

SECOND INTERIM REPORT

ON

**VIOLATIONS BY ARMENIA OF
INTERNATIONAL HUMAN RIGHTS
LAW AND INTERNATIONAL
HUMANITARIAN LAW IN THE COURSE
OF NEW ARMED AGGRESSION
AGAINST AZERBAIJAN**

27 SEPTEMBER – 11 OCTOBER 2020

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ABBREVIATIONS

Armenia SSR	Armenia Soviet Socialist Republic
Azerbaijan SSR	Azerbaijan Soviet Socialist Republic
ECHR	European Court of Human Rights
ICRC	International Committee of Red Cross
IDPs	Internally Displaced Persons
PoWs	Prisoners of War
SC	Security Council
UN	United Nations
USSR	Union of Soviet Socialist Republics

INTRODUCTION

On September 27, 2020 the armed forces of Armenia, blatantly violating the ceasefire regime have launched another aggression against Azerbaijan, by intensively attacking the positions of the armed forces of Azerbaijan along the frontline, as well as by deliberately subjecting to artillery shelling residential areas of Tartar, Aghdam, Fuzuli and Jabrayil districts. On the following days, densely populated residential areas – Shamkir, Beylagan, Aghdam, Fuzuli, Jabrayil, Goranboy, Tartar, Barda, Aghjabadi and the city of Ganja were subjected to heavy bombardment, including with mid-range missiles.

As a result, there have been casualties among civilians and military servicemen of Azerbaijan. Extensive damage has been inflicted on many houses and other civilian infrastructure.

The new aggression by Armenia against Azerbaijan is yet another blatant violation of fundamental norms and principles of international law, the international humanitarian law, including the Geneva Conventions of 1949 and its Additional Protocols, as well as the United Nations Security Council resolutions 822, 853, 874, 884 of 1993 demanding the immediate and unconditional withdrawal of the armed forces of Armenia from the occupied territories of Azerbaijan.

As of October 11, totally 41 civilians, including children and elderly have been killed, 211 civilians have been wounded as a consequence of heavy artillery shelling. 1165 private houses, 57 apartment buildings and 146 civilian infrastructures were damaged and became unserviceable as a result of armed attack.

Vehicles belonging to civilians became unserviceable, and numerous small and large horned animals and haystacks were destroyed as well. Extensive damage was inflicted upon water, energy and other civilian infrastructure.

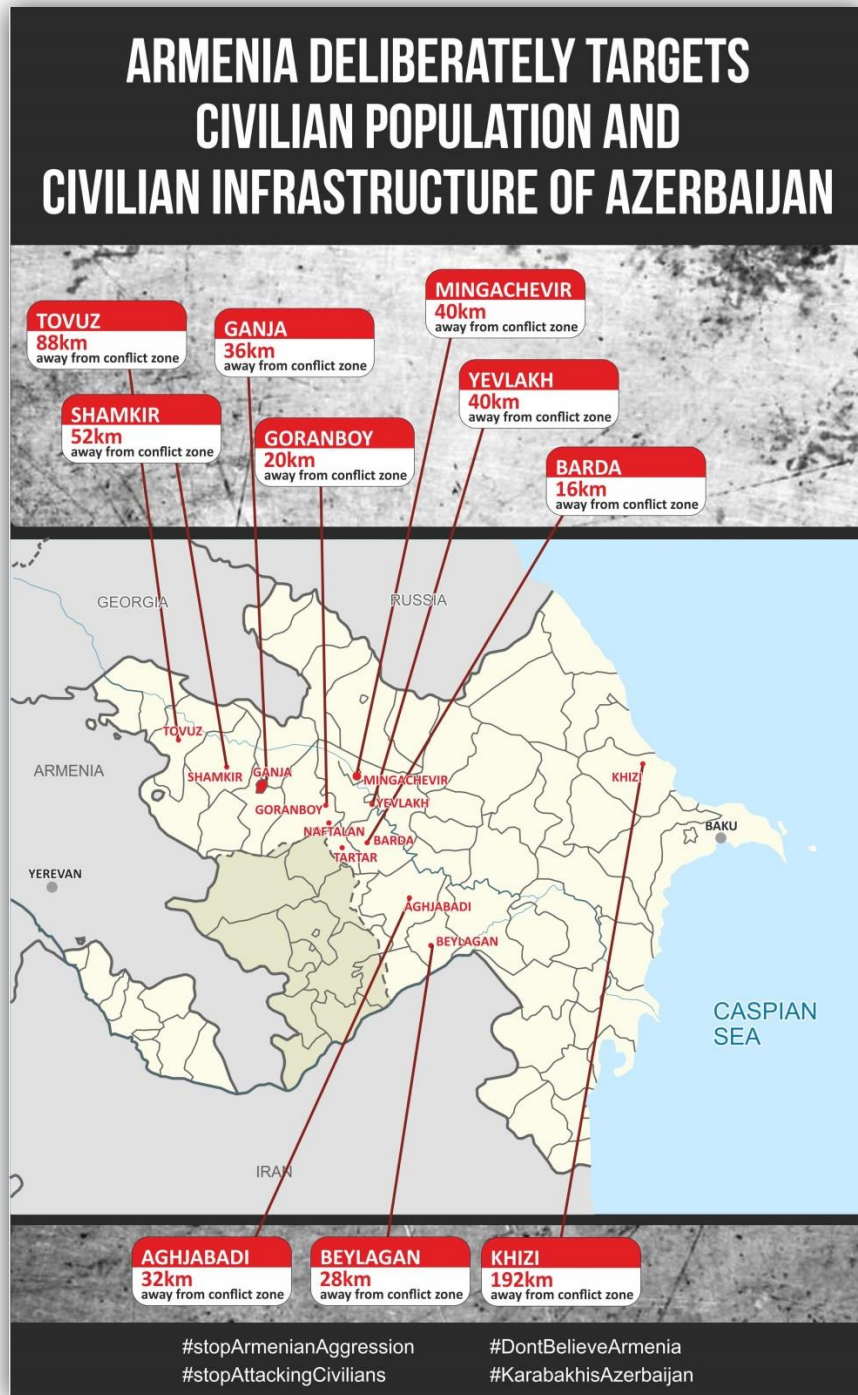
The armed forces of Armenia do not even spare ambulances and medical facilities in a blatant violation of international humanitarian law, in particular *Article 35* of the First Geneva Convention of 1949.

