

# CONTINUING IMPUNITY

## Azerbaijani-Turkish offensives against Armenians in Nagorno Karabakh



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An addendum to 'Ethnic Cleansing in Progress: War in Nagorno Karabakh'  
(Cox and Eibner, 1993)

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## 1. ACKNOWLEDGEMENTS

I wish to record my profound sympathy for all who suffered – and continue to suffer – as a result of the recent war and my deep gratitude to all whom I met for sharing their experiences and concerns. These include, during my previous visit in November 2020: the Presidents of Armenia and Nagorno Karabakh; the Human Rights Ombudsmen for Armenia and Nagorno Karabakh; members of the National Assembly of Armenia; Zori Balayan and his family, including his son Hayk who had recently returned from the frontline with his injured son; Father Hovhannes and all whom I met at Dadivank; and the refugees in Armenia.

I pay special tribute to Vardan Tadevosyan, along with his inspirational staff at Stepanakert's Rehabilitation Centre, who continue to co-ordinate the treatment of some of the most vulnerable members of their community from Yerevan and Stepanakert. Their actions stand as a beacon of hope in the midst of indescribable suffering.

I also wish to express my profound gratitude to Artemis Gregorian for her phenomenal support for the work of my small NGO Humanitarian Aid Relief Trust, together with arrangements for many visits. She is rightly recognised as a Heroine of Artsakh as she stayed there throughout all the years of the previous war and has remained since then making an essential contribution to the community.

I am grateful to: Revd. David Thomas, who has come with me on many occasions to Armenia and Nagorno Karabakh, including during the recent war; Dr John Eibner, who co-authored *Ethnic Cleansing in Progress: War in Nagorno Karabakh*; and Sam Mason, who has undertaken much of the research and writing of this addendum.

Above all, I am grateful for all who endured the pain of sharing their grief and anxieties with such courage and grace.

## 2. INTRODUCTION

During the previous war in Nagorno Karabakh, 1990-94, I co-authored a report with Dr John Eibner: *Ethnic Cleansing in Progress: The War in Nagorno Karabakh* (1993). The report provided incontrovertible empirical evidence of atrocities and grave human rights violations perpetrated by Azeri-Turks against ethnic Armenians. It described the previous war as part of a long and ongoing process of genocide.

The genocide process began in earnest with massacres of Armenians in Turkey in the late 19th century, and reached a peak during the First World War in Turkey, in the great Armenian genocide. The anti-Armenian religio-ethnic cleansing extended into the South Caucasus and continued there after the war's end. Armenians were massacred in the Azerbaijani capital, Baku, in 1918, and in Shushi in 1920.

The process was suspended for a time by the imposition of Soviet power in the early 1920s. As the Soviet Union was on the verge of collapse, in 1988, it erupted again with

the massacre of the Armenian residents of the city of Sumgait, near the Caspian Sea. This set in motion a chain reaction of violence, which produced the full-blown Azerbaijani-Armenian war of religio-ethnic cleansing from 1990-94. With Azerbaijan and Turkey's joint war on Nagorno Karabakh in 2020, the process continued.

Today's report – published on Armenian Genocide Remembrance Day – is an addendum to the previous *Ethnic Cleansing in Progress* report. It focuses on contemporary events, in particular the 44-day war in 2020. Its findings are based on first-hand accounts and reliable secondary material, as well as my experience of over 80 visits to Nagorno Karabakh since 1990.

### **Key findings of this report:**

- During the recent 44-day war, civilians in Nagorno Karabakh endured **almost-daily military offensives by heavy artillery missiles**, combat unmanned aerial vehicles (UAVs), aerial bombs, cluster munitions and Smerch multiple rocket launchers – weapons incapable of precision targeting – in breach of international humanitarian law and Geneva conventions.
- Civilians also suffered widespread **destruction of non-military objects**, including medical emergency service centres and ambulances, schools and pre-schools, religious sites, food stocks, crops, livestock, electricity and gas plants, and drinking-water installations and supplies.
- Armenian prisoners of war (POWs) and civilian detainees remain vulnerable to killings, torture, indefinite imprisonment or enslavement, with reports of **humiliating treatment and desecration of corpses** by Azerbaijani soldiers, in actions captured on videos and widely circulated on social media.
- Serious concerns remain over **the fate of hundreds of Armenian Christian monuments** and cultural heritage sites, which are now under Azerbaijan's control. The sites include 161 churches, the ancient city of Tigranakert, Azokh Paleolithic Cave and the Nor Karmiravan tombs.
- **Cases of anti-Armenian rhetoric**, or 'Armenophobia', continue to rise among Azerbaijani state officials, state-dominated media outlets, non-state public figures and across social media.

I do not underestimate the suffering of the people of Azerbaijan or the reports of war crimes perpetrated by Armenia, which have received widespread media coverage. It is, however, the Armenian community of Nagorno Karabakh who are the primary victims of this tragic conflict, who have endured an enormous asymmetry of violence but whose plight is all-too-readily dismissed or underplayed.

I also acknowledge that, in a short publication such as this, I cannot do full justice to the complexity of all the issues. I nevertheless present my findings in the hope that the

evidence will contribute to a more thorough understanding of the recent war, its aftermath and highlight the urgent need for a comprehensive international response.

All of the points raised come back to one central principle: there must be no impunity for the most serious international crimes, as happened during the previous war in the 1990s. Perpetrators of atrocities must be held to account. We must no longer turn a deaf ear to the suffering of the people of Nagorno Karabakh.

### 3. BACKGROUND

The disputed territory of Nagorno Karabakh is a small, mountainous enclave in the South Caucasus. It is often described as a battleground between two warring parties, Armenia and Azerbaijan, who each claim absolute historic ownership of the region.

During Stalin's divide-and-rule policy of the 1920s, the territory was given to Azerbaijan. As Soviet rule collapsed in the late 1980s / early 1990s, a referendum was held with an overwhelming vote for independence. Armenians have since established control of Nagorno Karabakh as a *de facto* independent state, with a functioning Government (the Government of Artsakh Republic) and a viable economy, though its independence is not internationally recognised.

The fate of Nagorno Karabakh is a source of broad international interest, with geopolitical significance to regional powers Russia, Turkey and Iran and to other states including France, Israel and the USA – all of whom claim to play their part as mediators in the peacebuilding process.<sup>1</sup> The territory also straddles a deep religious divide, separating the historically-Christian world from the Muslim world – on the border of Eastern Europe and Western Asia – as well as the Turks of Anatolia from their Turkic cousins in the South Caucasus and beyond. For decades, this division has represented an 'axis of instability' that runs from the Balkans, through Turkey to Central Asia.

History has proved there are no quick fixes to these complex divides. But as states struggle for influence in the South Caucasus, it is the people of Nagorno Karabakh (who are mostly Armenian-Christian) who are caught in the crossfire.

### 4. THE 44-DAY WAR

Pro-war demonstrations were held in Baku on 14 July 2020, during which thousands of protestors demanded that the Government of Azerbaijan deploy the army to "retake Nagorno Karabakh". They waved the national flag and chanted "Death to Armenians!", "Karabakh is Azerbaijani!" and "Mobilisation!", with some entering the national parliament, smashing windows and chandeliers, and calling on the head of the armed forces to resign.

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<sup>1</sup> Following the 1994 Ceasefire, the status of Nagorno Karabakh became the subject of international mediation by the co-chairs of the Organisation for Security and Cooperation in Europe's Minsk Group (the United States, France and Russia). The Group's permanent members are Belarus, Germany, Italy, Sweden, Finland, and Turkey, as well as Armenia and Azerbaijan.

Two months later, on 27 September, Azerbaijan launched a large-scale military offensive against Nagorno Karabakh. It was, according to Ilham Aliyev, President since 2003, a response to the cry of his people to re-capture territories that were lost during the previous war:

*“Enough is enough, we will not tolerate this occupation any longer. We said that we would drive the enemy out of our lands! We are not interested in any negotiations... The Azerbaijani people’s patience had already run out... I said that we would chase them, that we would chase them like dogs, and we chased them, we chased them like dogs.”*<sup>2</sup>

Successive military offensives were openly backed by Turkey, who deployed F-16 jets to Ganja International Airport as a deterrent against Armenian counter-attacks<sup>3</sup> and who supplied Azerbaijan with Syrian mercenaries to shore-up its military operations.<sup>4</sup> Within days of the first aerial attack, Turkish President Recep Tayyip Erdogan praised Azerbaijan’s “great operation both to defend its own territories and to liberate the occupied Karabakh.” He promised to stand with “friendly and brotherly Azerbaijan with all our means and all our heart.”

