



*The red dots represent  
Armenian land unlawfully  
occupied by Azerbaijan*

**THE PLANNING, INCITING,  
ORDERING, INSTIGATING,  
AND IMPLEMENTING OF  
GENOCIDE BY PRESIDENT ILHAM  
ALIYEV AND OTHER HIGH  
RANKING OFFICIALS**

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### **The Center for Truth and Justice**

The Center for Truth and Justice (CFTJ) is an international human rights organization committed to documenting atrocity crimes and pursuing accountability for perpetrators. Through legal clinics overseeing the collection of direct evidence from survivors, and advocacy, CFTJ works to create and use legal records to attain accountability.

CFTJ's mission is to amplify the voices of victims of human rights violations, including discrimination, ethnic cleansing, displacement, war crimes, mass atrocities, and genocide.

Center For Truth And Justice

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Center For Truth And Justice

## 1.0 Introduction

The Center for Truth and Justice (CFTJ) requests the ICC Prosecutor to initiate a preliminary examination of the ongoing genocide committed by Azerbaijan's Armed Forces under the leadership/direction of a) the President of Azerbaijan and Commander-in-Chief of the Armed Forces, Ilham Aliyev, b) Colonel General Zakir Hasanov, the Minister of Defense, c) Colonel General Karim Valiyev, the Chief of General Staff, and d) Hikmat Izzat Oghlu Mirzayev, the Deputy Minister of Defense and Former Commander of the Special Forces (Yashma), against ethnic Armenians within the territory of the Republic of Armenia (Armenia) that are currently under the unlawful occupation of Azerbaijan's Armed Forces.

This CFTJ communication requests the ICC Prosecutor to open a preliminary examination of the situation in Armenia since May 12, 2021, both to prevent and to punish the perpetrators of the genocide committed against ethnic Armenians under the Convention on the Prevention and Punishment of the Crime of Genocide, Article II(c), deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

On May 12, 2021, the Azerbaijani Armed Forces initiated an unlawful military aggression resulting in the illegal occupation of over 200 square kilometers of Armenian sovereign territory in the provinces of Gegharkunik, Syunik, Vayots Dzor, Tavush and Ararat. Azerbaijan's President Aliyev and Azerbaijani state officials, at the highest levels, have planned, incited, instigated, ordered, and directly implemented a state policy of genocide against ethnic Armenians. They have done so through an ongoing campaign of forcible removal of at least 7,000 ethnic Armenians from Armenian territory by occupying the territory through unlawful military aggression, the systematic killing of those ethnic Armenian civilians who refused to leave, the forced disappearance of at least 200 ethnic Armenian civilians and PoWs and the extrajudicial execution of at least 12 PoWs captured since May of 2021. In addition, Azerbaijan's Armed Forces have subjected at least 100 ethnic Armenian civilians and PoWs to arbitrary detention and there have been at least 350 documented cases of torture and other inhumane acts against both ethnic Armenian civilians and PoWs.

The crimes documented by CFTJ are not a string of unrelated human rights violations but rather reveal a synchronized, comprehensive unlawful military campaign to destroy the ethnic Armenian population in the Azerbaijani-occupied parts of Armenia. The documented evidence shows a clear pattern that has been carried out and continues to be implemented by the state officials of Azerbaijan to threaten, humiliate, denigrate, de-humanize, attack, unlawfully detain, execute, kill, torture, and forcibly displace ethnic Armenians from their lands, and occupy Armenian territories under the false assertion that these are historically Azerbaijani areas.

Substantiating genocide lies in proving the requisite intent to destroy, in whole or in part, a designated group. In this instance, the repeated declarations made by President Aliyev for the last decade unequivocally demonstrate his intention to destroy ethnic Armenians. As early as April 2015, President Aliyev warned ethnic Armenians in areas under Azerbaijan's control:

“If you do not want to die, then get out of Azerbaijani lands. [...]”<sup>1</sup>

President Aliyev has repeatedly been explicit about his claim to the territory of present-day Armenia as Azerbaijani land, his intention to reclaim these lands by force and to remove ethnic Armenians whom he has referred to as “rats”,<sup>2</sup> “dogs”,<sup>3</sup> “devils”,<sup>4</sup> “terrorists”,<sup>5</sup> “fascists”,<sup>6</sup> “enemies”,<sup>7</sup> “human-like creatures”,<sup>8</sup> “barbarians

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<sup>1</sup> *Ilham Aliyev chaired the meeting of the Cabinet of Ministers dedicated to the results of socioeconomic development in the first quarter of 2015 and objectives for the future*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Apr. 10, 2015), <https://president.az/en/articles/view/14805>.

<sup>2</sup> Joe Nersessian, *The Mixed Messaging of Ilham Aliyev*, EVN REPORT (Mar. 3, 2023), <https://evnreport.com/spotlight-karabakh/the-mixed-messaging-of-ilham-aliyev/>.

<sup>3</sup> *Ilham Aliyev addressed the nation*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Oct. 4, 2020), <https://president.az/en/articles/view/41713>.

<sup>4</sup> *President Ilham Aliyev and First Lady Mehriban Aliyeva viewed exhibitions organized by Heydar Aliyev Foundation in Shusha*, STATE COMMITTEE FOR AFFAIRS OF REFUGEES AND INTERNALLY DISPLACED PERSONS OF THE REPUBLIC OF AZERBAIJAN (Aug 30, 2021), <https://idp.gov.az/en/news/1259>.

<sup>5</sup> *Ilham Aliyev's interview with Spanish EFE news agency*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Oct. 2, 2021), <https://president.az/en/articles/view/53296>.

<sup>6</sup> *Ilham Aliyev was interviewed by AZERTAC*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Jan. 31, 2022), <https://president.az/en/articles/view/55326>

<sup>7</sup> *Ilham Aliyev met with members of Khojavand general public*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Oct. 10, 2021), <https://president.az/en/articles/view/53402>. ; *Ilham Aliyev viewed conditions created at one of commando military units of Ministry of Defense, and presented battle flag to military unit*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (June 23, 2022), <https://president.az/en/articles/view/60327>.

<sup>8</sup> *Ilham Aliyev gave an interview to Azerbaijan Television in Salyan*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Apr. 18, 2023), <https://president.az/az/articles/view/59451>.

and vandals,"<sup>9</sup> and a "virus".<sup>10</sup> This dehumanizing rhetoric, which portrays Armenians not just as adversaries but as existential threats to Azerbaijani identity, has been used as part of a broader narrative justifying their eradication.

President Aliyev publicly admitted having forcibly removed at least 91,000 ethnic Armenians from Nagorno-Karabakh during the 2020 war in Nagorno-Karabakh<sup>11</sup> through violence. On October 17, 2020, President Aliyev, commenting on the unlawful military aggression and occupation of Nagorno-Karabakh by the Azerbaijan Armed Forces, stated during a televised address:

"I said that if they [ethnic Armenians] do not leave our lands of their own free will, we will chase them away like dogs and we are doing that."<sup>12</sup>

On December 23, 2020, President Aliyev and the first lady of Azerbaijan, who is also the Vice-President of Azerbaijan, further admitted to the forcible displacement of Armenians from Nagorno-Karabakh using the word "enemy" 42 times to describe Armenians:

"We showed our strength on the battlefield. *We have expelled the Armenians from our lands.* We have raised the Azerbaijani flag on our lands. We have fulfilled the greatest wish of the Azerbaijani people on the battlefield, not through negotiations. (...)." <sup>13</sup>

This acknowledgment is not a mere reflection of wartime realities, but a declaration of a broader policy aimed at the deliberate eradication of the ethnic Armenians. This genocidal intent against ethnic Armenians has been widely shared and openly expressed by several high-level Azerbaijani state officials and celebrated through propaganda strategies. A primary example is the opening of the Military Trophy Park soon after the 2020 war, frequented by families and children, where mannequins are

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<sup>9</sup> "Ilham Aliyev met with representatives of general public of Jabrayil, laid foundation of Memorial Complex and of the restoration of the city, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Oct. 5, 2020), <https://president.az/en/articles/view/53343>. Ilham Aliyev met with members of general public, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Oct. 18, 2021), <https://president.az/en/articles/view/53513>.

<sup>10</sup> *Opening speech by Ilham Aliyev at the 7th Congress of New Azerbaijan Party*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Mar. 5, 2021), <https://president.az/en/articles/view/50805>

<sup>11</sup> *Persons in Refugee-Like Situation*, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR), <https://www.unhcr.org/am/en/persons-in-refugee-like-situation>. (Last visited Apr. 1, 2024).

<sup>12</sup> *Ilham Aliyev addressed the nation*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Oct. 17, 2020), <https://president.az/en/articles/view/43334>.

<sup>13</sup> *Ilham Aliyev and First Lady Mehriban Aliyeva visited Gubadli and Zangilan districts*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Dec. 23, 2020), <https://president.az/en/articles/view/49394>.

exhibited as dead Armenian soldiers and the glorification of the murderers of ethnic Armenians are celebrated as national heroes by President Aliyev himself. <sup>14</sup>

In October 2021, President Aliyev, addressing Armenians, stated:

“[W]e will crush your head regardless of anyone. No one can protect you.”<sup>15</sup>

Forcible displacement, while not explicitly listed in the Genocide Convention as an act of genocide, constitutes genocide when i) it creates conditions of life calculated to bring about their physical destruction inducing their forcible displacement; and ii) causes mental and bodily harm contributing to the decimation of a group. The forcible removal of at least 7,000 ethnic Armenians from Azerbaijani-occupied Armenian territory was not an isolated act but part of a broader ongoing campaign publicly ordered and acknowledged by President Aliyev to deliberately and systematically remove ethnic Armenians from Armenian territory falsely claimed by Azerbaijan.

The Azerbaijani strategy to forcibly deport the 150,000 ethnic Armenians<sup>16171819</sup> (30,000 forcibly deported in 2020, and 120,000 in 2023) living in Nagorno-Karabakh - an enclave of ethnic Armenians within the *de jure* border of Azerbaijan but *de facto* autonomously governed, constitutes indicia of genocidal intent against ethnic Armenians, which the Azerbaijani Armed Forces have implemented both in Nagorno-Karabakh and Armenia.

The unlawful military aggression by the Azerbaijani Armed Forces has followed a consistent pattern, marked by the indiscriminate targeting of ethnic Armenian

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<sup>14</sup> See “Ad Hoc Report: A Park of Killed Armenian Soldiers and Chained Prisoners of War,” THE HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (2021), <https://www.ombuds.am/images/files/fec534aee0fe528fe043e41c90cd83b5.pdf>.

<sup>15</sup> *Speech by Ilham Aliyev in Sugovushan settlement, Tartar district*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Oct. 4, 2021), <https://president.az/en/articles/view/53479>.

<sup>16</sup> Neil Hauer, *Armenia Is Still Grieving*, FOREIGN POLICY, (Apr. 24, 2021), <https://foreignpolicy.com/2021/04/24/armenia-azerbaijan-war-nagorno-karabakh-aftermath/>.

<sup>17</sup> *Occupied Hadrut is Undeniable Proof of Azerbaijan’s Policy of Ethnic Cleansing of the Armenian People*, ARMENPRESS (Oct. 11, 2021), <https://armenpress.am/eng/news/1065296/>.

<sup>18</sup> Neil Hauer, *Nagorno-Karabakh: Ethnic Armenians prepare to give up homes*, ALJAZEERA, (Nov. 13, 2020), <https://www.aljazeera.com/amp/news/2020/11/13/nagorno-karabakh-ethnic-armenians-prepare-to-give-up-homes>.

<sup>19</sup> During the 44-Day War waged by Azerbaijan in Nagorno-Karabakh 110,000 Armenians from all regions of Nagorno-Karabakh escaped into Armenia. After the cease-fire most returned to Nagorno-Karabakh, however 30,000 were permanently displaced from Hadrut and its environs, Shoushi and Kelbajar which was occupied by the Azerbaijani Armed Forces, and those who stayed behind were brutally murdered.



civilians, and civilian infrastructure in towns and villages in Armenia to instill constant fear in ethnic Armenians. The Armenians in the Republic of Armenia, having lost over 5,000 young men during the 44-day war launched by Azerbaijan, with over 10,000 men disabled due to injuries, and the forcible displacement of 150,000 Armenians from Nagorno-Karabakh, recognize the consequences of genocide. Azerbaijan's state policy is clear: if Armenians do not leave the lands that are demanded by President Aliyev, Azerbaijan's military forces will target civilians and their homes, fields, schools, and communities, traumatize them, attack, bomb, torture, behead and kill them. As a result, Armenians in the bordering towns where Azerbaijan's Armed Forces have taken position in occupied Armenian territories, choose to flee at the first sign of impending violence and death to save themselves.

Armenians recognize the pattern of genocide being carried out by President Aliyev. He has made his intentions abundantly clear in his constant barrage of hate speech, where he makes clear that if lands are not emptied of Armenians, Azerbaijan will take them by force – a promise he has made good on several occasions, ultimately resulting in mass violence, killings and the forcible displacement of the Armenian people, with their lands ultimately occupied by Azerbaijan.