From October 4, 2020, the armed forces of Armenia subjected large cities and other settlements, including critical civilian infrastructure of Azerbaijan located far from the front line to missile attacks of different type, including Scud, Smerch, Tocka-U and etc.:

- *Ganja* – 2nd biggest city, in which more than 331 000 people reside and is located 36 km from the frontline have been subject to the indiscriminate shelling with missiles for two days in a row. As a result of armed attacks by Armenia, serious damages have been inflicted upon civilians, infrastructure, historical buildings, international hospital, school, furniture factory and central market as a result of Armenia's armed attack.
- *Mingechevir* – 4th biggest city in Azerbaijan, in which 106 000 people reside and is located around 100 km from the frontline was hit with 3 rockets launched by "Smerch" Multiple Rocket Launcher System on 4 October 2020 around 23:00. Two rockets fell unexploded in close proximity of Mingechevir Water Hydropower Complex and private

house, the third rocket reached its target and caused serious damage to the house and injuries to 5 civilians (more information about this act can be found below).

- *Khizi* – is located around 200 km from the frontline and around 80 km from Baku (capital of Azerbaijan) was hit with “Scud” tactical ballistic missiles. Missile hit the Turkoba village of Khizi region.
- *Absheron* – is located around 250 km from the frontline and around 15 km from Baku (capital of Azerbaijan) was hit with “Scud” tactical ballistic missiles. Missile hit Pirishikul village of Absheron region.



In order to repel military aggression by Armenia and to ensure the security of civilians and densely populated residential areas inside the internationally recognized territories of Azerbaijan, the Armed Forces of the Republic of Azerbaijan have launched counter-offensive measures. Azerbaijan acts on its sovereign soil exercising its right of self-defense and takes adequate and proportionate measures in full compliance with the international humanitarian law to thwart the imminent threat to its civilian population and ensure their security.

The political and military leadership of the Republic of Azerbaijan declared on numerous occasions since the start of counter-offensive operations that only military objects will be targeted and civilians residing in the occupied territories as well as civilian infrastructure therein will not be targeted. On October 04, the Ministry of Defense issued official appeal to those civilians calling them to stay away from the conflict zone, especially from firing points, military facilities and military infrastructure of the armed forces of Armenia. The Ministry further stated that appropriate conditions will be created for their evacuation from the conflict zone and all their rights will be protected.¹

In addition, the political and military authorities have issued several statements that the Republic of Azerbaijan has no military target in the territory of Armenia.

On October 10, in Moscow with mediation of the Russian Federation humanitarian ceasefire effective of 12:00 was agreed between Azerbaijan and Armenia to exchange the dead bodies and PoWs in accordance with the ICRC standards. Yet, despite the ceasefire, residential areas, including the city of Ganja and Mingechevir were again hit by several missile attacks on the night 10-11 October (detailed information is given under Section 3).

The following served as basis for the data presented:

1. Facts collected by the staff of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan;
2. Information obtained from the General Prosecutor's Office;
3. Information from verified media publications.

HISTORICAL BACKGROUND OF THE CONFLICT

After the collapse of the USSR, the international legal doctrine of *uti possidetis juris* secured the international, regional and national legitimacy of the boundaries of newly independent States. Under this legal doctrine, the former administrative borders of Azerbaijan SSR, which had included Nagorno-Karabakh Autonomous Oblast, were recognized by international law as the legitimate borders of the newly independent Republic of Azerbaijan. This was later reaffirmed in the UN Security Council resolutions 822, 853, 874 and 884 on the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan.

¹<https://mod.gov.az/en/news/the-military-command-of-azerbaijan-addressed-the-peaceful-population-living-in-the-occupied-territories-32628.html>

The Armenia-Azerbaijan Nagorno-Karabakh conflict started with the Armenians' open territorial claims to Azerbaijan's historical lands and ethnic provocations in 1988. In the early 1980s, the Armenians in the Soviet Union leadership, leaders of Armenian SSR and the Armenian Diaspora abroad exploited the weakening of the central government of the USSR to embark on a campaign to annex the Nagorno-Karabakh Autonomous Oblast to Armenia.

The United Nations Security Council adopted the above-mentioned four resolutions in 1993 in response to the occupation of the territories of Azerbaijan. These resolutions condemn the use of force against Azerbaijan and the occupation of its territories; reaffirm respect for the sovereignty and territorial integrity of Azerbaijan, inviolability of its international borders and the inadmissibility of use of force for acquisition of territories; confirm that the Nagorno-Karabakh region is part of Azerbaijan; and demand the immediate, full and unconditional withdrawal of the occupying forces from all the occupied territories.

