omissions of the Azerbaijani authorities regarding the 2023 gas depot explosion deprived ethnic Armenians of their right to life, of their own and that of their loved ones, as did the Lebanese authorities in the 2020 Beirut explosion, Azerbaijan has not faced comparable international pressure or scrutiny.

Because the explosion and the subsequent disappearances occurred under Azerbaijan's gaining control of the region, the nation is obligated to conduct a thorough investigation. In failing to take appropriate measures to search for and provide information about the missing, Azerbaijan has violated customary IHRL by withholding the right of families to know the fate and whereabouts of their loved ones. Whether the twenty-three missing individuals are alive, or deceased, either immediately after the explosion or later, Azerbaijan's negligence constitutes a breach of IHRL, as proper efforts were not made to locate or handle their remains with due care. Under IHRL, families have the right to be informed about the fate of their loved ones and Azerbaijan is obligated to provide all available information and take all feasible measures to fulfill this right.

III. Global Coverage and Reactions to the Gas Depot Explosion

Given the broader circumstances, some individuals who had captured footage or evidence from the explosion were forced to delete their recordings or abandon their devices, as they were displaced within hours. As a result, a substantial amount of evidence and information that may have shed light on the fate of those missing is not recoverable. Additionally, given the displacement, the loss of Armenian access to the area further compounded the disappearance of critical information and evidence. This makes the available coverage especially significant.



Screen capture from a video taken at distance from the gas depot explosion, as referenced in AP News Coverage, with the original footage captured by Siranush Sargsyan.²²

22. AP News, Dozens dead in gas station explosion as Nagorno-Karabakh residents flee to Armenia (AP News, 27 September 2023) <<https://apnews.com/article/nagorno-karabakh-explosion-armenia-azerbaijan-e882628cc8a3895ddd23fd79d333b996>> accessed 20 December 2024.

The Associated Press (AP) reported on the gas depot explosion a day after the incident. Though the referenced article was released before the death toll was assessed, it provides reference to footage taken by a freelance journalist of the explosion. The article also acknowledges the context leading up to the explosion, including the forced displacement of the ethnic Armenians, the blockade, and subsequent deprivation of resources leading up to this disaster.²³



Image of the explosion near Stepanakert-Askera highway in Berkadzor, Nagorno-Karabakh.²⁴

The Canadian Broadcasting Corporation (CBC) also provided coverage on the explosion shortly after it occurred, describing circumstances preceding the explosion—people lining up to fill their cars at the gas depot and the gasoline in short supply for months prior, due to the “10-month blockade.”²⁵

23. Ibid.

24. CBC News, Scores killed in blast at fuel depot in mass evacuation from Nagorno-Karabakh (CBC News, 26 September 2023) <<https://www.cbc.ca/news/world/nagorno-karabakh-explosion-1.6978194>> accessed 20 December 2024.

25. Ibid.

The Armenian news outlet, Civil Net also included the image above in their coverage immediately following the explosion. They provide a reference for this image, linking to an original post by the Rescue Service of the Nagorno Karabakh Republic (NKR), the State Service of Emergency Situations, posting notice of the explosion's occurrence and severity. The news outlet also states that, according to locals, there was "no organized evacuation by local authorities." The notable absence of organized evacuation further implicates state responsibility for the explosion, as the foreseeable chaos contributed to the circumstances of the explosion. Additionally, this article cites a statement made by the region's Ombudsman, Gegham Stepanyan in the aftermath, "Nagorno-Karabakh's medical capacities are not enough to save the people's life."²⁶ The article includes a link to a video taken by freelance journalist Siranush Sargsyan, in which a hospital staff member pleads for emergency assistance. Though receiving a very high number of burn victims following the explosion, due to Azerbaijan's blockade, the hospital lacked medical supplies and antibiotics necessary to treat the severe state of hundreds of victims.²⁷

The American news outlet, Columbia Broadcasting System (CBS), provided coverage on the explosion the following day. The article references the pre-existing blockade imposed by Azerbaijan, the severe shortages of resources following the "10-month blockade," noting how the explosion took place in this context.²⁸

Armenia's News.am provided coverage of the explosion on the same day of its occurrence, noting there are casualties and wounded but not yet citing figures (due to immediacy of this reporting). The images below are from footage of the explosion as uploaded by News.am, and confirmed by Metaxe Hakobyan, MP of the National Assembly of Artsakh.²⁹

26. CivilNet, Chaos, exodus and explosion in Karabakh amid ethnic cleansing (CivilNet, 26 September 2023) <<https://www.civil-net.am/en/news/752093/chaos-exodus-and-explosion-in-karabakh-amid-ethnic-cleansing/>> accessed 20 December 2024.