#### **4.1 Reports of Azerbaijani-Turkish military offensives**

Over a six-week period, between 27 September and 9 November, civilians in Nagorno Karabakh endured almost-daily military offensives by tanks, helicopters, cluster munitions and Smerch multiple rocket launchers – weapons incapable of precision targeting – in breach of international humanitarian law and Geneva conventions. Reports suggest that Baku acquired and deployed Israeli-built Harop loitering munitions, also known as ‘suicide’ or ‘kamikaze’ drones, which can be used to destroy radars as part of suppression of enemy air defence (SEAD) operations, as well as Hermes UAVs, designed for aerial reconnaissance and electronic warfare purposes. An estimated 14,000 civilian structures were damaged or destroyed during the war, including homes, markets and infrastructure vital to the survival of the local population, such as bridges, electricity, telecoms, gas and water supply systems.

Heavy shelling caused mass displacement. Early estimates suggest that as many as 100,000 civilians were forced to flee, although many remained. During my previous visit in November 2020, I saw hundreds of vehicles loaded with personal possessions and firewood from trees. Some families had set fire to their homes so they would not be available for occupation by the incoming Azerbaijani forces, while local farmers herded their cattle and sheep towards Armenia. Those who have since made the difficult decision to return face a monumental task in rebuilding their cities and towns.

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<sup>2</sup> Press Release, President of the Republic of Azerbaijan, ‘Ilham Aliyev addressed the nation’, 10 November 2020, see <https://en.president.az/articles/45924> as at 13 January 2021

<sup>3</sup> *New York Times* / *Twitter*, 7 October 2020, see <https://twitter.com/trbrtc/status/1313903827435892737> as at 19 March 2021

<sup>4</sup> OHCHR, ‘Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts’, 11 November 2020; *BBC News*, 10 December 2020; *The Guardian*; 2 October 2020; in addition to reports that foreign mercenaries were also recruited from Libya, Afghanistan and Pakistan.



Stepanakert's School of Music, November 2020.

Between 1-3 October, BBC journalists in the capital city Stepanakert witnessed “random shelling... including at an emergency services centre [and] an apartment block destroyed. As people tried to flee, there was a drone overhead. Shortly afterwards, more shelling nearby.” Journalists characterised the offensives as “indiscriminate shelling of a town without clear military targets.” These reports were dismissed by President Aliyev as fake news.<sup>5</sup>

A Human Rights Watch (HRW) on-site investigation in Stepanakert described equivalent incidents in which Azerbaijani forces used “inherently indiscriminate cluster munitions and artillery rockets” or other weapons that did not distinguish between military targets and civilian objects. According to their report of an attack on 4 October:

*“...multiple strikes hit residential homes in less than a minute suggesting possible bombardment – treating the whole area as a military target – which is prohibited under the laws of war. Azerbaijani forces also attacked infrastructure that may have an unlawfully disproportionate impact on the civilian population. The use by Armenian and local Nargono-Karabakh forces of military bases and dual-use infrastructure in Stepanakert placed the civilian population unnecessarily at risk.”<sup>6</sup>*

Again, these reports were dismissed by President Aliyev as fake news.<sup>7</sup> Yet they were corroborated by others, including Amnesty International:

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<sup>5</sup> *BBC News*, 9 November 2020

<sup>6</sup> Human Rights Watch, ‘Azerbaijan: Unlawful strikes in Nagorno Karabakh’, 11 December 2020

<sup>7</sup> *BBC News*, 9 November 2020

*“Azerbaijani authorities would have been fully aware that the kind of multiple strikes they launched on the city on 4 October, using notoriously inaccurate munitions which cannot be aimed at a specific target – Grad rockets and internationally banned cluster munitions – would land indiscriminately in residential areas and very likely harm civilians and damage or destroy civilian objects. Such indiscriminate attacks violated fundamental principles of international humanitarian law, notably the principles of distinction and proportionality.”*<sup>8</sup>

On 8 October, Ghazanchetsots Cathedral, a world-famous cultural heritage site in the hill-top city of Shushi, was shelled twice and badly damaged. Home to the Diocese of Artsakh of the Armenian Apostolic Church, the cathedral is one of the most important spiritual centres for ethnic Armenians in Nagorno Karabakh. When asked by the BBC how and why it was attacked twice on the same day, President Aliyev replied: “Either it was a mistake of our artillery or it was a deliberate provocation by Armenia... it could have been by mistake.”<sup>9</sup> The attacks were, however, widely condemned as a war crime under international law, including among parliamentary colleagues in the UK.<sup>10</sup>

On 14 October, three aircraft reportedly dropped bombs on the military hospital in Martakert, damaging the hospital and destroying nearby medical vehicles, all clearly marked as medical.<sup>11</sup>

Armenian forces undertook numerous counter-offensives during the 44-day war, including strikes into Gashalti on 27 September, Ganja on 11 and 17 October, Qarayusufli on 27 October, and Barda on 28 October. Armenia denies launching indiscriminate attacks against civilian areas and using cluster munitions – in Ganja, for example, the nearby airport hosted Turkish F-16 jets and satellite imagery shows military equipment close to the impact area of the 11 October attack. However, as Amnesty International report:

*“...the presence of these possible military objectives does not justify the use of a massive and imprecise weapon like the SCUD-B in a populated area... The likelihood of causing level of harm to civilians and damage to civilian objects is unacceptably high, making such use impermissible under the laws of war.”*<sup>12</sup>

According to HRW:

*“Armenian forces repeatedly launched missiles, unguided rockets, and heavy artillery into populated cities and villages in violation of the laws of war. Again*

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<sup>8</sup> Amnesty International, ‘In the Line of Fire: Civilian Casualties from Unlawful Strikes in the Armenian-Azerbaijani Conflict over Nagorno-Karabakh’, 2021, Page 15

<sup>9</sup> *BBC News*, 9 November 2020

<sup>10</sup> See, for example, the Early Day Motion tabled on 13 October 2020 by members of the UK House of Commons

<sup>11</sup> US Department of State, 2020 Country Reports on Human Rights Practices: Azerbaijan, 30 March 2021

<sup>12</sup> Amnesty International, 2021, *Op cit*, page 10

*and again in the course of the six-week war, these attacks unlawfully destroyed civilian lives and homes and should be impartially investigated.”<sup>13</sup>*

On 28 October – perhaps the deadliest day of the war – Azerbaijani forces responded by striking more than 15 times on different parts of Stepanakert and Shushi, including the deployment of a high-precision Long Range Attack (LORA) missile against the Republican Medical Centre, one of the main hospitals in Stepanakert. Unexploded missiles were later found inside the hospital. The new maternity ward had significant damage. Mger Musailyan, the centre’s chief doctor, denounced the attack as “inhumane,” noting that his staff were treating COVID-19 patients among others – although there were no patients or medical personnel in the centre at the moment of the strike.



The aftermath of Azerbaijani bombing, which destroyed this maternity hospital in Stepanakert.

The following day, on 29 October, Azerbaijani forces targeted forests in Nagorno Karabakh, causing massive fire and environmental disaster, with reports of the use of incendiary ammunition of mass destruction containing chemical elements, possibly white phosphorus. This would be extremely dangerous for civilians – it is a toxic substance that causes serious burns on contact with skin and can result in a very painful death. Azerbaijani officials denied these reports as “false and fake” and claimed that it was Armenia who were preparing to use illegal weapons against Azerbaijani forces,

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<sup>13</sup> Human Rights Watch, ‘Armenia: Unlawful Rocket, Missile Strikes on Azerbaijan’, 11 December 2020

citing their own intelligence data of “a large amount of phosphorus cargo” being delivered to the town of Khojavend. Lord Alton of Liverpool, Lord Green of Deddington and I wrote to the Organisation for the Prohibition of Chemical Weapons on 10 November, urging them to investigate whether or not chemical weapons were deployed by Azerbaijan; and to ensure rapid response and assistance to protect civilians in Nagorno Karabakh against the effects of such an attack.