The resolutions also made specific reference to violations of international humanitarian law, including the displacement of a large number of civilians in Azerbaijan, attacks on civilians and bombardments of its territory.

27 years after their adoption, the key demands of these UN SC resolutions remain unimplemented. At present 20 percent of the territory of Azerbaijan – Nagorno-Karabakh and 7 adjacent districts are under the occupation of Armenia. One million of IDPs and refugees fled their homes to save their lives and settled indifferent parts of Azerbaijan.

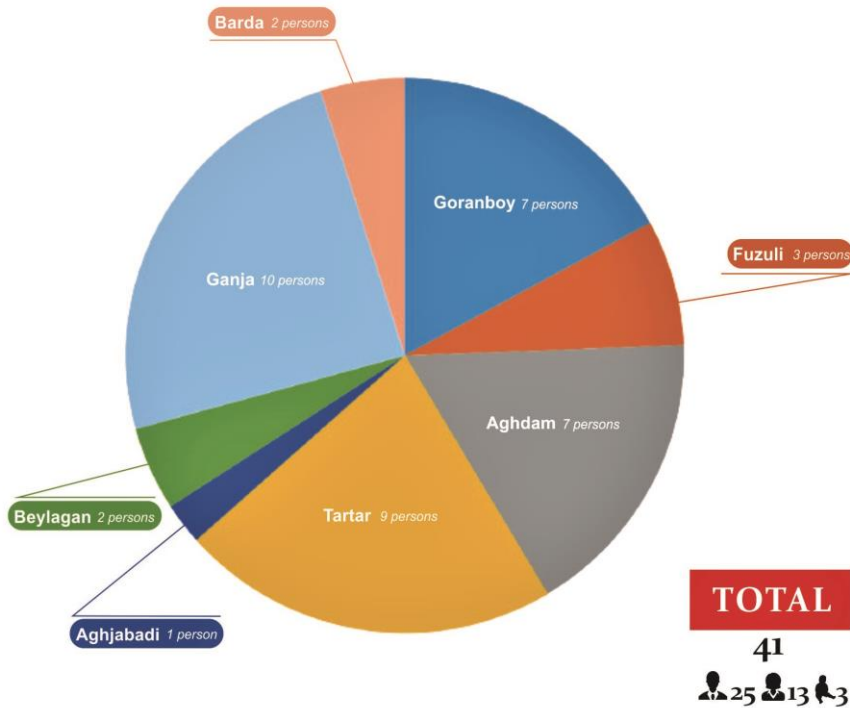
These criminal actions of Armenia shattered the foundations of international humanitarian law and were aimed at creating a new spiral of social and humanitarian crisis by disrupting the normal life of the civilian population in areas close to the line of contact.

Over almost 30 years, Armenia has been pursuing the aim to consolidate its occupation of this territory and maintain the status-quo created through illegal use of force against the sovereignty and territorial integrity of the Republic of Azerbaijan accompanied by heinous war crimes, crimes against humanity, such as genocide and ethnic cleansing.

SECTION 1. VIOLATIONS AGAINST CIVILIANS

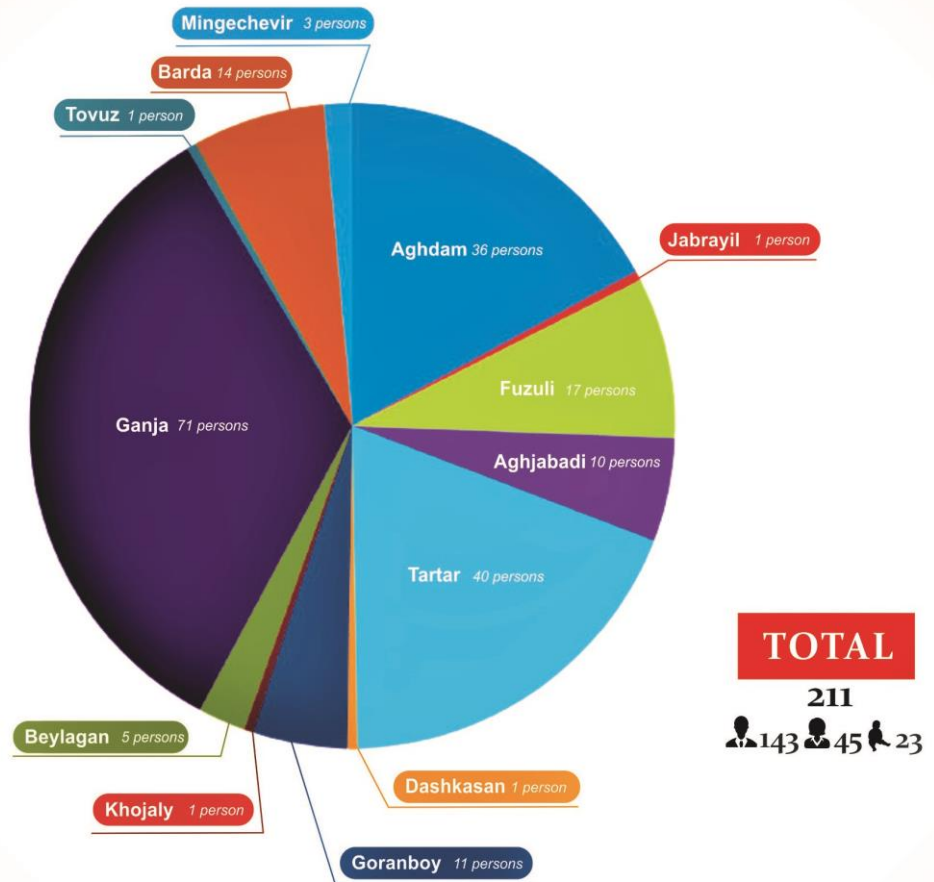
1.1. Deaths Among the Civilian Population