27. Siranush Sargsyan (@SiranushSargs1), (X, 25 September 2023) <<https://x.com/SiranushSargsy1/status/1706389973174223235>> accessed 20 December 2024.

28. CBS News, At least 20 dead in gas station explosion in Azerbaijan's Nagorno-Karabakh region as residents flee to Armenia (CBS News, 26 September 2023) <<https://www.cbsnews.com/news/nagorno-karabakh-explosion-gas-station-as-residents-flee-to-armenia-at-least-20-dead/>> accessed 20 December 2024.

29. News.am, Fuel tank explodes near Stepanakert, there are reports about casualties and wounded (News.am, 25 September 2023) <<https://news.am/eng/news/783210.html>> accessed 20 December 2024.



Image from footage of the explosion near Stepanakert, uploaded by News.am.³⁰



Image from footage of the explosion near Stepanakert, uploaded by News.am.³¹

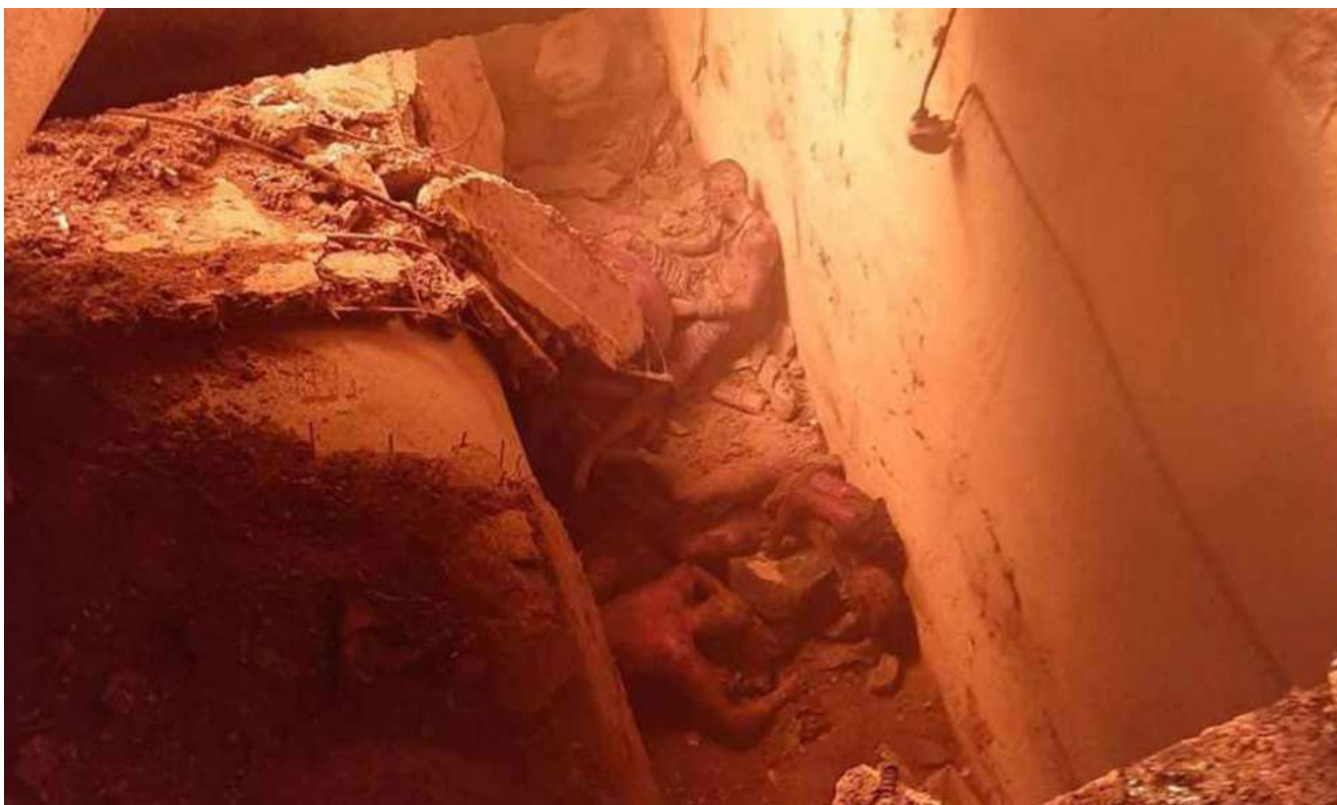
30. News.am, An explosion occurred at a gasoline warehouse near Stepanakert (Youtube, 25 September 2023)