On 2 November, an Azerbaijani UAV destroyed a fire truck transporting fresh water to civilians in the Askeran region.<sup>14</sup>

The final death toll of the recent war is unknown. Azerbaijan said in December 2020 that almost 2,800 of its military personnel died. The Armenian Ministry of Health have recorded the death of more than 3,300 Armenian soldiers. At least 173 civilians on both sides were also killed, including multiple children and older people, with many hundreds reported wounded or missing. The civilian death toll would have been much higher had so many not fled Nagorno Karabakh or taken shelter in basements.

#### **4.2 The capture of Shushi**

The city of Shushi is a strategically important settlement overlooking Nagorno Karabakh’s capital, Stepanakert. It is adjacent to the only accessible road from Armenia to Nagorno Karabakh, via the Lachin corridor.

Shushi has a long and important history. From medieval times through to the 1750s, the city was the centre of a self-governing Armenian principality. In 1752, under Persian occupation, the city became capital of the Karabakh Khanate, with a diverse population. It remained an important mixed cultural and trading centre for the Caucasus after being ceded to Russia in 1823. Conflict between the Azerbaijani and Armenian occupants began during the Russian Cultural Revolution. After the collapse of the Russian Empire, Ottoman Turkey massacred around 20,000 Armenians, decapitated the Archbishop and publicly displayed his head. Shushi then became an Azerbaijani city until it was recaptured by Armenians in 1992. Since then it has been rebuilt as an important Armenian cultural centre.

The architectural complex of Shushi’s Ghazanchetsots Cathedral consists of a church, built by local Armenians in 1868-1887, and a bell tower of 1858. In approximately 1920, the cathedral was damaged by Azerbaijanis, who used the site as a garage and cattle barn. During the previous war in the 1990s, while being occupied, the cathedral was used by Azerbaijani forces for storing weapons. The cathedral, including its dome and the surrounding area, was reconstructed in 1998 by the ethnic Armenians of Nagorno Karabakh.

Today, Ghazanchetsots Cathedral sits next to a school and is surrounded by civilian sites and blocks of flats. There are no military objects nearby. It was attacked on 8 October by Azerbaijani missiles, at about 13:00 local time – children, women and

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<sup>14</sup> US Department of State, 2020 Country Reports on Human Rights Practices: Azerbaijan, 30 March 2021

elderly civilians were in the basement sheltering from other attacks – and again at 16:30 – which injured three Russian journalists. According to Nagorno Karabakh’s Human Rights Ombudsman, the destruction of the cathedral “can be considered a war crime and crime against humanity”.<sup>15</sup> He says the attacks demonstrate Azerbaijan’s “intent to destroy the Armenian historical exceptional cultural heritage, humiliate Armenians by taking away its past, culture and heritage and kill peaceful residents and international journalists performing their professional duties.”<sup>16</sup>



Some of the damage caused to Ghazanchetsots Cathedral in Shushi on 8 October 2020.

Shushi was occupied by Azerbaijani forces on 8 November, who claimed to have ‘restored an ancient Azeri city to the Azeri people’ – widely disputed, given the city’s complex history. Turkey’s ultra-right Grey Wolves organisation (Turkish: Bozkurtlar) have since announced plans to open a school in Shushi – plans that were approved by President Aliyev and President Erdogan. The Grey Wolves are affiliated with Turkey’s Nationalist Movement Party, who established an alliance with the country’s ruling AKP

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<sup>15</sup> Article 8 of the Rome Statute of the International Criminal Court states the War Crimes. According to the Paragraph 2 Subparagraph (b) Point (ix) and the Paragraph 2 Subparagraph (e) Point (iv), [I]ntentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives, is considered a War Crime. In other instances, the Article 8 Paragraph 2 Subparagraph (b) Point (xiii) can be also applied. In particular, it states that [D]estroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war.

<sup>16</sup> The Human Rights Ombudsman of the Republic of Artsakh, ‘Ad Hoc Public Report on the Azerbaijani Targeted Attacks Against the St Holy Savior Ghazanchetsots Cathedral of Shushi, Artsakh (Nagorno Karabakh) as a War Crime and Crime Against Humanity’, 20 October 2020, page 22

party in 2018 known as the People’s Alliance. The organisation is banned in Germany and France.

### 4.3 Recruitment of foreign mercenaries

The recruitment of Turkish-backed foreign terrorists by Azerbaijan – as part of its military campaign against Armenian Christians living in Nagorno Karabakh – is now “an established and undeniable fact”, according to a report by the Armenia’s Permanent Representative to the United Nations.<sup>17</sup>

The 53-page document details how private contractors systematically recruited and trained foreign terrorist fighters from Syria and Libya, who were deployed as ‘bodyguards’ and ‘custodians’ for Azerbaijani forces. In case of death, their relatives were reportedly promised financial compensation and Turkish nationality. One recruitment poster from north Syria, circulated on social media, used the headline: “URGENT URGENT URGENT URGENT!!! Turkish occupying forces in northern Syria have opened registration centres.” The poster called on “loyalist Jihado-Syrian mercenaries” to transfer to “Azerbaijan to Turkey and Muslim brothers... to counter the Armenian army. In exchange for signing a renewable six-month contract, mercenaries receive a monthly salary of US\$2500.”

While the precise numbers are unknown, estimates suggest that between 1000 and 4000 foreign terrorists were deployed to the frontline, some of whom were provided with the Azerbaijani national military uniform. Recruitment occurred mainly in the Turkish-controlled Syrian territories of Idlib and Aleppo, as well as the Hawar Kilis base on the Turkish-Syrian border. During the 44-day war in Nagorno Karabakh, a number of Syrian combatants were reportedly captured by Armenian forces.

Despite claims from President Aliyev that “we don’t use mercenaries... our army is capable of liberating its lands itself,”<sup>18</sup> French President Emmanuel Macron confirmed on 1 October:

*“We have information... that indicates with certainty that Syrian fighters have left the theatre of operations, fighters from jihadist groups have transited through [the Turkish city of] Gaziantep to reach the theatre of operations in Nagorno Karabakh.”*

The same concerns were echoed by the UN working group on the use of mercenaries:

*“Syrian fighters deployed to Azerbaijan are allegedly affiliated with armed groups and individuals that, in some cases, have been accused of war crimes and serious human rights abuses during the conflict in Syria, thus seemingly*

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<sup>17</sup> Letter dated 10 December 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, ft. the Report (31 October 2020) on the involvement of foreign terrorist fighters and mercenaries by Azerbaijan in the aggression against Nagorno-Karabakh.

<sup>18</sup> *BBC News*, 10 December 2020

*perpetuating a cycle of impunity and risking further abuses of international law.”<sup>19</sup>*

The working group said that the way in which these individuals were recruited, transported and used in and around Nagorno Karabakh appeared consistent with the definition of a mercenary, as set out in the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, to which Azerbaijan is a party.

#### **4.4 An escalation of hate speech**

Cases of anti-Armenian rhetoric, or ‘Armenophobia’, continue to rise among Azerbaijani state officials, state-dominated media outlets, non-state public figures and across social media. Since 2016 especially, following the Four Days War, I have received evidence of a steep increase in hate speech – a trend exacerbated by the recent war.