The armed forces of Armenia with the use of artillery, missiles shelled Shamkir, Beylagan, Aghdam, Fuzuli, Jabrayil, Goranboy, Tartar, Barda, Aghjabadi, Mingechevir, Khizi, Tovuz, Yevlakh, and the city of Ganja. As a result of indiscriminate deliberate targeting of densely populated residential areas 41 civilians, including 3 children, 13 women and 25 men were killed (*see Annex 1*). Thus, death toll among civilians has increased by 19 in one week since the release of the 1st Interim Report on October 5.



1.2. Civilian Injuries

Totally 211 civilians were seriously wounded. Thus, the increase in one week since the 1st Interim Report is 100 civilians. There are female, elderly and children among them. 71 civilians were seriously wounded only in the city of Ganja.



SECTION 2. TARGETING CIVILIAN INFRASTRUCTURE

2.1. Targeting Public Facilities and Private Property

1165 private houses, 57 apartment buildings and 146 civilian infrastructures were damaged and became unserviceable as a result of armed attack.

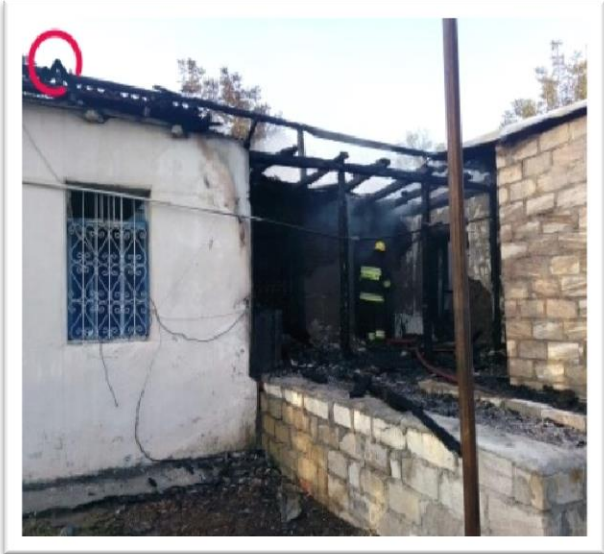


Photo 1 – 4: Private property hit by indiscriminate shelling in the Tartar district



Photo 5 – 6: *Destroyed private property*



Photo 7 – 8: *Private property damaged in the Aghdam district*



Photo 9 – 10: *Private house of Tartar resident Asif Mustafayev was destroyed, while he was hospitalized with serious injuries*

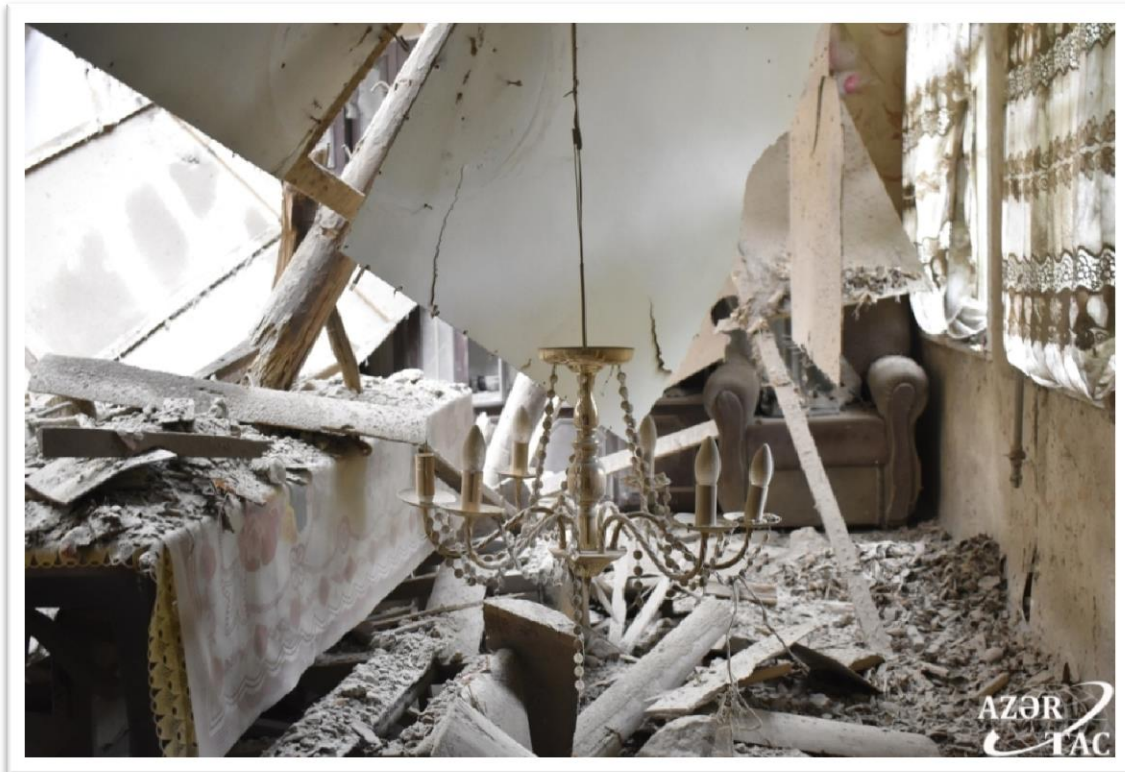


Photo 11 – 12: Private houses in the Aghdam district damaged



Photo 13: Private property in Goranboy district damaged

Photo 14 – 15: Yenikand village of the Goranboy district hit by artillery





Photo 16 – 18: Private houses of residents of the Horadiz settlement (Fuzuli district) targeted