<<https://www.youtube.com/watch?v=cO8-rz-PuUM>> accessed 20 December 2024.

31. Ibid.; Marut Vanyan, Fuel exploded in Haykazov (Youtube, 26 September 2024)

<<https://www.youtube.com/watch?v=h741KCX2N5g&t=3s>> accessed 20 December 2024.

The Guardian published coverage of the explosion briefly after the explosion, including a video of the explosion and description of the circumstances preceding and following the incident. Stating that most of the wounded were in severe/extremely severe condition, the article also brings attention to the fact that hospitals in Stepanakert were at capacity. The article includes Siranush Sargsyan’s coverage, and the plea of the hospital official in the aftermath of this explosion, “At this moment we do not have any medical resources left [. . .] we have a very high number of burn patients [. . .] We need to urgently evacuate our patients to specialized burn units in Yerevan.”³² The article also includes interviews of Armenians who had already made it out of Nagorno-Karabakh, referencing Azerbaijan’s lightning attack on September 19 and the destruction of their homes, injury to their children, and supply shortages—all of which contributed to the urgency ethnic Armenians faced in fleeing the region.



*Victims of the gas depot explosion on September 25, 2023.*³³

32. The Guardian, Nagorno-Karabakh: dozens feared dead and hundreds injured after fuel depot blast (The Guardian, 26 September 2023) <<https://www.theguardian.com/world/2023/sep/26/nagorno-karabakh-blast-fuel-depot-armenia-azerbaijan>> accessed 20 December 2024.

33. Hetq, In the Shadow of War: One Year Later, Following the Tragic Gasoline Depot Explosion (Hetq, 25 September 2024) <<https://hetq.am/hy/article/169455>> accessed 20 December 2024.

Hetq, an independent investigative journalism platform based in Armenia, provided coverage on the day of and days following the gas depot explosion. The platform includes statements from the Artsakh Human Rights Defender, Gegham Stepanyan, regarding the seriousness of the explosion and the inadequacy of resources in local medical facilities in their ability to treat victims.³⁴ An interview with freelance journalist, Siranush Sargsyan as conducted by Hetq, provides more details of her investigation into the explosion as she was in Artsakh at the time and has contributed significant footage of the events occurring in that region.³⁵ The organization also provided an update a year later, including details on the circumstances of the explosion, images of deceased victims, and the suffering of their families.³⁶ In another article, the platform also published testimony of the families of the deceased victims from the explosion, as well as statements from the families of those who are still missing after a year.³⁷

The British Broadcasting Corporation (BBC), also provided coverage on the explosion shortly after it occurred, describing how fuel shortages following the months-long blockade left ethnic Armenians overwhelmed in the midst of violence. In discussing the gas depot explosion, the BBC references a statement made by local officials about doctors working to save those injured from the explosion, stating that doctors were “treating 290 patients with various degrees of burns” at the time of this article.³⁸ The article cites Human Rights Ombudsman Gegham Stepanyan, who remarked that “The health condition of the majority is severe or extremely severe. The medical capacities of Nagorno-Karabakh are not enough.”³⁹ The BBC also states that “Azerbaijan also said it had sent medical supplies.”⁴⁰ Though the extent and actual delivery of the provided supplies remains unclear, this indicates that Azerbaijan was aware of the severity of the crisis and had access to the site, a critical factor in establishing their negligence and failure to uphold IHRL obligations.

34. Hetq, Fuel Depot Explodes in Karabakh, Seriously Injuring More than 200 (Hetq, 25 September 2023)

<<https://hetq.am/en/article/160544>> accessed 20 December 2024.