An example of this type of pattern of harassment and forced displacement occurs when Azerbaijan first begins long-range shooting from higher grounds of Armenian land occupied by the Azerbaijani Armed Forces. The constant barrage of fire and harassment of local farmers renders the areas unsafe for the local population. This leads the majority of the civilians to flee driven by fear of violence, leaving mainly the elderly and those with disabilities behind. The Azerbaijani forces also use amplified recordings of Mugham (a traditional Azerbaijani musical genre) and Muslim prayers, interspersed with menacing threats, preceding nocturnal gunfire assaults, to harass villagers to compel them to evacuate their residences.<sup>20</sup>

The Azerbaijani Armed Forces will then advance with ground troops through these now mostly uninhabited lands, encountering minimal resistance from Armenian forces, which are significantly outmatched in military strength. Upon establishing control over these Armenian territories, the Azerbaijani forces systematically kill or subject the elderly, disabled, and captured PoWs to forced disappearance, torture,

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<sup>20</sup> CFTJ Interview, Witness 21LC-NK0036, Witness 21LC-NK0027, Witness 21LC-NK0029.

and arbitrary detention. Instances of public executions are regularly captured on camera by Azerbaijani soldiers and used for Azerbaijani propaganda.

After three waves of unlawful military aggression against Nagorno-Karabakh in 2016, 2020, and 2023, using heavy artillery, drones, cluster ammunition, and incendiary weapons in residential areas, the outcome was the forcible deportations of 2,000, 30,000, and 120,000 Armenians, respectively. From December 2022 to September 2023, the State of Azerbaijan imposed a blockade of the Lachin Corridor cutting off the delivery of food, medical necessities, and fuel to 120,000 ethnic Armenians. The blockade of the Lachin Corridor by Azerbaijan's Armed Forces, which constitutes a strategic act to deliberately inflict life-threatening conditions on ethnic Armenians under Azerbaijani occupation, was implemented in violation of an International Court of Justice (ICJ) order confirming the occurrence of the material elements of Genocide set out in Article II(c) of the Genocide Convention relating to the deliberate inflicting conditions of life calculated to bring about its physical destruction on a group.<sup>21</sup> Subsequently, in September 2023, Azerbaijan's Armed Forces deliberately implemented an unlawful military aggression against the starving ethnic Armenian population of Nagorno-Karabakh, systematically targeting civilians and civilian infrastructure using advanced weaponry that goes beyond conventional warfare tactics. This indicates a blatant disregard for civilian life in violation of international law and supports the existence of a genocidal intent against ethnic Armenians. This aggression by Azerbaijan caused the deportation of the last 120,000 ethnic Armenians from Nagorno-Karabakh.

The forcible removal of ethnic Armenians from Azerbaijani-occupied Armenian territory in Gegharkunik, Syunik, Vayots Dzor, Ararat and Tavush aims to use the same strategy to ensure the physical destruction of ethnic Armenians by causing serious bodily and mental harm and/or by leading to conditions of life calculated to bring about their destruction.<sup>22</sup>

Since May 2023, Azerbaijan's Armed Forces have systematically committed acts of illegal military aggression against areas within Armenia in Gegharkunik, Syunik,

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<sup>21</sup> *Application of the International Convention on the Elimination of All Forms of Racial Discrimination, (Armenia v. Azerbaijan)*, Order No. 180-20230222-ORD-01-00-EN, Case No. 180, 3 (ICJ, February 22, 2023).

<sup>22</sup> *Prosecutor v. Tolimir*, Case No. IT-05-88-A, Judgment, para 209 (ICTY April 8, 2015); *Prosecutor v. Karadzic*, Case No. IT-95-5/18-T, Judgment, para 545 (ICTY March 24, 2016).

Vayots Dzor, Tavush and Ararat, gradually coercing the ethnic Armenian civilians to flee and establishing their unlawful occupation over Armenian territories. In September 2022, Azerbaijan's Armed Forces escalated the violence on the borders of Armenia and Azerbaijan in the provinces of Gegharkunik, Syunik, Vayots Dzor, leading to further forcible displacement of ethnic Armenians from these areas. Azerbaijan's Armed Forces systematically killed the ethnic Armenian civilians who refused to leave, and subjected both civilians and PoWs to forced disappearance, extrajudicial execution, torture, and arbitrary detention. The Azerbaijani Armed Forces attacked civilians as they were fleeing and implemented a scorched earth policy resulting in at least 7,000 individuals being forcibly displaced from the provinces of Gegharkunik, Syunik, and Vayots Dzor within two days from September 13 to 15, 2022. This course of conduct continued in 2023 and is ongoing to this day.

The extrajudicial killing of the captured ethnic Armenian PoWs is also a genocidal act, since, as supported by the evidence collected by CFTJ, these individuals were targeted for killings not merely as combatants or enemies in a conflict but specifically because they were ethnic Armenians. In many cases, these executions were orchestrated to be particularly violent and degrading to the ethnic Armenians including beheadings, mutilations, and the theatrical display of body parts of ethnic Armenians on dead pigs.

It is important to highlight that the females captured by the Azerbaijani Armed Forces were systematically singled out to be subjected to gender-specific brutalities. These brutalities included mutilation aimed to be degrading and the display of their naked bodies in a sexualized manner while being referred to in dehumanizing terms. The "Yaşma" or "Yashma" brigade of Azerbaijan's Armed Forces became particularly notorious in September 2022 for recording their acts of violence against ethnic Armenian women which they took the time to mutilate on the battlefield. In footage from September 12, 2022, a female PoW, identified as Gayane Abgaryan, was filmed after she was captured, tortured, killed, and mutilated by the Yasma brigade. The video shows her body, stripped naked, her eyes gouged and replaced with stones, her legs cut off, her ears cut off, and her severed finger shoved in her mouth, being kicked by an Azerbaijani soldier. The perpetrators also wrote the name of their brigade on her body. The same video shows an Azerbaijani soldier filming the scene and stepping on the body of another partially naked ethnic Armenian woman. Further

dialogue captured in the video reveals one of the Azerbaijani soldiers boasting about their actions, stating that they had killed an additional two women.<sup>23</sup>

In another incident captured on video on September 13, 2022, Azerbaijani soldiers brutally killed another ethnic Armenian female soldier, who was serving as a nurse. Following the killing, they filmed her tortured and naked body. The video, which lasted 56 seconds in total, was distributed on Azerbaijani Telegram channels. In the footage, at the 30-second mark, her body is shown with a naked torso, her bra having been removed, and there are visible signs of torture, including knife marks on her torso and her lower body partially exposed.<sup>24</sup> The video was subsequently disseminated through various social media channels, including Telegram. It is pertinent to note that following these horrific incidents, Azerbaijani Telegram channels created stickers featuring the mutilated bodies of Armenian women. Documentation reveals that some of the stickers depicting tortured Armenian women were downloaded by approximately 20,000 Azerbaijani users within a mere 5-day period.<sup>25</sup> These acts of violence against ethnic Armenian females recorded to be displayed publicly not only serve as a means of physical destruction but also as a tool to glorify the perpetrators and deliberately propagate a pervasive sense of fear, terror, and intimidation.

CFTJ has noted during its documentation of the crimes that the psychological impact is compounded when the violence is not only witnessed firsthand but also when it is seen being celebrated or trivialized online, reinforcing the victims' sense of vulnerability and helplessness. A civilian interviewed by CFTJ in the aftermath of Azerbaijani attacks on September 13, 2022, stated that the experience of being bombed that day felt like a “punishment” and that it was not an “aggression but rather an execution.” He continued, “for them [Azerbaijani soldiers] there was no difference” between military positions and civilian infrastructure since the Azerbaijani Armed Forces that are occupying Armenian mountains can observe “the movement

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<sup>23</sup> *Desecration of Female Armenian Soldier by Azerbaijani Troops*, AZERBAIJANI WAR CRIMES (Sept. 19, 2022),

<https://azeriwarcrimes.org/2022/09/19/desecration-of-female-armenian-soldier-by-azerbaijani-troops/>.

<sup>24</sup> Karabakh Today (@KarabakhRu), TELEGRAM (Sept. 13, 2022, 1:20 AM) “*Destroyed Armenian military personnel*,” <https://t.me/KarabakhRu/25718>.

<sup>25</sup> Tatoyan Foundation, *Azerbaijani Ongoing Hatred Policy Towards Armenians: A State-Sponsored Motivation for Atrocities* (2022)

<https://tatoyanfoundation.org/wp-content/uploads/2022/09/%D4%B6%D5%A5%D5%AF%D5%B8%D6%82%D5%B5%D6%81.pdf>. A

[of civilians] and it felt like that they were purposefully targeting homes to harm the civilians."<sup>26</sup>

Individuals interviewed by CFTJ in the aftermath of the unlawful military aggression of Azerbaijan against Armenia often struggle with a constant state of hyper-vigilance, where even mundane events trigger intense fear and anxiety. As expressed by a resident of Kut village speaking about his experience from the September 13, 2022 attack during which his home was bombed, "the stress levels are high in the community (...) people cannot sleep at night. When the dog barks you think the Azerbaijanis have come [to kill you]."<sup>27</sup> Another resident of Kut village noted, "It's [the village] close to the border. Especially at nights you can hear shootings. The Azerbaijanis are sitting in our positions, it is very dangerous. They are 2 kilometers away, maybe less. They [Azerbaijanis] can attack at any moment."<sup>28</sup> Additionally, according to testimonial evidence gathered by CFTJ, there is a consistent pattern observed among residents of border villages in Armenia, who are fleeing their homes out of apprehension of invasion and peril to their lives. For instance, a former resident of the Goris community in Syunik Province recounted her ordeal of fleeing her residence, stating, "I will never return to a border-proximate area. My past experience serves as a lesson, and I am determined not to subject my children to similar distress. History continues to repeat itself."<sup>29</sup>

Beyond the concern for the gravity of the crimes already committed against the ethnic Armenians, many of whom are now internally displaced in Armenia, or subjected to forced disappearance or imprisonment in Azerbaijan, CFTJ wishes to highlight the imminent threat posed by the State of Azerbaijan to other Armenians residing within Armenia's borders in the context of their ongoing unlawful military aggression.

In 2023, Aliyev stated:

"They [ethnic Armenians] should not forget where the flag of Azerbaijan flies today. The Azerbaijani flag flew in Karabakh today. The Azerbaijani flag flies in the Zangezur mountains [Armenian territory). Let them not forget that. Can they come close to those flags? Can that human-like creature [ethnic

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<sup>26</sup> CFTJ Interview, Witness 22LC-0067.

<sup>27</sup> CFTJ Interview, Witness 22LC-0064.

<sup>28</sup> CFTJ Interview, Witness 23LC-0065.

<sup>29</sup> CFTJ Interview, Witness 23LC-0032.

Armenians] and his likes approach those flags? They are afraid even to look at those flags from afar. (...) But they should think carefully. One day they may wake up to see the Azerbaijan flag above their heads.”<sup>30</sup>

The constant escalation of the aggressive rhetoric of genocidal intent from President Aliyev against ethnic Armenians, and the pattern of behavior exhibited by Azerbaijani Armed Forces against ethnic Armenians within Armenian territory, underscores the imminent threat posed by the Azerbaijani state to other ethnic Armenians residing within Armenian borders. It is important to highlight that in addition to the 200 square kilometers of Armenian sovereign territory under Azerbaijani occupation,<sup>31</sup> at least 32 Armenian villages within Armenian territory are currently located nearby Azerbaijani Armed Forces’ established military positions in Armenian occupied areas and being subjected to the same pattern of genocide. Furthermore, on March 9, 2024, the Deputy Prime Minister Shahin Mustafayev demanded the immediate surrender of Baghanis Ayrum, Nerkin Voskepar, Heyrimili, and Berqaber in the Tavush province of Armenia, which would, tragically, condemn their ethnic Armenian residents to the same fate.<sup>32</sup>

CFTJ has already published a range of catalogs of evidence documenting Aliyev’s intention to invade and occupy Armenia,<sup>33</sup> and violations of the ICJ Orders by Azerbaijan from 2022 to 2024.<sup>34</sup> Should the ICC Prosecutor decide to proceed with the opening of an investigation, CFTJ is amenable to sharing evidence with the Office of the Prosecutor and facilitating on-site visits to victims and witnesses.

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<sup>30</sup> See *Ilham Aliyev gave an interview to Azerbaijan Television in Salyan*, supra note 7, <https://president.az/az/articles/view/59451>.

<sup>31</sup> Shoghik Galstian, *Baku Insists On Armenian Withdrawal From Four Border Villages*, AZATUTYUN (Mar. 11, 2024), <https://www.azatutyun.am/a/32857315.html>.

<sup>32</sup> Tigran Grigoryan, *Baku wants peace without border delimitation*, CIVILNET (Mar. 11, 2024), <https://www.civilnet.am/en/news/767393/baku-wants-peace-without-border-delimitation/>.

<sup>33</sup> Elena Teslova, *Azerbaijan demands return of 4 villages under occupation of Armenia*, ANADALOU AGENCY

, (Mar. 9, 2024),

<https://www.aa.com.tr/en/europe/azerbaijan-demands-return-of-4-villages-under-occupation-of-armenia/a/3160285>; See also *Conclusive Evidence of Ilham Aliyev’s Intention to Invade and Occupy Armenia*, CENTER FOR TRUTH AND JUSTICE

, (Apr. 9, 2024),

<https://www.cftjjustice.org/conclusive-evidence-of-ilham-aliyevs-intention-to-invade-and-occupy-armenia/>.