Photo 19 – 26: *Civilian properties destroyed by missile attack on the Ganja city*

Residential IDP settlements were also targeted inflicting serious damage on public and private property. IDPs who temporarily found shelter in these settlements waiting to return to their homes have once again become victims of Armenian aggression

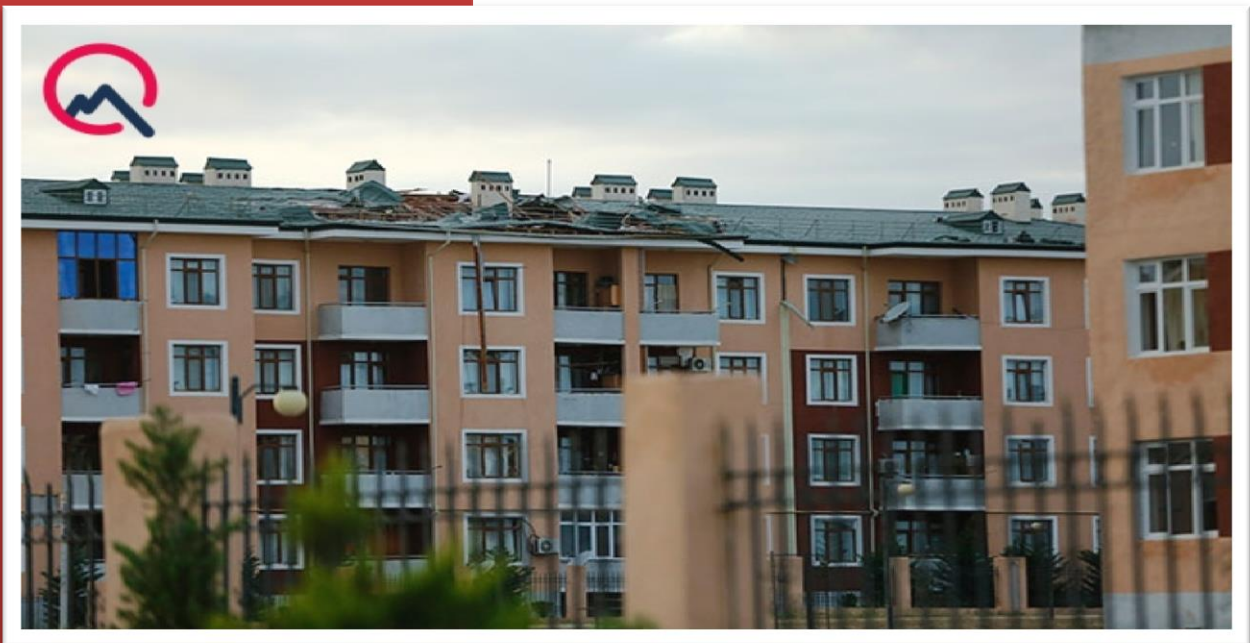


Photo 27 – 28: Residential building for the disabled and IDPs in Tartar was hit, two civilians died, two others wounded

[next page] >>

Photo 29 – 31: IDP settlement “Birinji Baharli” hit by artillery fire





Photo 32: Local bazar consisted of numerous shops and markets were destroyed by artillery shelling

Photo 33-34:
Private properties
destroyed by
missile attack in
Fuzuli





Photo 35: Private cars of Barda residents damaged and became unusable



Photo 36: Historical building in the city of Ganja hit by missile



Photo 37-38: Private house burned down after shelling in Aghdam



Photo 39-40: Hasangaya village in Barda



Photo 41-42: Numerous small and large horned animals and haystacks of the residents of the settlements targeted by heavy artillery and mortars were destroyed.



PARTICULAR CONCERN IS MEDICAL AND EDUCATIONAL INSTITUTIONS ARE BEING DELIBERATE TARGETS OF THE ARMED FORCES OF ARMENIA.



Photo 43 – 45: Local ambulance was targeted by artillery fire in the Tartar district, in a blatant violation of Article 35 of the First Geneva Convention of 1949. The driver was seriously wounded





Photo 46 – 49: Another vivid example of an ambulance being targeted in Aghdam



Photo 50: Garachinar secondary school, Ashagi Agjakend settlement (Goranboy)

2.2. Targeting Civilian Infrastructure

Vital civilian infrastructures, such as electricity, gas, water, communication stations have also been targeted. 10 kV Telestudio overhead line from 35/10 kV Khangarvand substation in Goranboy, and the 35 kV Gulustan and 10 kV Azizbeyov, 2ndSubartesian overhead lines from 110/30/10 kV Naftalan substation were repeatedly shot in Goranboy. The 0.4 kV distribution network in Tapgaragoyunlu is useless, repair and restoration work has not yet been possible.

10 kV AzGes №3, Sarijali №11 overhead lines from 110/35/10 kV Tartar substation and 10kV Borsunlu №3 from 35 kV Demirchiler substation were shot.