35. Hetq, Witnesses to the gasoline warehouse explosion do not believe they were saved: Siranush Sargsyan (Hetq, 24 September 2024)

<<https://hetq.am/hy/article/169658>> accessed 20 December 2024.

36. Hetq, In the Shadow of War: One Year Later, Following the Tragic Gasoline Depot Explosion (Hetq, 25 September 2024)

<<https://hetq.am/hy/article/169658>> accessed 20 December 2024.

37. Hetq, In the Shadow of War: One Year Later, Following the Tragic Gasoline Depot Explosion (Part 2) (Hetq, 30 September 2024)

<<https://hetq.am/hy/article/169774>> accessed 20 December 2024.

38. BBC News, Nagorno-Karabakh: Fuel depot blast kills 20 as refugee count rises (BBC News, 26 September 2023)

<<https://www.bbc.com/news/world-europe-66921557>> accessed 20 December 2024.

39. Ibid.

40. Ibid.



Image from Reuters, referenced by News outlet Azatutyun, highlighting the circumstances of the mass exodus, during which the explosion occurred.⁴¹

The Armenian news outlet, Azatutyun, provided extensive coverage on the gas depot explosion, including immediate coverage of the incident and subsequent developments. The article highlights Karabakh authorities' appeal for urgent medical aid following the explosion, given that Stepanakert's hospitals had "limited capacity and lack of medication."⁴² This platform also provided coverage of the Lachin corridor as ethnic Armenians fled, highlighting the mass exodus and chaos surrounding the gas depot explosion.⁴³ Another article published by this organization confirms the official death toll from the gas depot incident, according to latest official figures, "At least 218 died in the September 25 explosion and fire at a fuel depot [. . .]"⁴⁴ The article also includes a statement from a witness regarding the severity of the explosion, and references other reports regarding the tragedy.

41. Azatutyun, Dozens Reported Dead During Karabakh Exodus (Azatutyun, 30 October 2024) <<https://www.azatutyun.am/a/32660106.html>> accessed 20 December 2024.

42. Azatutyun, Armenian Medics Rushed to Karabakh After Deadly Blast (Azatutyun, 26 September 2023) <<https://www.azatutyun.am/a/32609874.html>> accessed 20 December 2024.

43. Azatutyun, Dozens Reported Dead During Karabakh Exodus (Azatutyun, 30 October 2024) <<https://www.azatutyun.am/a/32660106.html>> accessed 20 December 2024.

44. Azatutyun, 218 Confirmed Dead in Karabakh Fuel Depot Blast (Azatutyun, 22 December 2023) <<https://www.azatutyun.am/a/32743695.html>> accessed 20 December 2024.

The news outlet *Al Jazeera* also provided coverage of the gas depot explosion shortly after its occurrence, shedding light on several important aspects.⁴⁵ Their reporting featured one of the few available video recordings of the event, highlighting the scale and devastation of the explosion.⁴⁶ The provided coverage also reveals that fifteen firefighting vehicles were sent by Azerbaijan to the site of the explosion.⁴⁷ This detail, confirmed by *Al Jazeera*, is significant as it demonstrates that Azerbaijani authorities were aware of the severity of this incident and had full access to the location of injured individuals, which further implicates Azerbaijan's negligence in facilitating a search for those missing as a result of the explosion.



Image from *Al Jazeera*'s coverage of the site post-explosion, showing the presence of Azerbaijan firefighting vehicles.⁴⁸

45. *Al Jazeera*, Death toll rises in Nagorno-Karabakh fuel depot blast as thousands flee (*Al Jazeera*, 26 September 2023) <<https://www.aljazeera.com/news/2023/9/26/at-least-20-killed-in-nagorno-karabakh-fuel-depot-blast-as-thousands-flee>> accessed 20 December 2024.

46. *Al Jazeera*, Nagorno-Karabakh fuel depot blast: Nearly 70 killed as thousands flee (Youtube, 27 September 2023) <<https://www.youtube.com/watch?v=xdFB0HwkeJQ>> accessed 20 December 2024.