The Azerbaijani President regularly incites hatred. He pardoned and then promoted Armed Forces Lieutenant Ramil Safarov for the murder of Armenian Lieutenant Gurgen Margaryan during a NATO-sponsored training seminar, which as outlined by Amnesty International, signalled “an endorsement of ethnically-motivated violence” and “that violence against Armenians is not only acceptable, but rewarded.”<sup>20</sup>

President Aliyev also incites hatred in public statements, referring to a “hypocritical, global Armenian conspiracy with Western politicians, who are embroiled in corruption and bribery,” reminiscent of Adolf Hitler’s “global Jewish conspiracy” thesis, reiterated many times in Nazi speeches as a pretext and justification for the Holocaust.<sup>21</sup> He refers to Armenia as a “country of no value” and to Armenians as “savages”, “barbarians” and “dogs”:

*“Armenia as a country is of no value. It is actually a colony, an outpost run from abroad, a territory artificially created on ancient Azerbaijani lands.”<sup>22</sup>*

*“Armenia keeps cows and pigs in our mosques... It is fascists, vandals and savages who have done this.”<sup>23</sup>*

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<sup>19</sup> OHCHR, ‘Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts’, 11 November 2020

<sup>20</sup> Press Release, Amnesty International, ‘Azerbaijan: Government sends dangerous message on ethnically-motivated violence’, 6 September 2012

<sup>21</sup> Masis Post, ‘International Association of Genocide Scholars Statement on Imminent Genocidal Threat Against Artsakh’, 31 October 2020

<sup>22</sup> President Aliyev / Twitter, see <https://twitter.com/presidentaz/status/270827003521929216> as at 15 January 2021

<sup>23</sup> Press Release, President of the Republic of Azerbaijan, ‘Appeal of President Ilham Aliyev to the people’, 28 September 2020

*“I said that we would chase them, that we would chase them like dogs, and we chased them, we chased them like dogs.”<sup>24</sup>*

*“The Armenian barbarians and vandals have razed the city of Agdam to the ground.”<sup>25</sup>*

There are other examples of hate speech by Azerbaijani officials, for example by Member of Parliament Azer Badamov, who said during the recent war:

*“We don’t need to sit at the negotiating table with terrorists and vandals, we need to continue our operations to annihilate them. They should fall to their knees before our army. We shouldn’t let them come to their senses. The more humanity we show them, the more atrocities the opponent will commit. We shouldn’t allow them to come to their senses and regain their breath.”<sup>26</sup>*

Hafiz Hajiyev, Modern Musavat Party Leader, said:

*“We will assign our sons in Armenia to blow up the nuclear power plant (ANPP) there. There will be no Armenian left there then. Our neighbours can also blame us but we have to annihilate all the Armenians... if the Armenians do not want to live subordinating to the Azerbaijanis, they will be expelled from Karabakh... There should be no Armenian left in Azerbaijan.”<sup>27</sup>*

Mete Turksoy, an Azerbaijani political activist, posted on Twitter in October 2020:

*“Not a single civilian should be left alive in Nagorno-Karabakh.”<sup>28</sup>*

In November 2020, UEFA banned the media manager of the Azerbaijani football club Qarabag, Nurlan Ibrahimov, from exercising any football-related activity due to the following comments he posted on social media:

*“We must kill Armenians. No matter whether a woman, a child, an old man. We must kill everyone we can and whoever happens. We should not feel sorry; we should not feel pity. If we do not kill (them), our children will be killed.”<sup>29</sup>*

In January 2021, Azermarka Ltd, operating under Azerbaijan’s Ministry of Transport, Communications and High Technologies issued a series of postage stamps to “engrave

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<sup>24</sup> Press Release, President of the Republic of Azerbaijan, ‘Ilham Aliyev addressed the nation’, 10 November 2020

<sup>25</sup> President Aliyev / Twitter, see <https://twitter.com/presidentaz/status/497364584743718913?lang=en> as at 15 January 2021

<sup>26</sup> *Trend News Agency*, 11 October 2020 [translated by ANC-UK], see <https://www.trend.az/azerbaijan/karabakh/3314834.html> as at 22 March 2021

<sup>27</sup> The Office of the Ombudsman of the Republic of Artsakh, ‘Armenophobia in Azerbaijan Organized Hate Speech & Animosity Towards Armenians’, 2018, page 18

<sup>28</sup> The Armenite / Twitter, see <https://twitter.com/TheArmenite/status/1320793046422679555> as at 22 March 2021

<sup>29</sup> *Reuters*, 26 November 2020

in history our compatriots who have fought against [coronavirus] and demonstrated courage in the 44-day war.” One of the stamps shows Nagorno Karabakh on a map of Azerbaijan and someone carrying out fumigation, which commentators interpret as depicting ‘ethnic Armenians as a virus who should be eradicated.’

On 12 April 2021, an ‘exhibition park’ was opened in Baku to commemorate the war. The park displays Armenian military equipment, mannequins of Armenian troops and soldiers’ personal belongings – all of which are curated in a degrading manner in a brazen attempt to publicly humiliate the memory of victims.

Children too are exposed to and taught Armenophobia. History syllabuses in Azerbaijani schools are, in places, flagrantly anti-Armenian. Curricula and textbooks depict Armenians and Christians as an ‘inferior enemy’ who intend to harm Islam and Azerbaijan. Violent events such as the Baku Pogrom of 1990, which virtually cleansed Azerbaijan of Armenians, has been either removed from textbooks or re-written as a history to be proud of. Such policies fuel anti-Armenian xenophobia and point to Azerbaijan’s violation of Article 7 of the Universal Declaration of Human Rights: protection against any discrimination and against any incitement to such discrimination.

Meanwhile in Turkey, Armenians and other Christians in Istanbul were recently targeted and blamed for supposedly spreading coronavirus. Numerous officials, including President Erdogan, have repeatedly hinted that Turkey is ready to “give a lesson” to Armenians and that the “deportation” of Armenians in 1915 was the most appropriate decision at the time.<sup>30</sup> “Armenian” is a commonly-used curse word in Turkey, as is “leftovers of the sword” – a derogatory term referring to the survivors of the Armenian genocide, which the President publicly used during a briefing in May 2020.<sup>31</sup>

Human rights activists and international reporters who have raised concerns about such Armenophobia are regularly dismissed by state officials, without evidence, as attempting to destabilise Azerbaijan or working on behalf of foreign interests.

#### **4.5 Impact on children**

The imperative to protect children during conflict is mandated under the fundamental principles of international law.<sup>32</sup> Yet many children were killed or injured during the recent war, with countless others suffering the psychological impact of exposure to rocket and missile attacks.

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<sup>30</sup> Massis Post, ‘International Association of Genocide Scholars Statement on Imminent Genocidal Threat Against Artsakh’, 31 October 2020

<sup>31</sup> *Genocide Watch*, ‘Turkey: Erdogan uses “leftover of the sword” anti-Christian hate speech’, 11 May 2020

<sup>32</sup> For example, the rights of the children not taking part in the hostilities are recognised by the 1949 Geneva Convention (IV) on Civilians and the additional Protocol (Protocol I of 8 June 1977); Article 38 of the UN Convention on the Rights of the Child requires special measures of care and protection for children affected by armed conflict, in particular Articles 38.1 and 38.4; The UN Security Council, General Assembly and the Parliamentary Assembly of the Council of Europe have passed numerous resolutions affirming their strong condemnation of the deliberate targeting of civilians.

On the first day of fighting, 27 September, nine-year-old Victoria Gevorgyan was killed from shelling in the yard of her house in the Martuni region of Nagorno Karabakh. Her two-year-old brother Artsvik Gevorgyan received shrapnel wounds in the process of evacuation. Their mother, who was also injured, said that strikes from Azerbaijani UAVs continued even as they fled the area by bus. On the same day, 13-year-old Robert Gevorgyan was badly wounded by Azerbaijani shelling while fleeing his home with his family. By the same shelling and in the same car, his cousin 15-year-old Narek Gevorgyan was also wounded. Other injured children include one-year-olds Lana Melkumyan and Tigran Avanesyan, two-year-old Marianna Kamalyan, 14-year-old Elina Mayilyan, 15-year-old Vanik Muradyan and 17-year-old Tigran Gabrielyan.

As at 9 November 2020, 71 schools and 14 kindergartens had reportedly been damaged by Azerbaijani shelling, rocket and air strikes – including schools in Stepanakert, Hadrut, Shushi, Aygestan and Mataghis. For security reasons, all 220 local schools and 58 pre-schools were closed during the conflict, which meant that all 24,000 children in Nagorno Karabakh were deprived of their Right to Education and the opportunity to attend school – in addition to the 4,000 pre-school children.