35 kV Horadiz-BoyukBahmanli overhead line, as well as 10 kV Shukurbayli, Gazakhlar, Babi and Alkhanli overhead lines from the 35/10 kV Horadiz and Mahmudlu substation was shot in different places and then restored in Fuzuli. In Alkhanli and Shukurbayli villages, the 0.4 kV distribution network is useless.

110 kV Tazakand-1, Tazakand-2, Khindiristan-1 and Khindiristan-2 overhead lines were shot in Agdam. These lines have also been restored. In Aghjabadi, 10 kV Minakhorlu from 110/35/10 kV Karabakh substation and 10 kV PMK-4 overhead line from 35/10 kV Qiyamadinli substation were shot down.

According to the latest data, the gas supply of Tapgaragoyunlu village of Goranboy remains to be limited. At present, natural gas has been supplied at more than 50% of Fuzuli region. The gas supply for 53 residential settlements has been suspended, except Tartar city and 51 villages, 25 villages of Aghjabadi, a village and 5 settlements of Agdam.



Photo 51 – 52: Electricity and energy infrastructure damaged and settlements were cut from electricity

SECTION 3. VIOLATIONS DURING THE HUMANITARIAN CEASEFIRE

Despite the humanitarian ceasefire entered into force as of 12:00 pm on October 10, following the agreement reached in Moscow with the mediation of the Russian Federation, armed forces of Armenia continued to target civilian property and other civilian infrastructure in densely populated residential areas.

On the night of October 10-11, the city of Ganja was hit extensively by Tochka-U missile attacks. According to preliminary conclusion, 9 civilians, including 4 women died. 34 civilians, including 6 children were seriously wounded. More than 10 apartments and more than 100 different types of private property were either destroyed or seriously damaged.



Photo 53: *Children wounded as a result of the missile attack on the city of Ganja*



Photo 54 – 55: *Injured residents of Ganja after the attack of the armed forces of Armenia*