47. *Ibid.*

48. *Ibid.*

The article “One Year Later: The Berkadzor Fuel Depot Explosion” as published by International Christian Concern provides detailed personal testimonies about the explosion that occurred. The article also includes images showing the disfigurements of survivors from the explosion. In featuring firsthand accounts from survivors, including their struggles a year later, this article underscores the severity of the explosion and its tragic aftermath—including the ongoing plight of the families of those who are still missing from the explosion.⁴⁹



Image of a gas depot explosion survivor receiving outpatient care at Caroline Cox Rehabilitation Center in Yerevan, published by International Christian Concern.⁵⁰

49. International Christian Concern, One Year Later: The Berkadzor Fuel Depot Explosion (International Christian Concern, 13 September 2024) <<https://www.persecution.org/2024/09/13/one-year-later-the-berkadzor-fuel-depot-explosion/>> accessed 20 December 2024.

50. International Christian Concern, One Year Later: The Berkadzor Fuel Depot Explosion (International Christian Concern, 13 September 2024) <<https://www.persecution.org/2024/09/13/one-year-later-the-berkadzor-fuel-depot-explosion/>> accessed 20 December 2024.

IV. Satellite Imagery of the Explosion Site

The satellite imagery below depicts the site of an explosion that occurred in September 2023. The cause of the depicted explosion cannot be determined from the imagery, as it coincides with the presence of other explosions in Nagorno-Karabakh, namely a period of intense shelling and bombing by Azerbaijan, targeting the civilian population of the region at this time. Nevertheless, the images below are believed to capture the site of the gas depot explosion, both before and after, as referenced.



Image taken from Google Earth; data attributed to 7/5/2023; the area prior to the explosion.



Image taken from Google Earth; data attributed to 4/19/2024; the area after the explosion.

V. The Twenty-Three Missing Individuals

The Azerbaijani government, which gained full control over the area shortly after the explosion, has not disclosed any information regarding the fate of missing individuals. Despite the submission of DNA samples as provided by their families, no identifications have been made. Under International Human Rights Law (IHRL), families have the right to know the fate of their loved ones. More than a year has passed, yet there have been no updates concerning the twenty-three individuals listed below, who remain unaccounted for as Azerbaijan continues to neglect its IHRL obligations. The profiles below are based on verified primary information, provided directly by the families of the missing individuals, as well as relevant witness accounts indicating their presence at the scene during the explosion. At this time, no other cases of missing persons from the explosion are known, but updates will be made if new information comes to light. The ages and occupations of the missing individuals reflect the information available at the time of the explosion.



Aren Abrahamyan (22 years old, student) previously studied at the Shushi University of Technology and worked as a manager at "Team." He was at the fuel depot with his cousins and friends. He last called his father and uncles to come to the gasoline station, but they did not see him there.



Arman Avagyan (22 years old, student) previously studied applied mathematics at Artsakh State University. He went to the fuel depot with his father, and they went with two separate cars to fill their vehicles and three bottles of gasoline for a friend. The father was squatting when the explosion occurred and saw something fly up during the explosion. After yelling for Arman, he was not able to find him, and while his calls initially did not go through, they eventually went through.



Karen Baghyan (25 years old, police officer) went to the fuel depot with his father. Karen's father Levon ended up in a ditch after the explosion and did not find Karen.



Aslan Voskanyan (41 years old, military retiree) went to the fuel depot with some friends. He called his mother about half an hour before the explosion and told her he was in line, estimating it would take about two hours. Another friend who left the scene about ten minutes before the explosion stated that Aslan still had a long way to go in line to get gasoline. Aslan's car was far from the explosion and his personal belongings were not found.



Yeghishe Mnatsakanyan (32 years old, forest ranger) and his brother, **Lernik Mnatsakanyan** (33 years old, police officer) went to the fuel depot with their two cousins. Yeghishe was standing with one of his cousins when the explosion occurred. Yeghishe and Lernik have been missing since the explosion, however, none of the others were seriously injured.⁵¹



Narek Paramazyan (31 years old, shepherd) went to the fuel depot with his friends. His personal belongings including his keys, passport, and phone were not found. He was not found at the hospital.



Boris Hovsepyan (26 years old, hardware store owner) went to the fuel depot with his cousin (uncle's son). Boris's wife called him around 5:30 pm and said his phone did not have much battery but it would be their turn to get gasoline in about 20 minutes. After the explosion the family tried to call Boris and the calls did not go through. Remains from the cousin were found, and there was bone missing from his skull. Boris's body and personal belongings were not found. Boris's brother personally searched the area and did not find any personal belongings.