<sup>34</sup> *Id*; See also *Catalogue Listing Digital Evidence of Azerbaijan Violating UN Court Orders & Continued Human Rights Violations*, CENTER FOR TRUTH AND JUSTICE

, (Apr. 5, 2024),

<https://www.cftjjustice.org/catalogue-of-open-source-digital-evidence-icj-violations-by-azerbaijan/>.

## 2.0 Aggressive Wars Against Nagorno-Karabakh and the Forcible Displacement of the Entire Armenian Population

### 2.1 Historical Background of Nagorno-Karabakh

In September 2020, the Republic of Nagorno-Karabakh (also known as Artsakh) had three branches of government with an established Parliament and functioned as a democracy with a free economy. Its total population consisted of 150,000 predominantly ethnic Armenians. As of September 2023, the population of the Republic of Nagorno-Karabakh drastically diminished as the population escaped to the Republic of Armenia for safety. Today, there are only a few dozen Armenians left in Nagorno-Karabakh. As a result, Nagorno-Karabakh has ceased to exist as an independent and democratic republic.

Nagorno-Karabakh was the 10th province of the Kingdom of Armenia from c. 189 BC to 387 AD. From the 7th to 9th centuries, it fell under Arab control. In 821, it formed the Armenian principality of Khachen and around the year 1000 was proclaimed the Kingdom of Artsakh, one of the last medieval eastern Armenian kingdoms and principalities to maintain its autonomy following Turkic invasions of the 11th and 14th centuries.

Nagorno-Karabakh has historically been predominantly ethnically Armenian, with a majority Armenian population of 99.7% as of 2015.<sup>35</sup>

Today, for the first time in its history, Nagorno-Karabakh stands devoid of Armenians.<sup>36</sup>

The conflict over Nagorno-Karabakh dates to the early 20th century, amid the formation of new nation-states in the South Caucasus. Following the Russian Empire's collapse, Nagorno-Karabakh was claimed by both the First Republic of Armenia and the Azerbaijan Democratic Republic, despite its Armenian majority declaring independence under the jurisdiction of the Karabakh National Council.<sup>37</sup>

<sup>35</sup> Henze, P. B., *The Demography of the Caucasus According to 1989 Soviet Census Data*, Central Asian Survey 10, no. 1-2 (1991): 147–170, doi:10.1080/02634939108400741.

<sup>36</sup> *An Exodus Out of Indigenous Lands: Azerbaijan's Forced Displacement of the Ethnic Armenians From Nagorno-Karabakh*, CENTER FOR TRUTH AND JUSTICE (2023). [https://www.cftjustice.org/wp-content/uploads/2023/12/Exodus\\_FinalV4.pdf](https://www.cftjustice.org/wp-content/uploads/2023/12/Exodus_FinalV4.pdf).

<sup>37</sup> Mikaelyan, V.A., *Nagorno Karabakh in 1918-1923*, Collection of Documents and Materials, Armenian Academy of Sciences 13-15 (1992); Richard Hovannisian, *The Republic of Armenia, Vol. I: The First Year, 1918-1919* (1st ed., 1971).

There were no internationally recognized borders with Nagorno-Karabakh within the Azerbaijani Republic.

The British-brokered 1919 provisional accord granted Armenians cultural autonomy in Nagorno-Karabakh but did not integrate the territory into Azerbaijan permanently.<sup>38</sup> However, Azerbaijani attempts to occupy the territory led to violence, notably the 1920 Shushi pogrom, in which 20,000 Armenians were killed by Azerbaijani soldiers, and the entire Armenian section of Shushi was razed.<sup>39</sup>

In response, the Ninth Assembly of the Armenians of Karabakh immediately nullified the 1919 accord and declared unification with the Republic of Armenia.

During the Soviet era, when Armenia was incorporated within the USSR, Nagorno-Karabakh, in 1920, was designated an Autonomous Oblast within the Azerbaijani SSR, maintaining self-governance and avoiding direct conflict, though underlying tensions persisted.<sup>40</sup> It never existed as a part of an independent Azerbaijan. Resistance from Azerbaijani authorities would trigger hostilities and violence between both groups. Pogroms against Armenians emerged throughout the South Caucasus supported by the Azerbaijani SSR, including but not limited to the areas of Sumgait (1988), Kirovabad (1988), and Maraga (1992), leading to the deaths of between 178 and 520 Armenians<sup>41</sup> and the flight of nearly the entire Armenian population of Azerbaijan, which was estimated at 400,000 people.<sup>42</sup>

As the Armenians of Nagorno-Karabakh demanded more rights, Azerbaijan responded with violence. One of the most notorious instances of violence occurred in the Azerbaijani city of Sumgait, located several hundred kilometers away from Nagorno-Karabakh. With a population exceeding 223,000, including approximately 18,000 Armenians, Sumgait became the site of horrific pogroms that lasted from February 27 to 29, 1988. During the pogroms, perpetrators targeted individuals solely based on their Armenian ethnicity, leading to widespread atrocities. Gangs

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<sup>38</sup> *Id.*

<sup>39</sup> Charles Van Der Leewu, *Azerbaijan: A Quest for Identity: A Short History* (1st ed. 2000); Christopher J. Walker, *Armenia: The Survival of a Nation*, 270 (2nd ed 1990).

<sup>40</sup> BRUBAKER, ROGERS, *Nationhood and the National Question in the Soviet Union and post-Soviet Eurasia: An Institutionalist Account: Theory and Society*, JOURNAL OF MODERN ETHNICITY, VOL. 23, NO. 1, 47-48 (1994) <http://www.jstor.org/stable/657812>.

<sup>41</sup> SAMVEL SHAHMURATIAN, *THE SUMGAI TRAGEDY: POGROMS AGAINST ARMENIANS IN SOVIET AZERBAIJAN* (1st ed. 1990).

<sup>42</sup> *Armenians in Azerbaijan*, MINORITY RIGHTS GROUP, <https://minorityrights.org/communities/armenians/#:~:text=By%20December%201991%2C%20a%20referendum,around%20400%2C000%20Armenians%20in%20Azerbaijan> (March 2018).



roamed the city, committing acts of brutal violence that included mutilation, rape, and murder. Women were subjected to particularly heinous acts, such as being stripped naked, set on fire, and gang raped, both in private and in public spaces.<sup>43</sup> Official figures indicate that 26 Armenians lost their lives in the Sumgait massacre, while over 400 individuals sustained injuries. Approximately 200 apartments were subjected to attacks and looting, with more than 50 cultural structures and over 100 vehicles being damaged.<sup>44</sup> As a result of the Sumgait massacre, this Armenian population of nearly 17,000 was displaced.<sup>45</sup>

Following the Sumgait pogroms, a wave of persecution targeted ethnic Armenians in Baku, the capital of Azerbaijan, in January 1990. From 13 to 19 January 1990, hundreds of thousands of Armenians encountered a series of large-scale pogroms, reflecting Azerbaijan's systematic policy of attacking the Armenian population. For five days the Armenians of Baku "were killed, tortured, robbed, and humiliated. Pregnant women and babies were molested, little girls were raped in front of their parents' eyes, Christian crosses were burned on their backs, and they were abused for their Christian faith."<sup>46</sup> More than 90 ethnic Armenian civilians reportedly lost their lives because of actions perpetrated by the State of Azerbaijan. Faced with the threat of extermination, approximately 250,000 Armenians were forced to flee Azerbaijan.<sup>47</sup> It has been reported that preparations for the massacres of Armenians in Azerbaijan were meticulously planned and backed by the State of Azerbaijan.<sup>48</sup>

Interethnic violence that erupted at the end of Soviet rule and the ensuing flight of local populations resulted in greater ethnic homogeneity within Armenia, Nagorno-Karabakh, and Azerbaijan. Both Azerbaijan and Armenia would go on to declare independence from the USSR in 1991.

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<sup>43</sup> THOMAS DE WAAL, *BLACK GARDEN: ARMENIA AND AZERBAIJAN THROUGH PEACE AND WAR*, 34 (1st ed., 2003); SHAHMURATIAN, *supra* note. 227.

<sup>44</sup> *THE SUMGAIT MASSACRES: FEBRUARY 1988*, "ARMENIAN GENOCIDE MUSEUM-INSTITUTE" FOUNDATION (Feb. 28, 2022) <http://www.genocide-museum.am/eng/28.02.22.php>.

<sup>45</sup> *MASSACRES AND ATTACKS AGAINST THE ARMENIAN POPULATION IN SUMGAIT ON FEBRUARY 27-29, 1988*, ARMENIAN GENOCIDE MUSEUM-INSTITUTE FOUNDATION (Feb. 28, 2019), [http://www.genocide-museum.am/eng/28.02.2019\\_Sumgait.php#:~:text=Numerous%20Sumgait%20Armenians%20were%20killed,of%20the%20city%20was%20displaced.](http://www.genocide-museum.am/eng/28.02.2019_Sumgait.php#:~:text=Numerous%20Sumgait%20Armenians%20were%20killed,of%20the%20city%20was%20displaced.)

<sup>46</sup> United Nations, The Committee on the Elimination of Discrimination against Women (CEDAW) (February 11, 1997), <https://www.un.org/esa/gopher-data/ga/cedaw/17/country/Armenia/C-ARM1C1.EN.N>

<sup>47</sup> DE WAAL, *supra* note 90.

<sup>48</sup> Robert Kushen, *Conflict In the Soviet Union: Black January in Azerbaijan*, HUMAN RIGHTS WATCH/HELSINKI (FORMERLY HELSINKI WATCH) THE INTER-REPUBLIC MEMORIAL SOCIETY, 1 (1991) <https://www.hrw.org/reports/pdfs/u/ussr/ussr915.pdf>.

Since Nagorno-Karabakh was never recognized internationally as part of the 1918 Azerbaijani Republic, the reestablishment of an independent state did not provide a legal basis for Nagorno-Karabakh to fall under its jurisdiction. Thus, the ethnic Armenian population never accepted Azerbaijan's post-Soviet claims to the territory.

By 1988, escalating tensions led to a significant event when the Nagorno-Karabakh legislature voted for the territory to be transferred from Soviet Azerbaijan to Soviet Armenia, driven by the aspiration of the Armenians of Nagorno-Karabakh to exercise their right to self-determination. This move triggered the Nagorno-Karabakh War, fought between 1988 and 1994 and ended in a ceasefire brokered by Russia known as the Bishkek Protocol.<sup>49</sup> This left Nagorno-Karabakh *de facto* independent, with a self-government in Stepanakert, but still heavily reliant on close economic, political, and military ties with Armenia.

The Republic of Artsakh was officially established on September 2, 1991, when a joint session of deputies of all levels of the Nagorno-Karabakh Autonomous Region and the Shahumyan province proclaimed the Nagorno-Karabakh Republic, laying the foundation for the creation of an independent democratic state. The decision to create an independent state was confirmed on December 10, 1991, through the expression of the will of the people of Nagorno-Karabakh in the nationwide referendum.

## 2.2 2016 Aggression against Nagorno-Karabakh

From April 1 to 5, 2016, Azerbaijani forces launched a significant offensive against Nagorno-Karabakh. The Azerbaijani Special Forces encircled the Armenian villages of Talish and Mataghis in Nagorno-Karabakh, employing heavy artillery and combat aviation.<sup>50</sup>

Official reports disclosed that 91 ethnic Armenian soldiers and 31 Azerbaijani soldiers were killed.<sup>51</sup> Additionally, 9 ethnic Armenian civilians, including 2 children,

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<sup>49</sup> *Bishkek Protocol*, UNITED NATIONS PEACEMAKER (May 5, 1994)  
<https://peacemaker.un.org/armeniaazerbaijan-bishkekprotocol94>.

<sup>50</sup> Maciej Falkowski and Aleksandra Jarosiewicz, *The four-day war in Nagorno-Karabakh*, CENTRE FOR EASTERN STUDIES (Apr. 6, 2016),  
<https://www.osw.waw.pl/en/publikacje/analyses/2016-04-06/four-day-war-nagorno-karabakh>.

<sup>51</sup> *165 Armenian Servicemen Died in 2016*, ASBAREZ (Jan. 12, 2017),  
<http://asbarez.com/158971/165-armenian-servicemen-died-in-2016/>.

were reported murdered, with numerous others injured.<sup>52</sup> Notably, a 12-year-old boy was killed by a strike in Martuni,<sup>53</sup> and an elderly couple was brutally murdered and mutilated in Talish in their own home.<sup>54</sup>

Reports also emerged of hundreds of Armenian soldiers being beheaded near Talish by Azerbaijani soldiers. A young man's headless body was returned to his parents and buried without his head. Days later, the severed head was returned to the parents.<sup>55</sup>

Furthermore, 15 Armenian soldiers were reported to have had their ears cut off post-mortem by Azerbaijani Armed Forces.<sup>56</sup> The conflict resulted in over 2000 individuals being displaced from Nagorno-Karabakh to Armenia. Most of them were unable to return due to safety concerns.<sup>57</sup>

President Aliyev, referencing the April 2016 conflict, stated that it provided a strategic advantage, which he credited for aiding the success of the subsequent 2020 conflict in the region.<sup>58</sup> Additionally, after the 2020 Aggression Against Nagorno-Karabakh, Aliyev confirmed that his attack on Nagorno-Karabakh in 2016 "created additional opportunities, including a successful campaign in the Second Karabakh War," emphasizing the strategic importance of the earlier attack in paving the way for further advancements in 2020.<sup>59</sup>

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<sup>52</sup> *Serj Tankian Calls on Supporting Families of Killed Armenian Soldiers*, ARMENPRESS (Apr. 9, 2016), <https://armenpress.am/eng/news/842900/serj-tankian-calls-on-supporting-families-of-killed-armenian-soldiers.html>.