At School Number Ten on Starovoytova Street in Stepanakert, Human Rights Watch saw evidence of “a crater several meters wide and deep in the front of the school” and “significant blast damage to the front of the school”, including scores of broken windows, tables, chairs, and other school equipment in numerous classrooms. Explosions left much debris inside the school. As of 12 October, it had no power, running water or natural gas.<sup>33</sup>

Of the tens of thousands who fled from Nagorno Karabakh to Armenia, the vast majority were children. According to Save the Children, these children are showing signs of anxiety and sleep deprivation, especially those who do not have a family member with them or who have been separated from their parents and sent to stay with extended family or friends.<sup>34</sup>

#### **4.6 Genocide Emergency Alert**

Human rights group Genocide Watch issued two warnings during the 44-day war. The first, a ‘Genocide Emergency Alert on the War in Nagorno Karabakh’, classified Azerbaijan at Stage 9 (extermination) and Stage 10 (denial) of the ten stages of the genocidal process:

*“Azerbaijan denies displaced Armenians the right to return and forbids a person of Armenian heritage from entering its territory. The Azerbaijani government promotes hate speech and encourages violence against Armenians... In September 2020, Azerbaijani troops crossed the ‘Line of Contact’ dividing*

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<sup>33</sup> Human Rights Watch, ‘Azerbaijan: Unlawful strikes in Nagorno Karabakh’, 11 December 2020

<sup>34</sup> Save the Children, ‘Nagorno-Karabakh Fighting Leaves Children Who Fled The Conflict In Distress’, 23 October 2020

*Karabakh. Turkey intervened on the side of Azerbaijan. Armenia supports [Nagorno Karabakh]. Azerbaijan uses laser guided drones supplied by Turkey and Israel to target Armenian troops, villages and civilians. Azerbaijani military offensives against civilians are war crimes under the Geneva Conventions.”*

Genocide Watch concluded:

*“Azerbaijan’s leadership may intend to forcibly deport the Armenian population of [Nagorno Karabakh] by committing genocidal massacres that will terrorize Armenians into leaving [Nagorno Karabakh].”*



Vardan Tadevosyan, director of the Lady Cox Rehabilitation Centre in Nagorno Karabakh, with Caroline Cox and David Thomas surveying the damage to an electrical power station in Stepanakert.

Such concerns were echoed by other genocide scholars, including the International Association of Genocide Scholars (IAGS):

*“...history, from the Armenian genocide to the last three decades of conflict, as well as current political statements, economic policies, sentiments of the societies and military actions by the Azerbaijani and Turkish leadership should warn us that genocide of the Armenians in Nagorno-Karabakh, and perhaps even Armenia, is a very real possibility. All of this proves that Armenians can face slaughter if any Armenian territory is occupied, consequently recognizing*

*of the independence of the Republic of Artsakh is the way to save Armenians of Artsakh from extermination now or in the near future.*

*“And already a case can be made that there is conspiracy to commit genocide, direct and public incitement to commit genocide, and attempt to commit genocide... We appeal to the international community to raise their voices against xenophobia, aggression, and war, and for the prevention of new genocide.”<sup>35</sup>*

Genocide Watch’s second warning related to possible war crimes committed by Armenia, focusing on Stage 8 (persecution) and Stage 10 (denial) of the genocidal process. The warning stressed that Armenians were not expected to commit genocide. But it did refer to “the current shelling of Azerbaijani civilians by Armenian artillery” and the state’s denial of past crimes in the 1980s and 1990s:

*“The current Armenian and Artsakh governments deny involvement in past crimes against Azerbaijanis and erase their cultural history from the Armenian landscape. Armenian and Artsakh authorities deny Azerbaijani IDP’s the right to return to their former homes and villages.”*

President of IAGS, Professor Henry Theriault, writing in a personal capacity, has since criticised these warnings.<sup>36</sup> The second warning in particular, he argues, “parrots Azeri propaganda” and “follows closely the official manipulated Azerbaijani narrative of history,” a claim that was refuted by Genocide Watch. The warnings were also the subject of a recent UK House of Lords debate, in which I and colleagues reiterated concerns about Azerbaijani-Turkish military offensives and called on signatories to the 1948 Genocide Convention to prevent and suppress actions of genocide.<sup>37</sup>

#### **4.7 Ceasefire**

During October, three separate ceasefires were agreed among the warring parties. Each was broken almost immediately, with each side accusing the other of violating the terms and continuing military offensives. On 10 November, a further ceasefire was agreed, which brought an end to major hostilities. It was brokered by Russia and signed by Azerbaijan and Armenia:

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<sup>35</sup> Massis Post, ‘International Association of Genocide Scholars Statement on Imminent Genocidal Threat Against Artsakh’, 31 October 2020

<sup>36</sup> Professor Theriault said Genocide Watch’s ten-stage method is “not a meticulous, rigorous, legitimate analysis of cases of mass violence and oppression” because it wrongly assumes “genocide happens in a consistent and teleological manner... The problem is, there are genocides that have not followed anything close to the pattern claimed.” Without wishing to delve too much into academic debate, I agree with Professor Theriault’s analysis, to an extent: for the purposes of in-depth analysis, there are other, more robust frameworks for assessing the risk of genocide, such as from the UN or the Jacob Blaustein Institute. Genocide Watch’s ten-stage model – although imperfect – is useful for describing processes that have been shown to contribute to genocides and that may be early warning signs of genocide in the future.

<sup>37</sup> Hansard, House of Lords, Private Notice Question, 2 November 2020

*We, President of the Republic of Azerbaijan I. H. Aliyev, Prime Minister of the Republic of Armenia N. V. Pashinyan and President of the Russian Federation V. V. Putin, declare the following:*

- 1. A complete ceasefire and a cessation of all hostilities in the zone of the Nagorno-Karabakh conflict shall be introduced at 00:00 hours Moscow time on November 10, 2020. The Republic of Azerbaijan and the Republic of Armenia, hereinafter referred to as the Parties, shall stop at their current positions.*
- 2. Aghdam district shall be returned to the Republic of Azerbaijan by November 20, 2020.*
- 3. Along the contact line in Nagorno-Karabakh and along the Lachin corridor, a peacekeeping contingent of the Russian Federation shall be deployed in the amount of 1,960 military personnel with small arms, 90 armored personnel carriers, and 380 units of an automobile and special equipment.*
- 4. The peacekeeping contingent of the Russian Federation shall be deployed in parallel with the Armenian armed forces' withdrawal. The period of stay of the Russian Federation's peacekeeping contingent is five years and shall be automatically extended by a further five-year period if none of the Parties declares six months prior to the expiration of the period of its intention to terminate the application of this provision.*
- 5. In order to increase the effectiveness of control over the implementation of the agreements by the Parties to the conflict, a peacekeeping center shall be deployed to exercise control over the ceasefire.*
- 6. The Republic of Armenia shall return Kalbajar district to the Republic of Azerbaijan by November 15, 2020, and Lachin district by December 1, 2020, while retaining the Lachin corridor (5km wide), which shall provide a connection of Nagorno-Karabakh with Armenia and shall not affect the city of Shusha. By agreement of the Parties, a plan for the construction of a new route along the Lachin corridor shall be determined in the next three years, providing communication between Nagorno-Karabakh and Armenia, with the subsequent redeployment of the Russian peacekeeping contingent to protect this route. The Republic of Azerbaijan shall guarantee the safety of citizens, vehicles and goods traveling along the Lachin corridor in both directions.*
- 7. Internally displaced persons and refugees shall return to the territory of Nagorno-Karabakh and adjacent districts under the control of the United Nations High Commissioner for Refugees.*
- 8. The exchange of prisoners of war and other detainees and bodies of the dead shall be carried out.*

*9. All economic and transport links in the region shall be restored. The Republic of Armenia guarantees the safety of transport links between the western regions of the Republic of Azerbaijan and the Nakhchivan Autonomous Republic in order to organize an unhindered movement of citizens, vehicles and goods in both directions. Control over transport shall be exercised by the bodies of the Border Guard Service of the Federal Security Service (FSB) of Russia. By agreement of the Parties, the construction of new transport communications linking the Nakhchivan Autonomous Republic with the western regions of Azerbaijan shall be ensured.*

According to President Aliyev, in his address to the nation on 10 November:

*“This statement has historic significance... This statement is our glorious victory... No-one can stop us. Everyone sees our strength; everyone understands what our iron fist is like. That is why we have driven them out and are perfectly right in doing that.”<sup>38</sup>*

The peace agreement represents a compromise on the part of the people of Nagorno Karabakh and Armenia. It gives Azerbaijan control of all territories it captured during the war, including Shushi. The ethnic Armenian population from three regions – Akna, Qarvachar and Berdzor – were given only days to evacuate. At least nine Armenian villages were given 48 hours to leave, reportedly without any involvement from the UN High Commissioner for Refugees. Armenia’s remaining connection to Nagorno Karabakh is through the Lachin corridor (a narrow mountain road) which is under Russian-Azerbaijani control, and which Azerbaijani officials have begun to mis-label as an ‘evacuation route’.