Boris Hovsepyan (26 years old, employee of the public sector) went to the fuel depot with a friend who was a co-worker. His father was 500-600 meters away at the time of the explosion as well. He last spoke to his father ten minutes before the explosion. Witnesses saw Narek and his friend below standing next to each other. The friend was identified by DNA testing. Narek had a bag in his hand, with his passport, and car keys, but none of his personal belongings were found.

51. For Rights, "It was horrible." Two brothers are missing at the explosion site, minor children are in need (For Rights, 23 September 2024) <<https://forrights.am/2024/09/23/it-was-horrible-two-brothers-are-missing-at-the-explosion-site-minor-children-are-in-need/>> accessed 20 December 2024.



Mikayel Beglaryan (59 years old, taxi driver) went to the fuel depot with a group of five people. Before going to get gas, he was eating with a group and decided to leave to get gasoline when he heard it was available. He called his son at around 5 pm and said he was going to get gasoline for them to leave. The family called around 6-7 pm and there was no response, and by 9 pm his phone was unreachable. Mikayel picked up the canister and said let me go forward, but the explosion occurred before he could do so. From the group of five, two of the individuals, a father and son, survived. One individual was found dead. Two are missing, including Mikayel.



Nikolay Saghyan (64 years old, taxi driver and hairdresser) went to get gasoline by himself. His wife called him at 4:30 pm, and Nikolay told her he was trying to get gasoline. He told them to get ready to leave. His wife tried to call again at 5:30 p.m. and he didn't respond, after which her calls would not go through, and he became unreachable. His personal belongings were found including his passport, car keys, and money.⁵²



Arayik Sargsyan (26 years old, driver) went to get gasoline with his mother. His mother stayed in the car. Arayik called his younger brother at about 4:49 pm, then at 5:41 pm, there was a call that came from him. The phone rang for 20 seconds but the brother did not answer. His phone was unreachable after the explosion. His brother did not find his car key, phone, or passport.



Armen Movsesyan (30 years old, driver) went with his uncle and cousins to get gasoline. Armen's uncle stayed in the car. After the explosion one of his cousin's legs was found and confirmed by DNA testing.



Artur Avetisyan (48 years old, gas station employee) was last known to be with his brother-in-law (wife's sister's husband) at the fuel station around 3 pm. They heard that they were giving gasoline at the fuel station. Arthur called his wife around 3 or 4 pm and said he would come home to eat. After the explosion, his wife tried to call again but his phone became unreachable. His brother-in-law and nephew were both injured during the explosion and were transported to the Republic of Armenia for treatment.

52. 168.am, My husband's passport, slightly damaged, was found at the scene of the explosion. How did it happen that the passport and car keys are there, but he is not there? Naira Yeghian (168.am, 20 October 2024) <<https://168.am/2024/10/20/2113155.html>> accessed 20 December 2024.



Edgar Ghugasyan (27 years old, store employee) went to get gasoline with his friend, his relatives, and brother. The friend's father-in-law died of poisoning as a result of the explosion, his son was severely burned, and the friend was moderately burned. On October 1 at approximately 7:45 am, Edgar's sister-in-law saw that he opened Telegram. She tried calling him but there was no answer.



Robert Aghayan (31 years old, military personnel member) was at home until about 40 minutes before the explosion when he got a call. Robert told his father he would fill up the car with gasoline and be back. Robert went to get gasoline with his brother-in-law, uncle's son-in-law, and friend. While together, Robert received a video call from a friend in Moscow who saw the four together. After the explosion, his brother-in-law's body was found 90% burned. A month later his friend was found, specifically his teeth and bone from his foot. Through DNA testing the body of the uncle's son-in-law was found, which was burned but his watch was still working.



Samvel Safaryan (26 years old, driver) went to the gasoline station with his friend. He spoke to his wife for the last time that afternoon. As a result of the explosion, his friend was injured but survived. The two were separated. Another witness nearby burned his hands but survived and said he did not see any victims in the vicinity around Samvel's size.