<sup>53</sup> *Armenia-Azerbaijan: Four-Day War in Nagorno-Karabakh Kills Dozens*, BBC NEWS (Apr. 3, 2016), <https://www.bbc.com/news/world-europe-35949991>.

<sup>54</sup> Hakob Poghosyan, *Azerbaijani Soldiers Execute Elderly Armenian Couple in Artsakh; Then Cut Off Their Ears*, HETQ (Apr. 3, 2016), <https://hetq.am/en/article/66976>.

<sup>55</sup> *Azerbaijan's Violence in April War*, PANARMENIAN.NET (July 5, 2017), <https://www.panarmenian.net/m/eng/details/243538>; *Armenians Seek War Crimes Rulings Against Azerbaijan*, AZATUTYUN (July 25, 2017), <https://www.azatutyun.am/a/28637767.html>.

<sup>56</sup> *Id.*

<sup>57</sup> *More than 2000 People Left Karabakh for Armenia Amid 2016 NK Conflict Escalation – UNHCR Representative in Armenia*, PANORAMA (June 20, 2017), <https://www.panorama.am/en/news/2017/06/20/2016-NK-conflict-escalation-UNHCR-representative-Armenia/1795923>.

<sup>58</sup> *Speech by Ilham Aliyev at the nationwide festivities on the occasion of Novruz holiday*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Mar. 19, 2016), <https://president.az/en/articles/view/19436>.

<sup>59</sup> *Speech by Ilham Aliyev during a trip to Lachin*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Sept. 21, 2022), <https://president.az/en/articles/view/58559>.

### 2.3 Aggressive War against Nagorno-Karabakh – The 44-Day War

On September 27, 2020, Azerbaijan initiated an unprovoked, full-fledged military offensive against Nagorno-Karabakh with intense bombardment, the use of drones, sensors, and long-range artillery to isolate and dismantle Armenian positions followed by ground troops consisting of approximately 2,580 Syrian extremist Sunni Muslim mercenaries from Idlib recruited by Turkey to fight on behalf of Azerbaijan.<sup>60</sup>

Recruiters informed Syrian detainees from Idlib that they were to travel to Azerbaijan for "jihad against kefir [infidels]." Monetary inducements ranged from \$1,500 to \$2,000, and they were promised additional incentives of \$100 for killing an ethnic Armenian civilian and \$200 for killing an ethnic Armenian soldier. They were required to behead their victims and to take photographs of the decapitated heads as proof to claim these bonuses.<sup>61</sup>

The use of Syrian mercenaries by the State of Azerbaijan, with Turkey's assistance, has been condemned by both the UN Working Group on the Use of Mercenaries<sup>62</sup> and the Parliamentary Assembly of the Council of Europe (PACE).<sup>63</sup>

The unlawful military aggression resulted in indiscriminate shelling and bombing of civilian areas in Nagorno-Karabakh, home to more than 120,000 ethnic Armenians including Stepanakert, which saw attacks on several hospitals,<sup>64</sup> 61 schools,<sup>65</sup> and

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<sup>60</sup> *United Nations Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination*, CENTER FOR TRUTH AND JUSTICE (Oct. 17, 2022),

<https://www.cftjustice.org/united-nations-working-group-on-the-use-of-mercenaries-as-a-means-of-violating-human-rights-and-impeding-the-exercise-of-the-right-of-peoples-to-self-determination/>.

<sup>61</sup> *Id.*

<sup>62</sup> Jelena Aparac, Lilian Bobeia, Ravindran Daniel, Chris Kwaja, and Sorcha MacLeod, *Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER (Nov. 11, 2020),

<https://www.ohchr.org/en/press-releases/2020/11/mercenaries-and-around-nagorno-karabakh-conflict-zone-must-be-withdrawn-un>.

<sup>63</sup> Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict, ¶ 8.5 COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY ASSEMBLEE PARLEMENTAIRE (2021).

<https://pace.coe.int/pdf/77dfac5825284bebd0d9dd8e4e12320a8a81f83fe6891990a95ff8391c2b5b/res.%202391.pdf>

<sup>64</sup> *WATCH: Stepanakert City maternity hospital after deliberate bombardment by Azeri military*, ARMENPRESS (Oct. 28, 2020), <https://armenpress.am/eng/news/1033062.html>.

<sup>65</sup> Tany Lokshina and Bill Van Esveld, *Lessons of War Attacks on Schools During the Nagorno-Karabakh War*, HUMAN RIGHTS WATCH, (Sept. 8, 2021)

<https://www.hrw.org/news/2021/09/08/lessons-war>.

10 kindergartens,<sup>66</sup> electrical infrastructure, and numerous cultural sites.<sup>67</sup> For instance, on October 8 and 9 of 2020, the indiscriminate shelling conducted by the Azerbaijani military severely damaged the Shushi Holy Savior (Ghazanchetsots) Cathedral.

The Azerbaijani Armed Forces also employed cluster munitions in the capital of Nagorno-Karabakh, Stepanakert, and Hadrut, forming the southern border of Nagorno-Karabakh. The use of cluster munitions against the civilian population by Azerbaijan is well-documented and verified.<sup>68</sup> Human Rights Watch (HRW) published a report on October 23, 2020 that detailed four instances where Azerbaijan employed cluster munitions in the capital of Nagorno-Karabakh, Stepanakert, and Hadrut, forming the southern border of Nagorno-Karabakh. They highlighted that no military installations or bases were discernible in the three residential areas of Stepanakert targeted in the attacks.<sup>69</sup>

The use of cluster munitions in civilian areas epitomizes a profound disregard for the civilian population, primarily due to their indiscriminate nature and the long-lasting danger they pose. These weapons disperse numerous submunitions over a wide area, significantly increasing the risk of civilian casualties during and after hostilities, as they fail to distinguish between military targets and civilian areas. Moreover, a high percentage of these bomblets do not explode on impact, leaving unexploded ordnances that threaten lives for decades, impeding post-conflict recovery, and disproportionately affecting the most vulnerable, including children. The challenges in clearing these unexploded submunitions further exacerbate the plight of affected communities, hindering their return to normalcy and development. Thus, employing

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<sup>66</sup> *A total of 70 educational facilities destroyed in Artsakh from Azerbaijani attacks*, ARMENPRESS (Nov. 1, 2020), <https://armenpress.am/eng/news/1033497/>.

<sup>67</sup> Naira Nalbandian, *In early October, Azerbaijan targeted the Cultural Center in Shushi, Shushi's House of Culture has turned into ruins*, AZATUTYUN (Oct. 7, 2020) <https://www.azatutyun.am/a/30880677.html>; *Azerbaijan: Attack on Church Possible War Crime*, HUMAN RIGHTS WATCH (Dec. 16, 2020), <https://www.hrw.org/node/377374/printable/print>; See also Ani Avagyan, *A brief review of cultural heritage violations in nagorno-kharabagh (artsakh) in september-november of 2020*, ICOM NATIONAL COMMITTEE ARMENIA (Nov. 26, 2020) <https://icom-armenia.mini.icom.museum/a-brief-rewiev-of-cultural-heritage-violations-in-nagorno-kharabagh-artsakh-in-september-november-of-2020/>.

<sup>68</sup> *Azerbaijan continuously uses banned weapons against civilian population – Ombudsman*, ARMENPRESS (Oct. 4, 2020), <https://armenpress.am/eng/news/1030274/C2ABD4B1D680D5B4D5A5D5B6D5BAD680D5A5D5BDC2BB>

<sup>69</sup> *Azerbaijan: Cluster Munitions Used in Nagorno-Karabakh*, HUMAN RIGHTS WATCH (Oct. 23, 2020), <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh>

cluster munitions in or near civilian areas not only contravenes international humanitarian law principles but also demonstrates a blatant indifference to the safety and well-being of civilians, perpetuating suffering long after the conflict has ended.

The use of incendiary weapons by Azerbaijan was reported. In particular, the Azerbaijani Armed Forces used incendiary weapons of mass destruction containing chemical elements against the forest areas of Nagorno-Karabakh, where ethnic Armenians sought refuge following indiscriminate shelling of residential areas by the Azerbaijani Armed Forces.<sup>70</sup> One of the assaults occurred on October 29, 2020, targeting the forests situated to the east, towards the Martuni province. Incendiary munitions, potentially containing chemical elements such as white phosphorus, were deployed via aerial means, resulting in significant environmental devastation to the adjacent forests.<sup>71</sup> As a consequence, civilians sustained wounds and injuries inflicted by the incendiary ammunition used by the Azerbaijani side.<sup>72</sup>

While uncertainties existed about the exact nature of these munitions, subsequent independent investigations by the Atlantic Council's DFRLab suggested a high probability of them being white phosphorus.<sup>73</sup> The cluster ammunition caused damage to over nine forest areas situated near residential zones.<sup>74</sup>

Additionally, eyewitness testimonies reported by CFTJ corroborated the usage of incendiary weapons. Numerous Armenians, both civilians and combatants, testified to experiencing fourth or even fifth-degree thermal burns, paralysis, and having particles of white phosphorus remain in their bodies even after undergoing numerous surgeries. Furthermore, due to feelings of powerlessness or helplessness, some survivors have expressed a desire to die or commit suicide, particularly those who have suffered severe burns and fear the painful treatment they must endure daily. For instance, the mother of a burn victim caused by incendiary weapons mentioned

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<sup>70</sup> Artsakh Ombudsperson, [FACEBOOK](https://www.facebook.com/ArtsakhOmbuds/posts/1706398566193965) (Nov. 2, 2020), <https://www.facebook.com/ArtsakhOmbuds/posts/1706398566193965>

<sup>71</sup> NKR Defense Army, *The Azerbaijani side used phosphorus weapons*, [YOUTUBE](https://www.youtube.com/watch?v=0NLASjID5lw) (Oct. 31, 2020), <https://www.youtube.com/watch?v=0NLASjID5lw>.

<sup>72</sup> *Supra* note 68.

<sup>73</sup> Lukas Andriukaitis, *Satellite Imagery Shows Environmental Damage of Reported White Phosphorus Use in Nagorno-Karabakh*, [MEDIUM](https://medium.com/dfrlab/satellite-imagery-shows-environmental-damage-of-reported-white-phosphorus-use-in-nagorno-karabakh-9826391a295) (Nov. 13, 2020), <https://medium.com/dfrlab/satellite-imagery-shows-environmental-damage-of-reported-white-phosphorus-use-in-nagorno-karabakh-9826391a295>.

<sup>74</sup> *Ad hoc public report: The Use of Incendiary Ammunition of Mass Destruction (Incendiary Weapon) Against Civilian Objects of Artsakh (Nagorno-Karabakh) by the Azerbaijani Armed Forces*, THE HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA AND THE HUMAN RIGHTS OMBUDSMAN FOR THE REPUBLIC OF ARTSAKH, 13-21 (2020), <https://ombuds.am/images/files/ea04773e0fcf3a7e4dad87e9b73d360.pdf>.

that her son has expressed a wish not to continue living. He refuses further treatment due to various complications, such as the inability to insert an intravenous needle into his arm because of the burns.<sup>75</sup>

After the indiscriminate shelling of residential areas in Nagorno-Karabakh by the Azerbaijani Armed Forces, a significant number of civilians were forced to flee and seek refuge in forests. Additionally, it was discovered that many civilians were compelled to reside in the forests for extended periods. Consequently, civilians sustained wounds and injuries inflicted by the incendiary ammunition used by the Azerbaijani side.<sup>76</sup>

This conflict lasted 44 days and resulted in the tragic loss of 5,000 Armenian lives with around 50 civilians killed and 148 wounded.<sup>77</sup> Amnesty International reported,

"The frequent attacks on towns and villages in Nagorno-Karabakh could have resulted in a larger number of civilian casualties had many civilians not left the region or taken shelter in basements."<sup>78</sup>

Over 160 Armenian civilians and soldiers were arbitrarily detained.

Azerbaijani soldiers filmed and shared videos of the torture, murder, mutilation, and beheading of captured Armenian soldiers and civilians on TikTok and Telegram

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<sup>75</sup> CFTJ Interview, Witness AUA0097; *Viewing Incendiary Weapons through a Humanitarian Lens: Heed Calls to Enhance Law*, CENTER FOR TRUTH AND JUSTICE (Sept. 12, 2022), <https://www.cftjustice.org/viewing-incendiary-weapons-through-a-humanitarian-lens-heed-calls-to-enhance-law/>.

<sup>76</sup> See *supra* note 68.

<sup>77</sup> *The Defense Ministry published the names of 51 martyred servicemen*, ARMENIA SPUTNIK (Nov. 15, 2020), <https://armeniasputnik.am/20201115/pbn-hraparakel-e-nahatakvac-51-zincarayoxneri-anunner-25341700.html>.