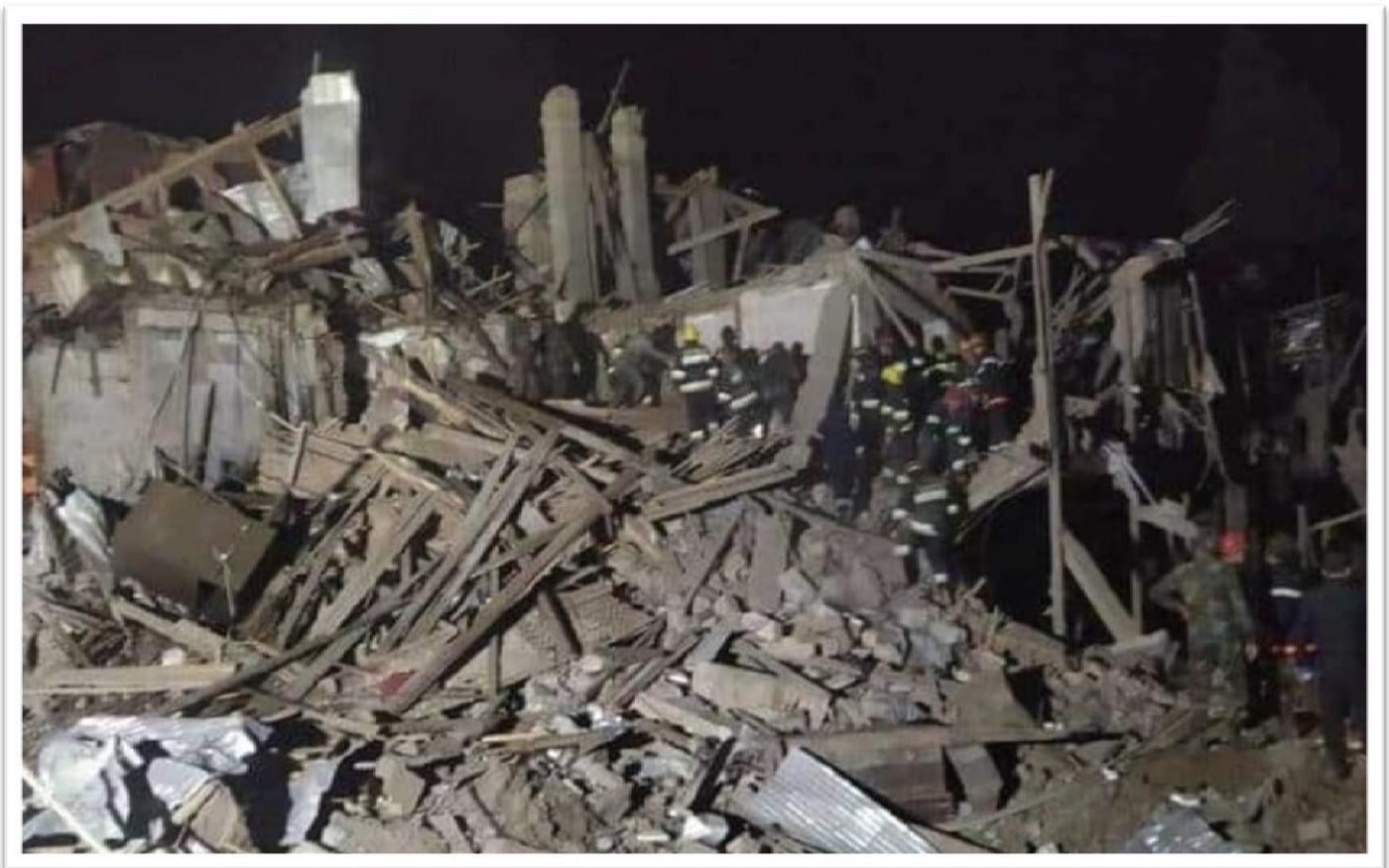
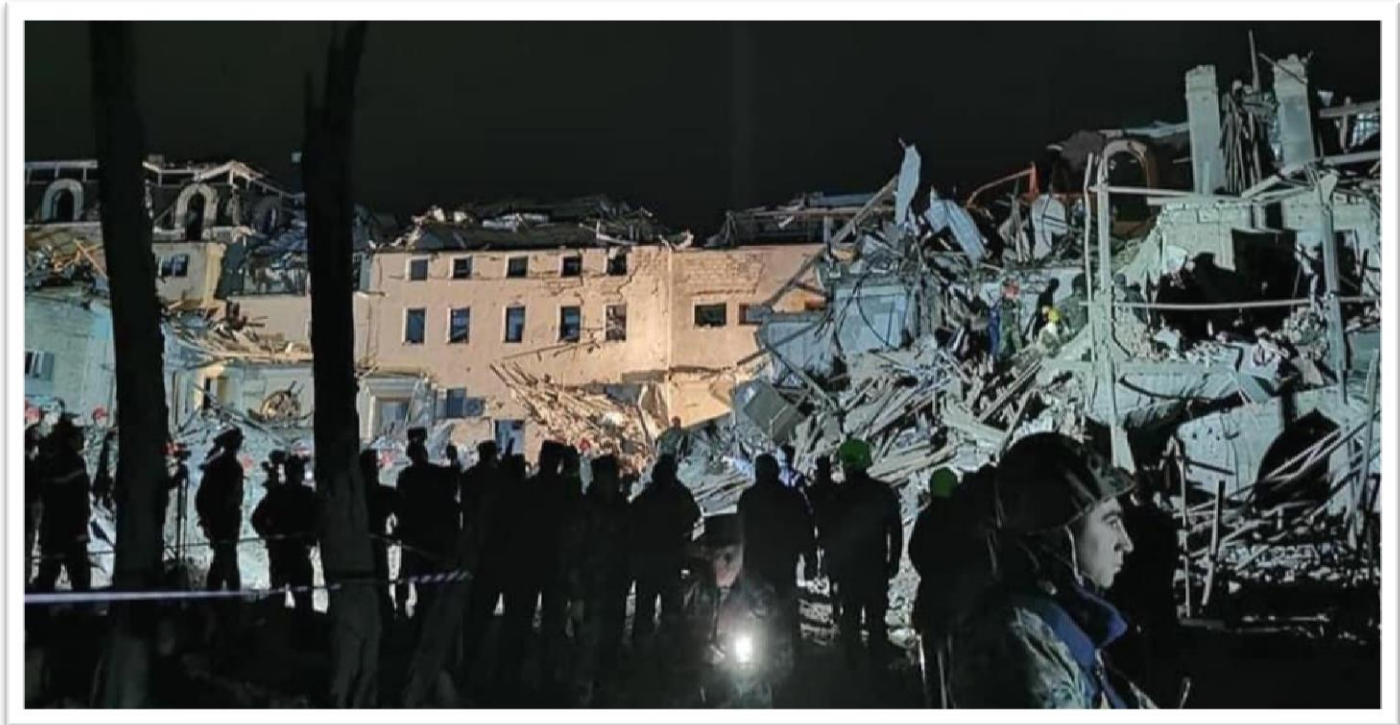


Photo 56 – 57: *Damage inflicted upon the civilian infrastructure in the city of Ganja*



Photo 58 – 59: Minghechevir, located 40 km away from the conflict zone, which also hosts the largest water reservoir in the South Caucasus was targeted by Smerch rocket missiles by the armed forces of Armenia

SECTION 4.VIOLATIONS WITH RESPECT TO CIVILIANS IN THE TERRITORIES UNDER CONTROL OF ARMENIA

There are mass media reports indicating that Armenia does not take necessary measures with a view to clearly distinguish journalists from combatants. Some photos suggest that in some instances, journalists in the theatre of active military operations also act as combatants.



Photo 60 – 62: A person claimed to be a journalist wears military uniform and holds a machin gun in his hand

There are also media footages indicating civilians, including children are recruited to participate in the military activities.



Photo 63: Children helping soldiers to clean their guns



Photo 64: Armed forces of Armenia uses civilians to attack Azerbaijan

These photographic evidences testify to violation of Armenia of its obligation under Article 58 (c) of the Additional Protocol I to the Geneva Conventions, which oblige the Party to the conflict to take all feasible precautions to protect the civilian population and civilian objects under its control against the effects of attacks.

Furthermore, involvement of the children in armed hostilities indicate Armenia's violations under Article 77 (2) of Addition Protocol I and Article 38 of the Convention on the Rights of Child prohibiting the recruitment of children into armed forces or not allowing them to take a direct part in hostilities.