Sevak Sargsyan (48 years old, civilian) and his wife were on their way to the morgue in Goris, before the explosion occurred, as their son had been martyred in the military offense on September 19, 2023. Sevak went with his brother to get gasoline. Sevak's wife spoke to him before the explosion, but when she tried to call after the explosion his phone was unreachable. At the time of the explosion, Sevak's brother was thrown into a pit and caught on a pole. He was transferred to Stepanakert with kidney failure and burns which he later died of, but prior to his death he had difficulty speaking and said he would describe what happened when he recovered.



Artur Babayan (24 years old, entrepreneur) went to get gasoline with his friends. Since there was a long line, he went to wait in line from another side. In other words, Artur was not standing with his friends, who received light burns. Artur last spoke to his father.



Erik Arstamyanyan (41 years old, military personnel member) went to get gasoline with his 10-year-old son. They stood far away because his son did not like the smell of the gasoline. Erik was speaking with a co-worker when the explosion occurred.



Vahan Mikayelyan (22 years old, military personnel member) went to get gasoline with his brother-in-law. According to witnesses, they were standing next to each other. Vahan decided to take some gasoline to the vehicle parked at a distance. On his way back the explosion occurred. His brother-in-law was later confirmed dead by DNA testing.



Brothers **Zaven Petrosyan** (27 years old) and **Vladislav Petrosyan** (26 years old) went to get gasoline with their friends. The last time Vladislav spoke to his mother was September 24th, and Zaven spoke to his mother on the 25th around 5 pm. Their sister Raya also spoke to them around the same time. Their mother and sister weren't aware that an explosion had occurred. Their mother called both of the sons' phones which were unreachable. Their mother called Vladislav again at 9 pm. The following day their mother called Zaven who was unreachable. The phone that was reachable was answered by Vladislav's friend who said he wanted to speak with Edik Petrosyan (their father). The father called the friend back and said they had been there during the explosion and that it was possible they were in Goris. The parents searched for the boys in Goris. After that, the parents met two friends who were with Zaven and Vladislav, one who said they heard a noise and saw a drone above them before the explosion occurred.



VI. Conclusion

Azerbaijan is violation of International Human Rights Law (IHRL) regarding the 2023 Stepanakert gas depot explosion and its aftermath, specifically in failing to abide by provisions set forward in the ICCPR, ECHR, and customary IHRL at large. As stipulated in Article 6 of the ICCPR, and Articles 2 and 8 of the ECHR, Azerbaijan has breached the right to life of the victims and their families. The ICCPR establishes an obligation to prevent the arbitrary deprivation of life, and for the state to ensure accountability when such deprivation occurs. Similarly, the ECHR enforces these principles by requiring states to protect the right to life and imposing a duty for such states to carry out investigations and deliver justice when this obligation has been violated. In denying life-sustaining resources to ethnic Armenians in the region for over nine months, and subjecting them to forced displacement following this deprivation, Azerbaijan has violated their right to life. Furthermore, Azerbaijan failed to secure the gas depot and prevent foreseeable harm arising from safety risks created by its attack, demonstrating severe negligence that cost hundreds of Armenian lives. In refusing to conduct search efforts to provide care for the wounded post-explosion and recover those who are still missing, Azerbaijan has violated procedural rights under IHRL. News reports and witness testimonies from various outlets that provided coverage of the explosion highlight Azerbaijan's awareness of the tragedy and access to the scene. Despite this, no meaningful efforts have been undertaken to conduct a thorough investigation or facilitate search efforts for the twenty-three missing individuals. Customary IHRL upholds the universal right of families to know the fate of missing loved ones. By failing to investigate, search for, and disclose information on the twenty-three missing individuals, Azerbaijan has disregarded its binding legal obligations under IHRL.

In light of these violations, immediate and decisive international action is essential to hold Azerbaijan accountable, deliver justice for victims, and provide closure to the families of the twenty-three missing individuals. Azerbaijan is guilty of violating International Human Rights Law in failing to comply with both the positive and negative obligations such provisions require, violating not only the right to life of the twenty-three missing individuals, but also the rights of their family members and ethnic Armenians in Nagorno-Karabakh at large. We urge the international community to act decisively in calling for Azerbaijan to comply with its binding legal obligations by conducting a thorough investigation into the gas depot explosion, searching for those who remain missing from the tragedy, and fully disclosing all information about the fate of the twenty-three missing individuals.