<sup>78</sup> *Azerbaijan/Armenia: Scores of civilians killed by indiscriminate use of weapons in conflict over Nagorno-Karabakh*, AMNESTY INTERNATIONAL (Jan. 14, 2021), <https://www.amnesty.org/en/latest/press-release/2021/01/azerbaijan-armenia-scores-of-civilians-killed-by-indiscriminate-use-of-weapons-in-conflict-over-nagorno-karabakh/>.

social media channels.<sup>79</sup> CFTJ cataloged these open-source digital recordings and they are readily available.<sup>80</sup>

## 2.4 The Occupation of Lands and Forcible Displacement of 30,000 Armenians

On November 9, 2020, Armenia, Azerbaijan, and Russia signed a ceasefire agreement known as the "Trilateral Statement".<sup>81</sup> Pursuant to the terms of the ceasefire agreement, peacekeeping forces from the Russian Federation are to remain deployed in the conflict zone until 2025, with the possibility of an extension thereafter.<sup>82</sup>

The terms of the ceasefire of November 2020 mandated the transfer of control over specified territories to Azerbaijan, including the province of Kelbajar.<sup>83</sup> During the war approximately 30,000 ethnic Armenians had escaped from Hadrut, Shushi and Kelbajar. Once these territories were fully taken over and occupied by the Azerbaijan Armed Forces, the 30,000 Armenians could no longer return to their homes and their communities due to fear of death and danger, apprehensive of living under Azerbaijani rule.<sup>84</sup>

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<sup>79</sup> Nick Waters, *An Execution in Hadrut*, BELLINGCAT (Oct. 15, 2020), <https://www.bellingcat.com/news/rest-of-world/2020/10/15/an-execution-in-hadrut-karabakh>; *Nagorno-Karabakh conflict: 'Execution' video prompts war crime probe*, BBC NEWS (Oct. 24, 2020), <https://www.bbc.com/news/world-europe-54645254>; Ben Do Brown (@BenDoBrown), X (formerly Twitter) (Oct. 30, 2020, 8:36 AM), <https://twitter.com/BenDoBrown/status/1322200787141971971>; *Human Rights Violations during the 44-Day War in Artsakh Fact-finding Report*, OPEN SOCIETY FOUNDATIONS, HELSINKY CITIZEN ASSEMBLY-ARMENIA, PROTECTION OF RIGHTS WITHOUT BORDERS NGO, 67-77 (2022), [https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report\\_FINAL\\_web.pdf](https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf); INTERIM REPORT ON THE CASES OF THE KILLING OF CIVILIANS IN ARTSAKH BY THE ARMED FORCES OF AZERBAIJAN INTERIM REPORT ON THE CASES OF THE KILLING OF CIVILIANS IN ARTSAKH BY THE ARMED FORCES OF AZERBAIJAN (UPDATED ON SEPTEMBER 27, 2021), ARTSAKH HUMAN RIGHTS DEFENDER (2021), <https://artsakhombuds.am/en/document/785>.

<sup>80</sup> *Catalogue Listing Digital Evidence of Azerbaijan Violating UN Court Orders & Continued Human Rights Violations*, *supra* note 28.

<sup>81</sup> *Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation*, OFFICE OF THE PRIME MINISTER OF ARMENIA, (Nov. 10, 2020), <https://www.primeminister.am/en/press-release/item/2020/11/10/Announcement/>.

<sup>82</sup> *Id. supra* note 78.

<sup>83</sup> *Id.*

<sup>84</sup> Mariam Alikhanova, Anna Bisharyan, and Ani Grigoryan, *Migration and Displacement in Armenia: Three Stories of Loss and Perseverance*, UN SUSTAINABLE DEVELOPMENT GROUP (Oct. 19, 2021), <https://unsdg.un.org/latest/stories/migration-and-displacement-armenia-three-stories-loss-and-perseverance>.



Many escaped to Armenia to find refuge, and some relocated to Stepanakert, the capital of Nagorno-Karabakh.

Following the ceasefire agreement, numerous videos surfaced on TikTok and Telegram social media channels depicting Armenian PoWs and civilians being subjected to mistreatment, humiliation, torture, mutilation, death and decapitation.<sup>85</sup> These videos underscore the violence that was launched upon the Armenians and their explicit intent to either kill or forcibly remove all Armenians from their indigenous lands, claiming they are all Azerbaijani lands.

In one such instance on October 14, 2020, two unarmed Armenians were captured on video in Hadrut, one of whom is elderly, with their hands bound behind their backs and wrapped in the flags of the Republic of Armenia and Artsakh respectively. Following a command, they were mercilessly shot multiple times by the Azerbaijani soldiers. On the video, before the fatal shots, an order in Azerbaijani can be heard from someone directing the soldiers to "aim at their heads." This incident has been extensively investigated by BBC and Bellingcat.<sup>86</sup>

Numerous videos depicting summary arbitrary executions of POWs have surfaced on Azerbaijani Telegram channels<sup>87</sup>, including footage showcasing the torture and humiliation of Armenian POWs. One such video, published on October 25, 2020, appeared on Azerbaijani channels on the Telegram messaging app. The footage depicts the brutal torture of several POWs by Azerbaijani-speaking soldiers in uniforms consistent with those of Azerbaijan's army. The videos show several Azerbaijani soldiers kicking the heads and bodies of the captives, standing on their

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<sup>85</sup> Neil Hauer, *Videos Show Azerbaijan's War Crimes in Nagorno-Karabakh*, T-ONLINE (Dec. 3, 2020), [https://www.t-online.de/nachrichten/ausland/krisen/id\\_89055086/videos-show-azerbaijan-s-war-crimes-in-nagorno-karabakh.html](https://www.t-online.de/nachrichten/ausland/krisen/id_89055086/videos-show-azerbaijan-s-war-crimes-in-nagorno-karabakh.html).; *Armenia/Azerbaijan: Decapitation and War Crimes in Gruesome Videos Must Be Urgently Investigated*, AMNESTY INTERNATIONAL (Dec. 10, 2020), <https://www.amnesty.org/en/latest/press-release/2020/12/armenia-azerbaijan-decapitation-and-war-crimes-in-gruesome-videos-must-be-urgently-investigated/>; *Interim Report on the Cases of the Killing of Civilians in Artsakh by the Armed Forces of Azerbaijan*, *supra* note 77.

<sup>86</sup> *An Execution in Hadrut*, *supra*; "Nagorno-Karabakh conflict: 'Execution' video prompts war crime probe, *supra*.

<sup>87</sup> *The Staged Diversion of Hadrut and Execution of Armenian Captives by Azerbaijani Armed Forces*, AZERIWARCRIMES (Feb. 15, 2021), <https://azeriwarcrimes.org/2021/02/15/18-willful-killing-the-staged-diversion-of-hadrut-and-execution-of-armenian-captives-by-azerbaijani-armed-forces/>; OPEN SOCIETY FOUNDATIONS, *supra* note 77 at 50; *Armenian POWs Executed by Azerbaijan's Forces in Kovsakan (Zangelan)*, AZERIWARCRIMES (Oct. 30, 2020), <https://azeriwarcrimes.org/2020/10/30/photos-and-location-of-armenian-pows-executed-by-azerbaijan-s-forces/>.

bodies, stabbing them with a sharp metal rod resembling a skewer, dragging them, and subjecting them to insults and humiliation. At least eight Armenian captives are seen lying on the ground enduring these atrocities.<sup>88</sup>

In another harrowing incident, a 69-year-old ethnic unarmed Armenian resident of the Askeran province in Nagorno-Karabakh returned to the village after fleeing on October 27, 2020, to retrieve his belongings, only to be captured by Azerbaijani Armed Forces. He was subsequently beheaded by the Azerbaijani Armed Forces who then placed the severed head on a dead pig and recorded the mutilated body while jokingly stating, "See the pigs next to each other!", "You dishonorable, all these for the blood of our martyrs," and "This is how we get revenge – by cutting off heads."<sup>89</sup>

In January 2021, President Aliyev again celebrated Azerbaijan's violence and killing of Armenians, emphasizing the success of military action where other diplomatic strategies failed, further encouraging aggressive actions:

"We brought them back, chased the enemy away, crushed the enemy (ethnic Armenians), threw them out of our lands, took back Shusha and liberated it."<sup>90</sup>

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<sup>88</sup> (18+) *Group of Armenian POWs blindfolded and tortured with skewers by Azerbaijani armed forces*, AZERIWARCRIMES (October 30, 2020), <https://azeriwarcrimes.org/2020/10/30/pows-blindfolded-and-tortured-with-skewers-by-azerbaijani-armed-forces/>.

<sup>89</sup> *Beheaded Armenian Christians Identified*, PERSECUTION.ORG (Dec. 16, 2020), <https://www.persecution.org/2020/12/16/beheaded-armenian-christians-identified/>; *Human Rights Violations During the 2020 War in Artsakh: Fact-Finding Report*, OPEN SOCIETY FOUNDATIONS (June 2022), *supra* note 79, p. 73, [https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report\\_FINAL\\_web.pdf](https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf) (2022).

<sup>90</sup> President of the Republic of Azerbaijan, *Ilham Aliyev laid the foundation stone for Fuzuli-Shusha highway and Fuzuli airport in Fuzuli district, visited the city of Shusha*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (January 14, 2021), <https://president.az/en/articles/view/50184> (Accessed April 2, 2024).

### 3.0 Aggressive Wars and Forcible Removal of Armenians

Since the November 2020 Ceasefire Agreement, Azerbaijan routinely violated the agreement both in Nagorno-Karabakh and in Armenia,<sup>91</sup> committing atrocities against ethnic Armenians. They have:

- a) murdered ethnic Armenian civilians, including women and the disabled
- b) carried out extrajudicial execution of PoWs<sup>92</sup>
- c) carried out the forced disappearance of civilians and soldiers<sup>93</sup>

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<sup>91</sup> *Lemkin Institute Statement on Azerbaijan's Breach of the Established Ceasefire Agreement and Its Unprovoked Attack on Armenia*, LEMKIN INSTITUTE (Sept. 18, 2022), <https://www.lemkininstitute.com/statements-new-page/lemkin-institute-statement-on-azerbaijan's-breach-of-the-established-ceasefire-agreement-and-its-unprovoked-attack-on-armenia>; *Breach of Nagorno-Karabakh ceasefire by Azerbaijan*, OFFICIAL WEBSITE OF THE EUROPEAN PARLIAMENT (Sept. 1, 2022), [https://www.europarl.europa.eu/doceo/document/E-9-2022-002910\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2022-002910_EN.html) (Jan. 9, 2022); *Azerbaijan Violated Ceasefire Agreement with Armenia: Russia*, BARRON'S (March 25, 2023), <https://www.barrons.com/news/azerbaijan-violated-ceasefire-agreement-with-armenia-russia-51a63aa1>.

<sup>92</sup> *Azerbaijan: Unlawful Strikes in Nagorno-Karabakh*, HUMAN RIGHTS WATCH (Dec. 11, 2020), <https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>; *Red Flag Alert for Genocide*, LEMKIN INSTITUTE (Dec. 3, 2021), [https://www.lemkininstitute.com/\\_files/ugd/9bc553\\_946a5dc027ae472985979af288e8c579.pdf](https://www.lemkininstitute.com/_files/ugd/9bc553_946a5dc027ae472985979af288e8c579.pdf); *The Tip of the Iceberg*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, (Aug. 24, 2023) <https://drive.google.com/file/d/1AzEf0YE7ECpdXzcAKkUVMBUGUpDbHdH/view>; *Mother and Disabled Son Killed in Their Homes by Azerbaijan Army in Artsakh Karabagh*, AZERIWARCRIMES.ORG (Oct. 15, 2020), <https://azeriwarcrimes.org/2020/10/15/mother-and-disabled-son-killed-in-their-homes-by-azerbaijan-army-in-artsakh-karabagh/> ;

*Human Rights Violations During the 2020 War in Artsakh: Fact-Finding Report*, OPEN SOCIETY FOUNDATIONS (June 2022), *supra* note 79, p. 74-79; *Report to the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions*, CENTER FOR TRUTH AND JUSTICE, (March 20, 2023), <https://www.cftjustice.org/wp-content/uploads/2023/03/Center-for-Truth-and-Justice-Report-to-the-Special-Rapporteur-on-Extrajudicial-Summary-or-Arbitrary-Executions.pdf>, p. 13; *Chapter 4: Unlawful Killings and Mutilation of the Deceased*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, <https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-4-unlawful-killings-and-mutilation-of-the-deceased/index.html>. (last visited April 2, 2024).

<sup>93</sup> *White Paper Supplement I Requesting Investigation and Sanctions: The Disappearance of Armenian Soldiers While in the Custody of Azerbaijan*, CENTER FOR TRUTH AND JUSTICE, (October 2021) <https://www.cftjustice.org/wp-content/uploads/2022/07/Supplement-to-White-Paper.pdf>; *Chapter 3: Enforced Disappearance*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, <https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-3-enforced-disappearance/index.html> (Accessed April 2, 2024).