SECTION 5. CONCLUSIONS









The new phase of aggression by Armenia unleashed in the early morning of September 27, 2020, has already led to severe violations of human rights:

1. Armenia has been making use of missile and artillery weapons to target the civilian settlements and objects as well as infrastructures of vital importance deliberately, indiscriminately and systematically which is a gross violation of international humanitarian law and constitutes war crime.
2. Armenia has been violating the right to life of the civilian population of the Republic of Azerbaijan (Art 2 of ECHR).
3. The deliberate attacks on civilians and civilian infrastructure resulting from discrimination based on the nationality and ethnicity in a clear violation of Art 14 of ECHR. Of particular notice is a deliberate targeting of IDPs, their houses and other private property. Being victim to 1991-1994 ethnic cleansing committed by Armenia, they become target of Armenia yet for another time. This constitutes war crime and crime against humanity.
4. During military operations, Armenia has intensively used weapons and methods prohibited by the international humanitarian law. Medical facilities and vehicles have been targeted in violation of Article 35 of the First Geneva Convention of 1949.
5. Deliberate and indiscriminate attacks on educational facilities constitute violation of Articles 51 and 52 of the Additional Protocol I to the Geneva Conventions of 1949. This is also a violation of the right to education of schoolchildren residing in targeted areas as stipulated, inter alia, in Article 13 of 1966 International Covenant on Economic, Social and Cultural Rights.
6. Serious damage has been inflicted upon private property of civilians. As a result, their houses, livestock, vehicles and other private property have been destroyed and damaged, which constitutes violation of their right to property (Art. 1 of Protocol 1 of ECHR).
7. Armenia violates its obligations under international human rights law and humanitarian law with respect to civilians under its own control. This includes, among others, Articles 58 (c) and 77 (c) of the Additional Protocol I to the Geneva Conventions, as well as Article 38 of the Convention on the Rights of the Child.

This survey is far from being comprehensive. However, it demonstrates the range, variety and consistency of Armenia's violations of international human rights law and international humanitarian law. Armenia bears responsibility for war crimes it has committed as a matter of the international law of State responsibility, which includes its agents and officials and those for whom it must be deemed liable by virtue of direct instruction.

ANNEX 1

List of 41 civilians, including 3 children and 13 women, killed by armed forces of Armenia
(27.09.2020-11.10.2020)²

Photo	Name, Surname and Patronymic	Date of birth
AGHDAM (7 civilians)		
	Elmaddin <i>Humbat</i> SARIYEV	05.03.1997
	Eyvaz <i>Musa</i> RAHIMOV	07.07.1954
	Gunduz <i>Taryel</i> HUSEYNOV	08.01.1974
	Joshgun <i>Anvar</i> PASHAYEV	01.01.1979
	Murshud <i>Rashid</i> MAMMADOV	16.03.1966
	Samir <i>Murshud</i> MAMMADOV	15.04.1996
	Zarifa <i>Gamboy</i> ALIYEVA	27.03.1945
AGHJABADI (1 civilian)		
	Farid <i>Dilafat</i> ISKANDAROV	11.08.2006

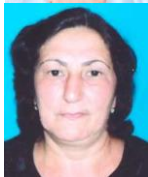
² Information provided by the Office of the Prosecutor General of the Republic of Azerbaijan

BARDA (2 civilians)



Javid *Ali* RUSTAMOV

14.03.1975



Shahriyar *Isa* MEHDIYEVA

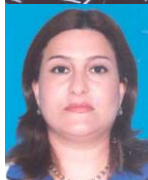
26.03.1961

BEYLAGAN (2 civilians)



Arzu *Isgandar* ASADOVA

15.12.1998



Zulfiyya *Isgandar* ISMAYILOVA

04.12.1976

FUZULI (3 civilians)



Emil *Elshad* GULIYEV

14.02.2000



Ikhtiyar *Ajdar* SAFAROV

12.02.1971



Murad *Tahir* RUSTAMOV

16.02.1990

GANJA (10 civilians)



Adil *Hamza* ALIYEV

14.04.1992



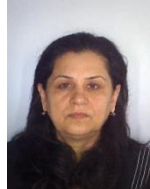
Afag Aziz ALIYEVA

27.09.1957



Anar Adil ALIYEV

31.07.1982



Durra Hilal JAFAROVA

17.04.1967



Jeyhun Jamal ALASGAROV

01.12.1958



Nurchin Emin ALIYEVA

06.03.1987



Ramiz Yusif BAGHIROV

26.04.1958



Tarana Pasha ALASGAROVA

28.01.1965



Tunar Goshgar ALIYEV

22.05.1999



Ulvi Jeyhun ALASGAROV

23.07.1990

GORANBOY (7 civilians)



Afag Damir AMIROVA

12.01.1981



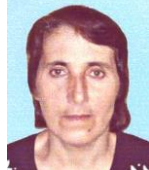
Elbrus *Isa* GURBANOV

24.11.1951



Fidan *Elshan* GURBANOVA

01.03.2006



Raziya *Bayramali* ABBASOVA

18.01.1955



Shafayat *Novruz* GURBANOVA

22.02.1956



Shahriyar *Elshan* GURBANOV

30.11.2007



Turyan *Tofiq* GULIYEVA

23.04.1957

TARTAR (9 civilians)



Ayna *Muhammedali* MEHTIYEVA

20.06.1965



Elshan *Asif* ABBASOV

04.10.1987



Khalig *Asif* ABBASOV

24.07.1981



Hasan *Asif* MAMMADOV

01.02.1981



Mehman Sovet ALIYEV

04.09.1977



Muzaffar Ali ALIYEV

27.08.1971



Sabit Usub ASADOV

22.07.1981



Shahin Mahmud IBRAHIMOV

24.12.1987



Zabil Mahammad HASANOV

01.06.1983

THE COMMISSIONER FOR HUMAN
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