Azerbaijan now controls most of its internationally-recognised territory, except for a part of Nagorno Karabakh containing Stepanakert, which remains under effective control of Armenia. The ceasefire of 10 November was nevertheless accepted by the Armenian Prime Minister in order to prevent further loss of life and destruction – in the face of Azerbaijan’s overwhelming military advantage and the lack of international support for Armenia.

Russia sent 2,000 troops to Nagorno Karabakh to enforce the ceasefire. Their mission will last for at least five years. The Government of Turkey also submitted a motion to parliament, seeking its approval to deploy military and civilian personnel. Turkey is part of the wider Minsk Group<sup>39</sup> and is considered by most analysts to be a key player in any future settlement. On 30 January, a joint Russian-Turkish ceasefire monitoring centre opened in Aghdam. However, it is a prerequisite of a peacekeeper that they should enjoy the confidence of all sides. Armenians in Nagorno Karabakh have grave

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<sup>38</sup> Press Release, President of the Republic of Azerbaijan, ‘Ilham Aliyev addressed the nation’, 10 November 2020, see <https://en.president.az/articles/45924> as at 13 January 2021

<sup>39</sup> The Minsk Group, the activities of which have become known as the Minsk Process, leads initiatives on behalf of the Organisation for Security and Co-operation in Europe (OSCE) ‘to find a peaceful solution to the Nagorno Karabakh conflict’.

concerns about the prospect of being ‘protected’ by Turkish peacekeepers – given the collective memory of the Armenian genocide in the Ottoman Empire and Turkey’s open support of recent military offensives.

On 12-13 December, Azerbaijani forces reportedly seized two strategically-significant Armenian villages (Hin Tager and Khtsaberd) within the boundaries of Karabakh’s Hadrut region and captured 73 Armenian soldiers – a clear violation of the ceasefire agreement (‘a cessation of all hostilities’ and ‘to stop at current positions’). These ancient Armenian villages withstood Azerbaijani assault during the recent war, and after the end of active hostilities were marked on Russian peacekeepers’ maps as areas of their operations. Reports have also emerged of Azerbaijani forces demanding the handover of two further villages near Shushi.

Although the ceasefire has brought an end to major clashes, it represents a fragile hope for the future for the people of Nagorno Karabakh, with no long-term commitment required by Azerbaijan to adhere to the agreement. As President Aliyev warned on 7 January, following reports of a (hitherto legitimate) visit to Stepanakert by the Armenian foreign minister:

*“Let them not forget the war. Let them remember that the iron fist is still there. These visits [to Nagorno Karabakh] must stop. We warn them that if such provocative steps continue to be taken, Armenia will regret it even more... Let them not forget that such steps cost them dearly. Therefore, all visits must stop. No foreign citizen can enter that area without our permission. No international organisation except for the Red Cross can go there. This is our territory. The whole world recognises this territory as an integral part of Azerbaijan. Armenian foreign minister, who are you to go there? We warn you. If a similar step is repeated, our response will be very harsh.”<sup>40</sup>*

#### **4.8 Humanitarian catastrophe**

An estimated 100,000 people, approximately two-thirds of Nagorno Karabakh’s population, were forced to flee their homes. Many face the prospect of long-term displacement, mostly in Armenia, crowding into temporary accommodation or with friends and family – adding to worries about a potential surge of COVID-19 cases.

For those who have decided to return, many have found their homes destroyed. Those in transit do not know whether they have a home to return to. Returnees also face the problem of landmines – leftover from the previous war in the 1990s – with their gardens now covered in other explosives and hazardous devices. According to HALO Trust, there have been more landmine accidents per capita in Nagorno Karabakh than anywhere else in the world. This threat was exacerbated by the recent winter weather: the rain and mud dislodged mines; while the dense fog and heavy snow made it unsafe to travel.

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<sup>40</sup> *AA News*, 7 January 2021



Smoke rises from an exploded shell behind the Lady Cox Rehabilitation Centre in Stepanakert.

The International Committee of the Red Cross (ICRC) has been present in the region since 1992. Among its current priorities are: food supplies for people displaced or returning home after displacement; and shelter support, including heating, repairs to buildings, hygiene facilities and clean water. The UN has promised to respond to these needs. However, the unrecognised status of Nagorno Karabakh remains a stumbling block to member states and to aid agencies. Azerbaijani officials insist that any visit of a foreign citizen, as well as “any kind of political, economic, financial, cultural and etc. interaction with [sic] illegal regime established there”, is a “direct and crude violation of the sovereignty, territorial integrity and inviolability of borders of the Republic of Azerbaijan.” Internationals who visit Nagorno Karabakh are therefore added to a “list of ‘persona non grata’ whose entry to the territory of the Republic of Azerbaijan is banned.”<sup>41</sup>

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<sup>41</sup> See for example, the Embassy of the Republic of Azerbaijan in Romania, Visa Section at The Embassy, see <https://bucharest.mfa.gov.az/en/content/38/serviciul-de-vise-al-ambasadei> as at 22 March 2021

My small NGO Humanitarian Aid Relief Trust (HART) is one of a few international organisations that works in the region, supporting a disability rehabilitation centre in Stepanakert and raising funds for repair work following the war.

#### **4.9 Torture and atrocities of detainees**

The ICRC's additional priority relates to detainees. They have visited dozens of prisoners of war (POWs) and civilian captives. They have also logged hundreds of tracing requests for both civilians and soldiers. The OSCE Minsk Group support these initiatives and have urged publicly Armenia and Azerbaijan to complete the exchange of all detainees and to accelerate the identification and repatriation of remains in coordination with the ICRC.

To date, however, neither the ICRC nor the OSCE Minsk Group have been able to allay fears that POWs and civilian detainees remain vulnerable to killings, torture, indefinite imprisonment or enslavement – as happened during the previous war in the early 1990s. In some cases, reports of atrocities are underplayed due to a lack of verifiable data, or dismissed as ‘a problem on both sides’, in which Armenia is portrayed as equally guilty as Azerbaijan. Although both sides are implicated, online channels are dominated by videos of Armenian POWs and civilian captives being abused by Azerbaijani forces.

By the end of February 2021, Armenia's Representative Office at the ECHR had asked the court to intervene regarding 240 POWs and civilian detainees. In approximately 90 per cent of those cases, the office said, they had photo and/or video evidence confirming that these people were in Azerbaijani custody; in the rest of the cases, they relied on witness accounts.

During a visit to Nagorno Karabakh in November 2020, I heard multiple reports of such mistreatment – including instances of torture, beheadings and desecrations of corpses – and claims that equivalent brutalities have been perpetrated by foreign jihadist fighters who receive payment for every Armenian beheaded. I was told that some of the perpetrators take over the prisoners' social media accounts and send pictures of dismembered, decapitated bodies to their mothers and wives. It was my painful privilege to sit with some of these women as they waited to hear from their husbands, brothers or sons, not knowing what might come to their phone.

In December 2020 and March 2021, HRW released reports documenting similar atrocities perpetrated by Azerbaijani forces, who slapped and kicked Armenian POWs and compelled them to kiss the Azerbaijani flag, praise President Aliyev and declare that Nagorno Karabakh belongs to Azerbaijan. In most of the videos, HRW report, the perpetrators' faces are visible, suggesting they did not fear being held to account.<sup>42</sup>

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<sup>42</sup> Human Rights Watch reports: ‘Azerbaijan: Armenian Prisoners of War Badly Mistreated’, 2 December 2020; ‘Survivors of Unlawful Detention in Nagorno-Karabakh Speak Out about War Crimes’ 12 March 2021; ‘Azerbaijan: Armenian POWs Abused in Custody’, 19 March 2021

A report published in December 2020 by the Human Rights Ombudsmen of Nagorno Karabakh and Armenia cites footage of atrocities, which are published through Azerbaijani and Turkish social media accounts, including Facebook, TikTok and Instagram. One of the videos shows the abuse and desecration of a human corpse, where “members of Azerbaijani Armed Forces put the severed head of an Armenian [man] on a body of a dead animal, accompanied with insults and mockery.”<sup>43</sup> The victim was identified as Genadi Petrosyan, a non-combatant, aged 69. After his decapitation, a crowd claps and cheers loudly. “You have no honour, this is how we take revenge for the blood of our martyrs” and “this is how we get revenge – by cutting heads,” voices said off camera.<sup>44</sup>

Amnesty International analysed the same footage of Genadi Petrosyan’s death, confirming the executioner as an Azerbaijani soldier, based upon the type of camouflage of his uniform, the Azerbaijani flag on his shoulder and a patch with his blood type listed on his sleeve, as is standard among Azerbaijani soldiers. Amnesty International examined multiple other videos of mistreatment, perpetrated by both Azerbaijani and Armenian forces, and called on the authorities from each country to “immediately conduct independent, impartial investigations and identify all those responsible.”<sup>45</sup>

The Council of Europe, in its capacity as a neutral and recognised human rights watchdog, has promised to look into all alleged abuses and take action when appropriate. Such a commitment is to be welcomed. There must be no impunity for the most serious international crimes. Yet the scale and severity of abuse requires a much more urgent response – particularly given then claims that Azerbaijani soldiers have committed more beheadings and mutilations of Armenian civilians and soldiers since the ceasefire than during the war.