- d) carried out the arbitrary detention and false prosecution of civilians<sup>94</sup> and of PoWs<sup>95</sup>
- e) conducted the torture and cruel and inhumane treatment of PoWs<sup>96</sup>

<sup>94</sup> *Chapter 1: Arbitrary Detention*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, <https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-1-arbitrary-detention/index.html> (Accessed April 2, 2024); *CFTJ Urgent Report on Azerbaijan's Detention of Armenian Political Prisoners and POWs*, CENTER FOR TRUTH AND JUSTICE (October 28, 2023),

<https://www.cftjustice.org/wp-content/uploads/2023/10/CFTJ-Urgent-Report-on-Azerbaijans-Detention-of-Armenian-Political-Prisoners-and-POWs.pdf>; *Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes New evidence of torture and inhumane treatment of civilians by Azerbaijani forces emerges*, HUMAN RIGHTS WATCH (March 1, 2021)

<https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes>; *AZERBAIJAN: AS AZERBAIJANI FORCES ASSUME FULL CONTROL OVER NAGORNO-KARABAKH, IT MUST RESPECT AND PROTECT THE RIGHTS OF LOCAL ETHNIC ARMENIANS*, AMNESTY INTERNATIONAL (Sept. 29, 2023), <https://www.amnesty.org/fr/wp-content/uploads/2023/10/EUR5572542023ENGLISH.pdf>;

<sup>95</sup> *Survivors of Unlawful Detention in Nagorno-Karabakh Speak Out About War Crimes*, HUMAN RIGHTS WATCH (March 12, 2021),

<https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes> (Accessed April 2, 2024); *Initiating an Investigation: White Paper on Azerbaijan's Torture and Mistreatment of Armenian Prisoners of War (POWs) During and After the 2020 Nagorno-Karabakh War*, CENTER FOR TRUTH AND JUSTICE (September 2021), p. 13-17,

<https://www.cftjustice.org/wp-content/uploads/2022/07/White-Paper-On-Azerbaijani-Torture-of-Armenian.pdf> (Accessed April 2, 2024); *Chapter 1: Arbitrary Detention*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, *supra* note 95,

<https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-1-arbitrary-detention/index.html> (Accessed April 2, 2024).

<sup>96</sup> *Initiating an Investigation: White Paper on Azerbaijan's Torture and Mistreatment of Armenian Prisoners of War (POWs) During and After the 2020 Nagorno-Karabakh War*, CENTER FOR TRUTH AND JUSTICE (September 2021), p. 14, *supra* note 96,

<https://www.cftjustice.org/wp-content/uploads/2022/07/White-Paper-On-Azerbaijani-Torture-of-Armenian.pdf> (Accessed April 2, 2024); "Ad hoc public report: The Treatment of Armenian POWs and Civilian Captives in Azerbaijan," Human Rights Defender of the Republic of Armenia, (2021),

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=36119> (Accessed April 3, 2024); *Submission by the Center for Truth and Justice to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment and punishment pertaining to the mistreatment of Armenian POWs by the State of Azerbaijan*, CENTER FOR TRUTH AND JUSTICE (October 28, 2022),

<https://www.cftjustice.org/submission-by-the-center-for-truth-and-justice-to-the-un-special-rapporteur-on-torture-and-other-cruel-inhuman-or-degrading-treatment-and-punishment-pertaining-to-the-mistreatment-of-armenian-pows/> (Accessed April 3, 2024); *Report to the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions*, CENTER FOR TRUTH AND JUSTICE, (March 20, 2023), *supra* note 93,

<https://www.cftjustice.org/wp-content/uploads/2023/03/Center-for-Truth-and-Justice-Report-to-the-Special-Rapporteur-on-Extrajudicial-Summary-or-Arbitrary-Executions.pdf> p. 13; *Desecration of Soldiers' Corpses Carried out by Azerbaijan against Armenian Soldiers*, CENTER FOR TRUTH AND JUSTICE (November 7, 2023),

<https://www.cftjustice.org/desecration-of-soldiers-corpses-carried-out-by-azerbaijan-against-armenian-soldiers/>; *Chapter 4: Unlawful Killings and Mutilation of the Deceased*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, *supra* note 93,

<https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-4-unlawful-killings-and-mutilation-of-the-deceased/index.html> (Accessed April 2, 2024); *Azerbaijan's Serious and Persistent Breaches of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Shadow Report to the Fifth Periodic Report of Azerbaijan*, CENTER FOR TRUTH AND JUSTICE (March 7, 2024),

[https://www.cftjustice.org/wp-content/uploads/2024/03/2024\\_CAT\\_Report.pdf](https://www.cftjustice.org/wp-content/uploads/2024/03/2024_CAT_Report.pdf) (Accessed April 3, 2024); *Amplifying the Voices of Victims of War Crimes*, CENTER FOR TRUTH AND JUSTICE (March 11,

- f) Forcibly displaced Armenian civilians<sup>97</sup> inside the Republic of Armenia
- g) Destroyed cultural heritage<sup>98</sup>
- h) blockaded the Lachin Corridor for 10 months<sup>99</sup> despite and in violation of the ICJ order
- i) conducted an unprovoked military offensive on the starving Armenians of Nagorno-Karabakh
- j) forcibly deported the entire Armenian population of Nagorno-Karabakh whereby 120,000 remaining Armenians escaped to the Republic of Armenia, and
- k) unlawfully attacked towns and villages in Armenia, targeted, killed and forced their populations to flee and subsequently occupied territories inside the borders of the Republic of Armenia

2024), <https://www.cftjustice.org/wp-content/uploads/2024/03/CFTJ-POW-Quotes.pdf>; *Chapter 2: Torture*, UNIVERSITY NETWORK FOR HUMAN RIGHTS,

<https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-2-torture/index.html> (Accessed April 3, 2024).

<sup>97</sup> *Chapter 7: Forced Displacement*, UNIVERSITY NETWORK FOR HUMAN RIGHTS,

<https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-7-forced-displacement/index.html> (Accessed April 2, 2024); *An Exodus Out of Indigenous Lands: Azerbaijan's Forced Displacement of the Ethnic Armenians from Nagorno-Karabakh*, CENTER FOR TRUTH AND JUSTICE (December 2023)

[https://www.cftjustice.org/wp-content/uploads/2023/12/Exodus\\_FinalV4.pdf](https://www.cftjustice.org/wp-content/uploads/2023/12/Exodus_FinalV4.pdf).

<sup>98</sup> *A Brief Review of Cultural Heritage Violations in Nagorno-Karabakh (Artsakh) in September-November of 2020*, ICOM ARMENIA (November 30, 2020),

<https://icom-armenia.mini.icom.museum/a-brief-rewiev-of-cultural-heritage-violations-in-nagorno-kharabagh-artsakh-in-september-november-of-2020/> (Accessed April 3, 2024); Petrosyan, H. and Muradyan, H., *THE CULTURAL HERITAGE OF ARTSAKH/KARABAKH AT THE CROSS-HAIRS OF ATTACKS*, MONUMENT WATCH (2022),

<https://monumentwatch.org/wp-content/uploads/2022/08/Petrosyan-H.-Muradyan-H.-Cultural-heritage-of-Artsakh-under-attack.pdf> (Accessed April 3, 2024); *Center for Truth and Justice Alternative Report: Azerbaijan's Violations of the International Convention on the Elimination of All Forms of Racial Discrimination*, CENTER FOR TRUTH AND JUSTICE (July 14, 2022)

<https://www.cftjustice.org/wp-content/uploads/2022/07/Center-for-Truth-and-Justice-Alternative-Report-Azerbaijans-Violations-of-the-International-Convention-on-the-Elimination-of-All-Forms-of-Racial-Discrimination-.pdf> p. 11 (Accessed April 3, 2024); *Chapter 6: Attacks on Cultural Heritage*, UNIVERSITY NETWORK FOR HUMAN RIGHTS,

<https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-6-attacks-on-cultural-heritage/index.html> (Accessed April 3, 2024); Maranci C., *Cultural Genocide: Inside the War on Armenia's History in Nagorno-Karabakh*, TIME (October 12, 2023),

<https://time.com/6322574/cultural-genocide-armenia-nagorno-karabakh-essay/> (Accessed April 3, 2024).

<sup>99</sup> *Red Alert for Genocide: Azerbaijan*, LEMKIN INSTITUTE (December 3, 2022)

[https://www.lemkininstitute.com/\\_files/ugd/9bc553\\_379ff0739c994c39ba1cf6d714bab6f9.pdf](https://www.lemkininstitute.com/_files/ugd/9bc553_379ff0739c994c39ba1cf6d714bab6f9.pdf) (Accessed April 3, 2024).

### 3.1 Murder of Armenian Civilians and Extrajudicial Executions

During and following the 2020 Ceasefire Agreement, thousands of Armenians, including civilians ranging from 9 to 84 years old, were murdered by the Azerbaijani Armed Forces. Numerous cases involved ethnic Armenian civilian residents of Nagorno-Karabakh being killed in their homes or villages during the unlawful military aggression of Azerbaijani forces using a variety of methods including drone strikes, sniper fire, close-range gunfire, decapitation, and traumatic brain injuries resulting from beatings, among others. A considerable number of these victims were elderly and/or disabled individuals who were unable to evacuate before Azerbaijani forces seized control of their towns. According to findings by the University Network for Human Rights (UNHR), nearly a third of the victims were killed by the Azerbaijani Armed Forces after the ceasefire agreement was in full force.<sup>100</sup>

Most civilians who were murdered were elderly individuals who had opted to remain in their villages or cities, which were subsequently captured by Azerbaijan. Ernest, an 84-year-old Armenian who suffered from mild dementia, refused to evacuate his home in the Hadrut province of Nagorno-Karabakh. Despite his wife's efforts to persuade him to leave, Ernest stayed behind and when the Azerbaijani forces entered the city he was violently killed. According to Amnesty International's investigation, Ernest's body bore signs of severe mutilation, including the removal of skin where he had tattoos, and one of his hands had been severed.<sup>101</sup>

An elderly Armenian woman recounted how the Azerbaijani Armed Forces executed and beheaded Armenian civilians between October 24 and 27, 2020, in Togh village, about 6 miles north of Hadrut. She said that by the time the Azerbaijani Armed Forces arrived in Togh, everyone had evacuated the village, except her and two male neighbors. The woman tragically witnessed one of her neighbors being shot to death, while the other was gruesomely decapitated, all of which she observed from a safe distance and lived to tell the horrific tale.<sup>102</sup>

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<sup>100</sup> *Chapter 4: Unlawful Killings and Mutilation of the Deceased*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, *supra* note 93, <https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-4-unlawful-killings-and-mutilation-of-the-deceased/index.html> (Accessed April 2, 2024).

<sup>101</sup> *Armenia: Last to flee: Older people's experience of war crimes and displacement in the Nagorno-Karabakh conflict*, AMNESTY INTERNATIONAL (May 17, 2022) <https://www.amnesty.org/en/documents/eur54/5214/2022/en/>.

<sup>102</sup> *Armenian woman watched her neighbors beheaded by Azeri forces*, YOUTUBE (November 1, 2020), <https://www.youtube.com/watch?v=TIQvy8zSmNc&t=41s> (Accessed April 3, 2024).

In mid-November 2020, a video began circulating on Azerbaijani-run Telegram channels purportedly filmed in Nagorno-Karabakh, depicting the torture of an elderly unarmed ethnic Armenian civilian. The distressing footage shows several Azerbaijani soldiers restraining the man on the floor of his home, face down, with his hands bound behind his back. One of the soldiers proceeds to step on the man's back and uses a knife to sever one of his ears. As the man cries out in agony, another soldier seizes the hair at the back of his head and forcefully slams his head into the floor repeatedly, causing blood to flow profusely. Amidst expletives hurled by one of the soldiers, the elderly man is kicked in the ribs while his head is subjected to brutal treatment against the tile floor.<sup>103</sup>

According to the testimonial evidence collected by CFTJ, a 55-year-old woman, born and raised in the Hadrut province of Nagorno-Karabakh, which is now under Azerbaijan's control, lived with her elderly parents, an 82-year-old woman and an 86-year-old man. During the 44-Day War, fearing for her safety, she left Hadrut and sought refuge in Armenia. Despite attempts by her husband and the village's leader to convince her parents to evacuate, they steadfastly refused. The last communication with her parents was over the phone in October 2020. In December 2020, a search party discovered her mother's body on the balcony, bearing gunshot wounds to the head. Similarly, her father was found shot dead in the backyard. "We didn't think that the same thing was possible in our times as it was in the 1990's. We didn't believe it," she stated.<sup>104</sup>

In another incident, a video surfaced on Telegram on November 22, 2020, depicting two men clad in uniforms consistent with the standard uniforms used by the Azerbaijani army. In that video, these individuals restrain and brutally decapitate a 69-year-old unarmed Armenian civilian, using an army knife while recording the heinous act on a phone camera. Throughout the entire ordeal, at least five other voices can be heard, clamoring with applause, cheers, whistles, and celebration. In the subsequent part of the video, one of the soldiers callously places the severed

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<sup>103</sup> (18+) *Azerbaijani armed forces torture an elderly Armenian man in his home, cut off his ear and slam his face on the floor*, AZERIWARCRIMES.ORG (November 10, 2020), <https://azeriwarcrimes.org/2020/11/10/elderly-man-ear-cut-off/> (Accessed April 3, 2024).

<sup>104</sup> *Report to the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions*, CENTER FOR TRUTH AND JUSTICE (March 20, 2023), *supra* note 93, <https://www.cftjjustice.org/wp-content/uploads/2023/03/Center-for-Truth-and-Justice-Report-to-the-Special-Rapporteur-on-Extrajudicial-Summary-or-Arbitrary-Executions.pdf> p. 12, (Accessed April 2, 2024).

head onto a nearby deceased pig, further desecrating the victim. The grotesque spectacle elicits considerable laughter, jubilation, and photo opportunities for the perpetrators involved. The video was independently verified by Amnesty International and The Guardian.<sup>105</sup>

According to the testimonial evidence collected by CFTJ, in January 2021, the body of a disabled Armenian woman was discovered by her brother in Karin Tak village, Nagorno-Karabakh. Her body exhibited signs of severe torture, with her nose flattened, clothes torn, and the left side of her body mutilated, including injuries to her leg, hand, and ear. Her brother came across a distressing video in Azerbaijani Telegram channels depicting her mutilation, indicating the presence of two or three individuals in their yard. Further examination at the morgue revealed additional injuries, including a severed tongue, as reported by the attending doctor to the witness. The witness also confirmed the presence of a slit throat upon inspecting the body. The date of death was determined to be November 4, 2020.<sup>106</sup>

There are also numerous documented instances of Azerbaijani forces humiliating and executing Armenian POWs post-capture since 2020. The executions carried out by Azerbaijani forces' attacks have been shockingly brutal, involving beatings, beheadings, stomping, point-blank shootings, and mutilation both before and after death. Many of the most egregious crimes are flaunted by Azerbaijani soldiers themselves, who film and disseminate videos of summary executions on platforms like TikTok and Telegram. Furthermore, members of the Azerbaijani military have created stickers, memes, and emojis mocking Armenians they have killed, which are then circulated to the victims' families via social media.

A mother of an Armenian PoW, interviewed by CFTJ, shared her distressing account. Her last contact with her son was on October 11, 2020. On December 19 2020, she came across videos on social media and immediately recognized her son, who was being held captive by Azerbaijan. Despite Azerbaijan's denial of having her son in custody, she appealed to the International Committee of the Red Cross (ICRC), who, during their visits to other prisoners of war in Baku, did not find him.

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<sup>105</sup> *18+ Armenian Man Beheaded Alive by Azerbaijani Forces as Soldiers Cheer and Clap*, AZERIWARCRIMES.ORG (December 18, 2020), <https://azeriwarcrimes.org/2020/12/18/18-armenian-man-beheaded-alive-by-azerbaijani-forces-as-soldiers-cheer-and-clap/> (April 3, 2024).

<sup>106</sup> CFTJ Interview, Witness 24LC-0007.



Subsequently, in December 2020, the witness sought assistance from the European Court of Human Rights (ECHR), requesting Azerbaijan to provide information about her son's detention conditions, but received no response. Her son's body was discovered in December 2020, showing signs of torture and murder. However, it was not until April 2021 that a witness positively identified him by his tattoo. He had been subjected to brutal violence, including beheading and severe burning, that rendered him unrecognizable. Additionally, he bore two bullet wounds on his legs, 2-3 stab wounds on his chest, and had skin on his right arm cut off. A forensic examination revealed missing internal organs and broken ribs.<sup>107</sup>

Additionally, there are several notable instances where Armenian soldiers were executed in groups.<sup>108</sup>

The Sev Lake executions, one of the most severe massacres since the ceasefire of 2020, occurred in September 2022 within a border area shared between the Syunik Province of Armenia and the Lachin District of Nagorno-Karabakh. The brutality of this event was captured in a video authenticated by the Human Rights Defender of Armenia, alongside corroborating reports from Human Rights Watch and Bellingcat. In the documented footage, Azerbaijani soldiers are seen herding a group of at least nine unarmed Armenian soldiers and forcing them to the ground. The gunfire, executed at close range, persists for an initial duration of 12 seconds, followed by intermittent rifle shots that continue until the video concludes.<sup>109</sup>

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<sup>107</sup> *Report to the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions*, CENTER FOR TRUTH AND JUSTICE (March 20, 2023), *supra* note 93, <https://www.cftjustice.org/wp-content/uploads/2023/03/Center-for-Truth-and-Justice-Report-to-the-Special-Rapporteur-on-Extrajudicial-Summary-or-Arbitrary-Executions.pdf> p. 14, (Accessed April 2, 2024).

<sup>108</sup> *Chapter 4: Unlawful Killings and Mutilation of the Deceased*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, *supra* note 93, <https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-4-unlawful-killings-and-mutilation-of-the-deceased/index.html> (Accessed April 2, 2024); *Armenian Legal Center for Justice & Human Rights announces legal action before the European Court for POWs murdered by Azerbaijan*, THE ARMENIAN WEEKLY (August 10, 2021), <https://armenianweekly.com/2021/08/10/armenian-legal-center-for-justice-human-rights-announces-legal-action-before-the-european-court-for-pows-murdered-by-azerbaijan/> (Accessed April 3, 2024).

<sup>109</sup> *The statement of the Defender on the new video of the execution of Armenian PoWs by the Azerbaijani armed forces*, OFFICE OF THE HUMAN RIGHTS DEFENDER OF ARMENIA (October 12, 2022), [https://www.ombuds.am/en\\_us/site/ViewNews/2371](https://www.ombuds.am/en_us/site/ViewNews/2371) (Accessed April 3, 2024); *Video Shows Azerbaijan Forces Executing Armenian POWs*, HUMAN RIGHTS WATCH (October 14, 2022), <https://www.hrw.org/news/2022/10/14/video-shows-azerbaijan-forces-executing-armenian-pows> (Accessed April 3, 2024); *An Execution Near Sev Lake*, BELLINGCAT (October 20, 2022), <https://www.bellingcat.com/news/2022/10/20/an-execution-near-sev-lake-armenia-azerbaijan/> (Accessed April 3, 2024).

Azerbaijani forces have also documented bodies of combatants killed in action, often mutilating them post-mortem. The timing of these mutilations, whether they occurred before or after death, is not always discernible solely from the video content. However, the observed practices include chopping off limbs, carving messages across torsos, exposing victims' genitals and breasts, inserting digits or foreign objects into victims' mouths and empty eye sockets, severing victims' heads, placing severed heads onto the bodies of animals, and other forms of egregious mistreatment.<sup>110</sup>

Three female Armenian PoWs were executed during Azerbaijan's September 2022 attacks on Armenia. The deaths of two of these women were highlighted in a distressing video clip depicting a battlefield littered with corpses, which was filmed and shared by the Azerbaijani Armed Forces.

### 3.2 Enforced Disappearance of Civilians and Soldiers

Since the 2020 Ceasefire Agreement, the State of Azerbaijan has been implicated in condoning, facilitating, and directly perpetrating forced disappearances and arbitrary detentions of both ethnic Armenian civilians and soldiers in secret detention facilities.

Testimonies from relatives of the victims, and occasionally from those who were forcibly detained and subsequently released, provide evidence of the deliberate exploitation by Azerbaijani authorities of secret detention conditions and the status of being "missing" to inflict severe physical and psychological harm on the ethnic Armenian captives and their family members. Furthermore, Azerbaijani officials have intentionally withheld information about the whereabouts of missing persons from the ICRC and from the state of Armenia, even when these individuals were being detained by Azerbaijani state forces.

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<sup>110</sup> *Chapter 4: Unlawful Killings and Mutilation of the Deceased*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, *supra* note 93, <https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-4-unlawful-killings-and-mutilation-of-the-deceased/index.html> (Accessed April 2, 2024); *Desecration of Soldiers' Corpses Carried out by Azerbaijan against Armenian Soldiers*, CENTER FOR TRUTH AND JUSTICE (November 7, 2023) *supra* note 98, <https://www.cftjustice.org/desecration-of-soldiers-corpses-carried-out-by-azerbaijan-against-armenian-soldiers/> (Accessed April 2, 2024), *see also* *18+ Armenian Man Beheaded Alive by Azerbaijani Forces as Soldiers Cheer and Clap*, AZERIWARCRIMES.ORG (December 18, 2020), *supra* note 108, <https://azeriwarcrimes.org/2020/12/18/18-armenian-man-beheaded-alive-by-azerbaijani-forces-as-soldiers-cheer-and-clap/> (April 3, 2024).

According to testimonial evidence gathered by CFTJ, a witness recounted a harrowing experience during the 44-Day War in October 2020 when she and her family had to flee for safety, but her father and brother refused to evacuate and remained home. Subsequently, Azerbaijani soldiers occupied their house in Hadrut and kidnapped both her father and brother, holding them as hostages. The witness provided evidence in the form of multiple social media videos showing her father being coerced into kissing the Azerbaijani flag, and her brother being compelled to repeat, "Karabakh is Azerbaijan." Her father was subjected to torture and was eventually released on December 24, 2020, bearing numerous scars from his ordeal. The body of her brother was discovered on January 18, 2021, wrapped in cellophane and buried, showing signs of torture. Autopsy results revealed the cause of death to be a combination of injuries inflicted by sharp objects, stab wounds, and gunshot wounds to various parts of his body. Despite video evidence of her brother and father being taken hostage by Azerbaijani Armed Forces, Azerbaijani authorities denied his capture, and he was classified as missing in action.<sup>111</sup>

The numerous testimonies collected by CFTJ corroborate accusations of the State of Azerbaijan engaging in a systematic practice of forced disappearance not only of civilians but also of PoWs who were taken by Azerbaijan but have been classified as missing in action.<sup>112</sup>

According to firsthand evidence gathered by CFTJ, one such case involves a POW who was captured by the Azerbaijani Armed Forces on November 16, 2021, in Armenian territory. The witness stated: "I asked an Azerbaijani officer what my status was, and he said that some of us were MIA, while others were categorized as POWs. Robert informed me that I was considered as MIA. He also mentioned that they could do whatever they wanted to those of us considered MIA—that they could kill and bury me, and no one would ever know anything. I was convinced that this was the fate awaiting many of my comrades."<sup>113</sup>

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<sup>111</sup> *Report to the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions*, CENTER FOR TRUTH AND JUSTICE (March 20, 2023), *supra* note 93, <https://www.cftjustice.org/wp-content/uploads/2023/03/Center-for-Truth-and-Justice-Report-to-the-Special-Rapporteur-on-Extrajudicial-Summary-or-Arbitrary-Executions.pdf> p. 13, (Accessed April 2, 2024).

<sup>112</sup> *White Paper Supplement I Requesting Investigation and Sanctions: The Disappearance of Armenian Soldiers While in the Custody of Azerbaijan*, CENTER FOR TRUTH AND JUSTICE, *supra* note 95, (October 2021) <https://www.cftjustice.org/wp-content/uploads/2022/07/Supplement-to-White-Paper.pdf> (Accessed April 2, 2024).

<sup>113</sup> CFTJ Interview, Witness 21LC-0078.

CFTJ has extensive documentation of the testimonies of POWs who were subsequently released and returned to Armenia. In some of these cases CFTJ has filed individual complaints under the Convention Against Torture, which will be made available for purposes of investigation.

### 3.3 Arbitrary Detention and False Prosecution of Civilians and PoWs

Since the November 9, 2020, ceasefire agreement, Azerbaijan has arbitrarily detained over 100 ethnic Armenian civilians and prisoners of war.

The unlawful capture and detention of Armenian civilians, both before and after the November 2020 ceasefire agreement, has been extensively documented by various international human rights groups, including Human Rights Watch,<sup>114</sup> the UNHR<sup>115</sup>, the International Crisis Group,<sup>116</sup> Amnesty International,<sup>117</sup> the Lemkin Institute for Genocide Prevention (Lemkin Institute),<sup>118</sup> and CFTJ.<sup>119</sup> This includes the detention of Armenian civilians who inadvertently crossed unmarked borders between Armenia and Azerbaijan, and the arrest of villagers while cultivating their fields or herding their livestock.

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<sup>114</sup> *Survivors of Unlawful Detention in Nagorno-Karabakh Speak Out About War Crimes*, HUMAN RIGHTS WATCH, *supra* note 97, (March 12, 2021), <https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes> (Accessed April 2, 2024);

<sup>115</sup> *Chapter 1: Arbitrary Detention*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, *supra* note 95, <https://humanrightsnetwork.shorthandstories.com/we-are-no-one/we-are-no-one-all-chapters/chapter-1-arbitrary-detention/index.html> (Accessed April 2, 2024).

<sup>116</sup> *Nagorno-Karabakh Conflict: A Visual Explainer*, CRISIS GROUP (September 13, 2023), <https://www.crisisgroup.org/content/nagorno-karabakh-conflict-visual-explainer> (Accessed April 3, 2024).

<sup>117</sup> *Azerbaijan: As Azerbaijani forces assume full control over Nagorno-Karabakh, it must respect and protect the rights of local ethnic Armenians*, AMNESTY INTERNATIONAL (October 2023), <https://www.amnesty.org/fr/wp-content/uploads/2023/10/EUR5572542023ENGLISH.pdf> (Accessed April 3, 2024).

<sup>118</sup> *Statement on the Continued Inhumane and Illegal Detention of Armenian POWs*, LEMKIN INSTITUTE (July 17, 2021), <https://www.lemkininstitute.com/statements-new-page/statement-on-the-continued-inhumane-and-illegal-detention-of-armenian-pows> (Accessed April 3, 2024).