International humanitarian law is clear:

*“Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest. Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited.”*<sup>46</sup>

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<sup>43</sup> The Human Rights Defender of Armenia and The Human Rights Ombudsman of Artsakh , ‘Sixth Ad Hoc Report on torture and inhuman treatment of members of Artsakh Defense Army and captured Armenians by Azerbaijani Armed Forces (from December 2-16, 2020)’, December 2020

<sup>44</sup> *Loc cit*; *The Guardian*, 15 December 2020

<sup>45</sup> Amnesty International, ‘Armenia/Azerbaijan: Decapitation and war crimes in gruesome videos must be urgently investigated’, 10 December 2020

<sup>46</sup> Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949

Armenian POWs and civilian detainees are not “terrorists” as Azerbaijan’s President, Foreign Minister and other state officials claim. Their mistreatment, especially humiliating treatment and desecration of corpses, are war crimes and cannot be justified. Detainees should be released and repatriated without further delay. Perpetrators must be brought to justice.

#### **4.10 Cultural and religious sites**

Following the 10 November ceasefire, serious concerns emerged over the fate of hundreds of Armenian Christian monuments and cultural heritage sites, which are now under Azerbaijan’s control. The sites include 161 churches, the ancient city of Tigranakert, Azokh Paleolithic Cave and the Nor Karmiravan tombs.

On 20 November, UNESCO proposed to undertake an independent mission to draw a preliminary inventory of significant cultural properties, as a first step towards safeguarding the region’s heritage. On 10 and 11 December 2020, the Committee of The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and its Second Protocol (1999) welcomed UNESCO’s proposal and reiterated the need for an independent mission to “take stock” of the situation regarding cultural properties in and around Nagorno Karabakh.

However, as at 21 December, UNESCO had not received a reply from Azerbaijan. Their Assistant Director-General for Culture, Ernesto Ottone, said:

*“Only the response of Azerbaijan is still awaited for UNESCO to proceed with the sending of a mission to the field. The authorities of Azerbaijan have been approached several times without success so far. Every passing week makes the assessment of the situation concerning cultural property more difficult, not least due to the weather which is expected to become harsher in the coming weeks. The window of opportunity that was opened by the cease fire must not be closed again. The safeguarding of heritage is an important condition for the establishment of lasting peace. We are therefore expecting Baku to respond without delay so that the constructive discussions held over recent weeks can be turned into action.”<sup>47</sup>*

The lack of response from Azerbaijan is a serious cause for concern, especially in light of the previous systematic erasure of centuries-old Armenian religious sites in Nakhchivan, an Azerbaijani exclave that borders Iran. Destruction of monuments in Nakhchivan included an attack in 2005-06 on the Armenian Djulfa cemetery, where Azerbaijani soldiers, armed with sledgehammers and cranes, destroyed hundreds of hand-carved cross-stones. The soldiers reportedly dumped the debris into a nearby river. In total, an estimated 28,000 monuments were destroyed at Djulfa cemetery between 1997-2006, including 89 medieval churches, 5,840 cross-stones and 22,000 ancient

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<sup>47</sup> UNESCO, Press Release, ‘UNESCO is awaiting Azerbaijan’s Response regarding Nagorno-Karabakh mission’, 21 December 2020

tombstones.<sup>48</sup> According to a recent study, the cemetery has been replaced by a military rifle range,<sup>49</sup> although this is difficult to corroborate as the Government of Azerbaijan refuse entry to international inspectors.

A report published in January 2020 by Nagorno Karabakh's Human Rights Ombudsman, Artak Beglaryan, lists a number of cultural and religious sites that were targeted or damaged during or since the 44-day war, including: Ghazanchetsots Cathedral; St. John the Baptist Church in Shushi; an archaeological camp near Tigranakert, a memorial dedicated to the victims of the previous war; Armenian tombstones; a cross-stone in Ishkhan village in Hadrout; a cross standing in the middle of Sanasar town in memory of the martyrs of the previous war; a cross-monument at St. Mariam Astvatsatsin church; cultural monuments in Talish village; the cross-stone near Katarovank monastery; the statues of Sparapet Vazgen Sargsyan and Garegin Nzhdeh.



‘The mystery of the missing church’; photos taken in 2017 and 2021 (Source: BBC)

In a BBC report ‘the mystery of the missing church’, Azerbaijani troops are seen celebrating the capture of the town of Jabrayil from the bell tower of the local church. Correspondent Jonah Fisher visited the site after the 44-day war and the church was no longer there.<sup>50</sup>

Together with my colleague Revd. David Thomas, I visited Dadivank Monastery in November 2020 – one of the most iconic Armenian monasteries in Nagorno Karabakh – on the penultimate day of Armenian ownership before it was handed over to Azerbaijan. The monastery was built between the 9th-13th centuries on the site of a shrine believed to be the burial site of St. Dadi. The monastery fell into decay in the Soviet era and was badly neglected when handed to Azerbaijan in the 1920s. Only since Armenia reclaimed the area in 1994 has the Monastery been restored.

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<sup>48</sup> The Human Rights Ombudsman of the Republic of Artsakh, ‘Ad Hoc Public Report: The Armenian cultural heritage in Artsakh (Nagorno-Karabakh): Cases of vandalism and at risk of destruction by Azerbaijan’, 26 January 2021

<sup>49</sup> *Hyperallergic*, ‘A Regime Conceals Its Erasure of Indigenous Armenian Culture’, 18 February 2019

<sup>50</sup> *BBC News*, ‘Nagorno-Karabakh: The mystery of the missing church’, 25 March 2021



Father Hovhannes, at Dadivank Monastery, grief-stricken by the ‘abandonment and silence’ of international Christianity.

We asked Father Hovhannes, of the Monastery, to share his primary concerns. He replied: “We want justice. Pray for justice.” He also lamented the lack of support from the global Christian community:

*“No Christian has visited me or written to me. I have been left totally alone. I understand it is difficult to visit Karabakh when a war is raging. But, surely, they could have contacted me, sent their support, told me they stood with me. Surely picking up a phone is not as difficult as going to a war. There was panic when Azeri targeted civilians. These are terrible days. But all Christians are silent.”*

Although there is some hope that the Monastery will survive whilst under the protection of Russian peacekeeping forces, we witnessed local people removing ancient icons, which will be taken to Armenia for preservation, even digging up earth and gravel from the courtyard floor and placing it into plastic bags. They feared that this could be their final visit to Dadivank.

Their fears were compounded on 11 November when Azerbaijan's First Deputy Minister of Culture, Anar Karimov, tweeted photos of Dadivank Monastery and said:

*#Khudavang monastery is one of the best testimonies of ancient Caucasian Albania civilization. Built in 9-13th century by wife of Albanian prince Vakhtang in Kalbajar region of #Azerbaijan, this complex is composed of Church of Arzu Khatun, Church of Hasan, basilica and 2 chapels*

*The monastic complex of #Khudavang later was occupied by #Armenian armed forces in 1992 and was subject to alteration and falsifications aimed to change its origins and character in violation of @UNESCO Hague Convention of 1954*

Similar disturbing claims were made by President Aliev, who said on 14 January during a meeting with the Head of the Islamic World Educational, Scientific and Cultural Organisation:

*"They [Armenians] changed the names of our towns and villages and even the origins of Christian religious monuments. They changed the origins of the religious heritage of the ancient Udi people. They turned the churches of Old Caucasian Albania into Armenian churches."*

Such historical revisionism is, according to Karabakh's Human Rights Ombudsman, a 'campaign of appropriation' that dates back to the 1950s, whereby "Azerbaijani authorities simply rewrite history and replace the word Armenia / Armenian with Caucasian Albania / Caucasian Albanian". It is an attempt to "eradicate Armenian peoples' historical roots to the region and thereby diminish their entitlement to live in and govern these areas while fabricating an Azerbaijani historical presence."<sup>51</sup>

George Nelson, writing for the influential Art Newspaper, similarly expressed deep concern over the threat to the Armenian 'cultural capital' in Azerbaijan-occupied areas.<sup>52</sup> ICOMOS and its partner organisations, and the Europa Nostra, also issued special statements calling for immediate action to protect endangered sites.<sup>53</sup> It is essential that UNESCO honours its proposal made on 20 November 2020 to send immediately an independent mission to investigate all Armenian cultural and religious sites, to ensure their physical preservation, and to guarantee the rights of Armenian clergy and religious communities to continue to run them and live in them.

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<sup>51</sup> The Human Rights Ombudsman of the Republic of Artsakh, 'Ad Hoc Public Report', *Op cit*, 26 January 2021

<sup>52</sup> *The Art Newspaper*, 29 January 2021

<sup>53</sup> ICOMOS, ICA, IFLA and ICOM statement on the situation of cultural heritage in the Nagorno Karabakh region, 20 November 2020; Europa Nostra Statement related to the armed conflict in and around the Nagorno-Karabakh region, 28 October 2020

## 5. CONCLUSION

Azerbaijan hosted a victory parade on 10 December 2020 to celebrate the defeat of the Armenian forces, during which a military orchestra played the national anthems of Azerbaijan and Turkey. The parade featured more than 3,000 personnel, about 150 military hardware, including missiles and artillery systems, as well as warships, boats and helicopters carrying the Azerbaijani and Turkish flags.

During his speech, President Aliyev thanked the Turkish President, Recep Tayyip Erdogan, for his “unity and brotherhood” and his “open, unequivocal and harsh statements” which “made the Azerbaijani people very happy”.<sup>54</sup> He praised his troops for completing “their glorious mission” to liberate “our native lands from occupiers” and made no apology for adopting such aggressive military tactics:

*“Armenia has been no match for us. I have repeatedly said over the past 17 years that if Armenia did not withdraw its occupying forces from our lands of its own free will, we would resolve the matter by military means... Life has shown that we took timely steps, mobilised all our resources, created an iron fist and crushed the enemy’s head... If Armenian fascism ever raises its head again, the result will be the same. Again, Azerbaijan’s iron fist will break their back.”*

His avowed commitment to ‘liberate lands’ and ‘crush the enemy’s head’ are doubly alarming, considering that in the same speech he claimed that territories beyond Nagorno Karabakh – including Armenia’s capital Yerevan – “are our historical lands” and belong to Azerbaijan. He made similar territorial claims in 2013, 2014, 2016 and 2018, promising the return of Yerevan to Azerbaijan. When seen through the lens of the recent 44-day war – in the context of a victory speech at a military parade – such claims provoke a deep sense of unease. Indeed, armed units have already advanced into new positions along the Armenian-Azerbaijani border, away from the conflict zone in Karabakh, reportedly creeping into the sovereign territories of the Republic of Armenia. In some border villages, they have taken control of strategic positions, farmlands and water resources, with locals reporting daily gunfire.

### Recommendations:

- OSCE Minsk Group initiatives have so far proved ineffective in achieving a total cessation of hostilities. Given the intensity of the 44-day war and the complete lack of protection for civilians, **states involved in the mediation process must work doubly-hard to devise sufficient confidence-building measures** to regain the trust of Karabakh’s ethnic Armenian community and to ensure that Azerbaijan and Turkey uphold the 10 November ceasefire.

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<sup>54</sup> Press Release, President of the Republic of Azerbaijan, ‘A Victory parade dedicated to Victory in the Patriotic War was held at the Azadlig Square, Baku’, 10 December 2020

- The mistreatment of Armenian POWs and civilian detainees by Azerbaijani forces, including humiliating treatment and desecration of corpses, are war crimes. **Detainees should be released and repatriated without further delay. Perpetrators must be brought to justice.**
- **It is essential that UNESCO honours its proposal to send an independent mission to investigate all Armenian cultural and religious sites** to ensure their physical preservation and to guarantee the rights of Armenian clergy and religious communities to continue to run them and live in them. The OSCE Minsk Group should define these sites and artefacts (some of which are 1,500 years old) as vulnerable targets and ensure that measures are in place for an immediate response to an attack.
- **There is an urgent need to end the impunity with which Azerbaijan, supported by NATO-member Turkey, has carried out such systematic, wide-ranging and brutal violations of human rights.** To date, neither state has been held to account for its actions by the international community, despite clear evidence of past, recent and ongoing atrocities.

The scale and ferocity of Azerbaijani-Turkish military offensives during the 44-day war has intensified the justifiable fear among local people of the possibility of ethnic cleansing from their historic lands.

While I do not underestimate the suffering of the people of Azerbaijan or the reports of war crimes perpetrated by Armenia, it is the Armenian community of Nagorno Karabakh who are the primary victims of this tragic conflict. They have endured an enormous asymmetry of violence but their plight is all-too-readily dismissed or underplayed.

There must be no impunity for the most serious international crimes, as happened following the previous war in the 1990s. Perpetrators of atrocities must be held to account. We must no longer turn a deaf ear to the suffering of the people of Nagorno Karabakh.

## 6. APPENDIX: ‘THE SPIRIT OF ARMENIA’

I always say about the people of Nagorno Karabakh that they do not just survive; they create beauty from the ashes of destruction. Even during the darkest days of war, it has been humbling and inspiring to witness the ‘Spirit of Armenia’ rising like a Phoenix from the ashes of death and destruction, as the people share the love of their land, their history and their rich culture of music, dance and art. All this within the context of the breath-taking beauty of their land’s rugged mountains, thick forests, fertile valleys and crystal rivers.

During a poignant visit to Dadivank Monastery in November 2020 – on the penultimate day before the area was handed over to Azerbaijan – my colleague Revd. David Thomas spoke to three sisters who requested a photo with him. They asked him if we were smiling for the photo. “No,” David replied. “Then we must take it again!” one of the sisters said. “This is God’s place,” she explained. “And we must be happy here.”



Revd. Thomas smiling alongside three sisters visiting Dadivank Monastery for perhaps the last time.

We also visited refugees being accommodated in church buildings in the town of Saghmosavan, close to the Armenian capital, Yerevan. They described their intense suffering caused by loss of loved ones or not knowing their whereabouts, as well as their despair at the prospect of destitution, with no knowledge of how they are going to survive and care for their families. As we wept together, a 12-year old boy sat down at a piano and began to play beautiful music. We were profoundly moved by his talent and by the community’s commitment to maintain their precious culture amidst their overwhelming loss.

During the previous war, in the early 1990s, I visited Bishop (later Archbishop) Parkev Martirosyan in Stepanakert. Azerbaijan was firing 400 GRAD missiles every day onto Stepanakert. One morning, a missile hit the Bishop's home. Every morning when the bombing started – in the depth of winter in the cold and the dark (there was no electricity) – the Bishop would get up to pray. On that morning, just a minute after he got up to pray, a missile hit his home and a concrete slab landed on his bed. His life was literally saved by prayer! I visited a few hours later to convey my sympathy. He was standing in the still smouldering ruins of his home, obviously in a state of shock. We asked him if he had a message for the Church, for the world. I will never forget his words. He could not have had time to prepare a speech, but his spontaneous message is so profound:

*“We thank God that, after 70 years of Soviet Communism, we are free to pray again – in cellars and the field of battle defending the lives of those who are near and dear. It is not only the perpetrators of evil who commit sin, but those who stand by, seeing and knowing – but who do not condemn it or try to avert it. We have a Gospel of love. Whatever demonic forces are at work, not only in this war but anywhere in the world, we must never hate; we must still love.”*

After a short pause, he looked upwards to reiterate his final sentence, “we must always love.”