<sup>119</sup> *CFTJ Urgent Report on Azerbaijan's Detention of Armenian Political Prisoners and POWs*, CENTER FOR TRUTH AND JUSTICE, *supra* note 96, (October 28, 2023), <https://www.cftjjustice.org/wp-content/uploads/2023/10/CFTJ-Urgent-Report-on-Azerbaijans-Detention-of-Armenian-Political-Prisoners-and-POWs.pdf> (Accessed April 2, 2024); *No Man Left Behind: All Armenian Prisoners Held Captive in Azerbaijan Must Be Released*, CENTER FOR TRUTH AND JUSTICE (January 17, 2024), <https://www.cftjjustice.org/no-man-left-behind-all-armenian-prisoners-held-captive-in-azerbaijan-must-be-released/> (Accessed April 3, 2024).

Following the Ceasefire agreement in November 2020, both Armenia and Azerbaijan agreed to repatriate detainees under their control. By December 15, 2020, the State of Armenia had repatriated all Azerbaijani PoWs it held in its custody. Conversely, Azerbaijan has not.<sup>120</sup> Azerbaijan claimed that any remaining detainees are suspected terrorists, rather than PoWs, and several of them faced trials on allegations of terrorism, mercenary activities, and illegal border crossing into the territory of Azerbaijan, with Azerbaijan leveraging these trials as a tool for political bargaining.

Azerbaijan has been falsely prosecuting these Armenian captives in sham trials in Baku.<sup>121</sup> This account, corroborated by testimonial evidence collected by CFTJ from the daughter of one of the victims highlights one particularly egregious case of arbitrary detention. Mr. Khachatryan, a 68-year-old individual, was among the Nagorno-Karabakh patients who were under the care of the ICRC while being transported to an Armenian hospital for urgent heart surgery on July 29, 2023. Subsequently, he was apprehended at an Azerbaijani checkpoint in the Lachin corridor, taken to prison in Azerbaijan, accused of fabricated allegations and hastily sentenced to fifteen years in prison. Given his age and his health condition, it is likely he will die in prison, in Azerbaijan. His daughter's testimony in part states:

"The Azerbaijani military men in uniform approached us and informed us that they were going to question my father for 15 minutes. I refused, explaining that my father was sick and unable to comply. Despite my objections, they proceeded to take my father away. He was in such a weakened state that he couldn't even stand when the Azerbaijani soldiers threatened to use force. Ignoring our pleas, they forcibly placed my father into their vehicle and drove off. A representative of the Red Cross was accompanying him. However, upon her return, my father was nowhere to be found. She informed us that she was pushed out of the car, and my father was taken to Shushi.<sup>122</sup> He was

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<sup>120</sup> Ibid; *Statement on the Continued Inhumane and Illegal Detention of Armenian POWs*, LEMKIN INSTITUTE, *supra* note 125, (July 17, 2021), <https://www.lemkininstitute.com/statements-new-page/statement-on-the-continued-inhumane-and-illegal-detention-of-armenian-pows> (Accessed April 3, 2024).

<sup>121</sup> Testimonial evidence collected by CENTER FOR TRUTH AND JUSTICE since 2020.

<sup>122</sup> CFTJ Interview, Witness 23LC-NK0009.

then accused of "genocide", deported, and sentenced to twenty years in Azerbaijani prison.<sup>123</sup>

Another 62-year-old Armenian man who, by mistake, crossed over to Azerbaijani controlled land, was apprehended on August 1, 2023. He, too, was charged with false accusations.<sup>124</sup>

All the PoWs interviewed by CFTJ who were held in Azerbaijani captivity after the ceasefire agreement have confirmed that they were coerced into signing documents written in Azerbaijani, a language they did not understand. Furthermore, they reported being subjected to torture during interrogations including but not limited to beatings and electrocution. Moreover, they highlighted the lack of due process, including the absence of lawyers, and in cases where lawyers were available, the lawyers were prevented from providing legal assistance, and in some cases, even physically assaulted the PoWs. According to a witness:

"The interrogators and the military personnel beat and kicked me. I was again forced to sign over ten documents written in Azerbaijani. I asked what documents I was signing, and I got hit from behind in response. My lawyer (...) who I had never seen prior to my trial, (...) told me that she was not allowed to visit or talk to me. In (...) 2022, I met the Ombudsman of Azerbaijan (...) I told the Ombudsman that I needed to talk to my lawyer, but nothing changed. Azerbaijanis wearing a dark green uniform with the scale of justice on their arm were taking us to the court proceedings while beating and kicking us."<sup>125</sup>

Another PoW stated:

"The interrogators were threatening me. They were saying that I would never return home. They told me that they could throw me out of the window or shoot me and no one would care."<sup>126</sup>

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<sup>123</sup> *Vagif Khachatryan pleads not guilty to charges brought against him in Azerbaijani court*, 1LURER.AM (October 17, 2023), <https://www.1lurer.am/en/2023/10/17/Vagif-Khachatryan-pleads-not-guilty-to-charges-brought-against-him-in-Azerbaijani-court/1014644> (Accessed April 3, 2024).

<sup>124</sup> *Gross Violations of Human Rights: Expatriation and Forced Displacement of 150,000 Armenians of Artsakh – Report*, FORRIGHTS.AM (February 21, 2024), <https://forrights.am/2024/02/21/gross-violations-of-human-rights-expatriation-and-forced-displacement-of-150000-armenians-of-artsakh-report/> (Accessed April 3, 2024).

<sup>125</sup> CFTJ Interview, Witness 22LC-0054.

<sup>126</sup> CFTJ Interview, Witness 22LC-0007.

### 3.4 Torture and Cruel and Inhumane Treatment of PoWs

Released PoWs have reported beatings, torture by electric shock, being hit with clubs, and batons, as well as particularly cruel acts such as inserting hands into a prisoner's abdominal wound, tying another prisoner to a radiator for extended periods and pulling of teeth thinking there's gold in it without medication.

Every PoW interviewed by CFTJ reported experiencing both physical and mental torture, as well as inhumane treatment during their captivity. An Armenian PoW stated:

"Approximately twenty Azerbaijanis entered the cell and started beating everyone. They used batons, hammers, pliers, all possible construction equipment, chains, ropes, belts, etc. to beat us." He added: "Once, a couple of Azerbaijanis entered the cell with a young civilian boy. He seemed to be the son of the Azerbaijani commander who also entered the cell with the boy. The Azerbaijanis threw one of the PoWs in the middle of the cell. They gave the boy a rubber baton and he started beating the PoW over his head, legs, back, stomach for a few minutes. One of the Azerbaijanis was filming this. For a while, the guards would come into the cell, turn on the channels they wanted on the TV and take the remote control. We were forced to watch newsreels that showed Armenians being killed/murdered."<sup>127</sup>

Another PoW stated:

"While we were lying naked on the cold floor, an Azerbaijani ran over my back. They [the Azerbaijani guards] were making me stand, not allowing me to sit down or lie down. They [the Azerbaijani guards] would make us yell that Karabakh is Azerbaijan or 'long live Azerbaijan', 'long live Ilham Aliyev [Azerbaijani President]' every time when the door would open."<sup>128</sup>

Instances of sexual threats were reported by PoWs:

'A tall high-ranking official in his forties, wearing a beret, entered and said: "We give you food, you obey, otherwise we will fuck you one by one."<sup>129</sup>

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<sup>127</sup> CFTJ Interview, Witness 22LC-0054.

<sup>128</sup> CFTJ Interview, Witness 22LC-0051.

<sup>129</sup> CFTJ Interview, Witness 22LC-0061.

Prison guards and high-ranking military personnel were enforcing President Aliyev's rhetoric, compelling Armenian PoWs to repeat "Karabakh is Azerbaijan" under threat of physical violence. For instance, a PoW stated:

"They [the interrogators] would say that not only Karabakh is Azerbaijan, but also Armenia is Azerbaijan. They [the interrogators] were using force so that we wouldn't oppose them, but they were saying things that we had to disagree, like our names all had Azerbaijani origin, all our lands were Azerbaijani (...)." <sup>130</sup>

Furthermore, it is evident from the videos disseminated by Azerbaijani soldiers on Telegram channels that they refer to detained Armenians, as well as all Armenians, as "dogs," echoing President Aliyev's rhetoric, often accompanied by physical and mental torture. <sup>131</sup>

### 3.5 Destruction of Cultural Heritage

The Azerbaijani unlawful military aggression against ethnic Armenians has transcended attacks on individuals, extending to the destruction of objects emblematic of Armenian identity, including cultural heritage sites. Azerbaijani assault on Armenian cultural sites is not limited to the area of Nagorno-Karabakh. From 1997 to 2011, 98% of Armenian cultural heritage sites within Azerbaijan's Nakhchivan province were destroyed, as reported by the Caucasus Heritage Watch (CHW) at Cornell University. <sup>132</sup> This pattern of destruction has been extended to Nagorno-Karabakh. Nagorno-Karabakh is estimated to have 500 historical sites, which may contain up to 6,000 monuments. However, according to experts all 4,000

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<sup>130</sup> CFTJ Interview, Witness 22LC-0061.

<sup>131</sup> *18+ Civilian from Sznek, Artsakh Tortured While Interrogated by Azerbaijani Soldiers*, AZERIWARCRIMES.ORG (December 14, 2020), <https://azeriwarcrimes.org/2020/12/14/18-civilian-from-sznek-artsakh-tortured-while-interrogated-by-a-azerbaijani-soldiers/> (Accessed April 3, 2024).

<sup>132</sup> *Report Shows Near Total Erasure of Armenian Heritage Sites*, NEWS.CORNELL.EDU (September 2022), <https://news.cornell.edu/stories/2022/09/report-shows-near-total-erasure-armenian-heritage-sites> (Accessed April 4, 2024); CAUCASUS HERITAGE WATCH (April 4, 2024), <https://caucasusheritage.cornell.edu/>.



cultural heritage sites in Nagorno-Karabakh are at risk of severe damage. According to Simon Maghakyan, an investigative researcher<sup>133</sup> says,

“it is fair to say that all 4,000 cultural heritage sites of Nagorno-Karabakh are in danger of severe damage, including the historic town of Amaras and its fifth-century Mausoleum of Saint Grigoris; and the 13th-century monastery at Dadivank, which was established as a chapel in the first century<sup>134</sup>.

Since Azerbaijan unlawfully occupied Nagorno-Karabakh in 2020, a multitude of sites in Nagorno-Karabakh, spanning cemeteries, churches, and the ruins of the ancient city of Tigranakert, have faced ongoing threats, damage, or outright destruction by Azerbaijani military actions, both during and after the hostilities.<sup>135</sup>

Some of the most egregious examples of cultural destruction during Azerbaijan’s 2020 unlawful military aggression are the Ghazanchetsots Cathedral and Amaras Monastery in the Nagorno-Karabakh region. The Ghazanchetsots Cathedral holds significant importance in Shushi as a symbol of Armenian cultural and religious identity. It suffered deliberate bombing twice on October 8, 2020, by Azerbaijani armed forces. Recent images have depicted Azerbaijan’s reconstruction efforts which have removed the dome that depicts its Armenian Orthodox character, including the removal of the Christian cross from the highest dome of the church.<sup>136</sup>

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<sup>133</sup> He is currently a non-resident PhD student in heritage crime at Great Britain’s Cranfield University, and a non-resident Visiting Scholar at Tufts University. Previously, Maghakyan was a lecturer in international relations at the University of Colorado Denver.

<sup>134</sup> *Armenian monuments in line of fire in Nagorno-Karabakh conflict*, THE ART NEWSPAPER (Oct. 26, 2020)  
<https://www.theartnewspaper.com/2020/10/26/armenian-monuments-in-line-of-fire-in-nagorno-karabakh-conflict>

<sup>135</sup> *Attacks on Cultural Heritage*, UNIVERSITY NETWORK FOR HUMAN RIGHTS,  
<https://humanrightsnetwork.shorthandstories.com/we-are-no-on/attacks-on-cultural-heritage/index.html> (Accessed April 4, 2024).

<sup>136</sup> *Azerbaijan: Attack on Church Possible War Crime*, HUMAN RIGHTS WATCH (December 1, 2020),  
<https://www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime> (Accessed April 4, 2024); *About the Azerbaijani “restoration” of Surb Amenaprkich Ghazanchetsots Church in Shushi*, MONUMENT WATCH (May 30, 2022),  
<https://monumentwatch.org/en/alerts/about-the-azerbaijani-restoration-of-surb-amenaprkich-ghazanchetsots-church-in-shushi/> (Accessed April 4, 2024); See also *The Kanach Zham church in Shushi is being destroyed by Azerbaijanis*, MONUMENT WATCH (July 8, 2022),  
<https://monumentwatch.org/en/alerts/the-kanach-zham-church-in-shushi-is-being-destroyed-by-azerbaijanis/> (Accessed April 4, 2024); *Urgent Call to Protect Amaras Monastery from Cultural Erasure*, CENTER FOR TRUTH AND JUSTICE (September 21, 2023),  
<https://www.cftjustice.org/wp-content/uploads/2023/09/Urgent-Call-to-Protect-Amaras-Monastery-from-Cultural-Erasure.pdf> (Accessed April 4, 2024).

Another egregious illustration of widespread cultural heritage destruction is evident in the city of Hadrut. Following the expulsion of ethnic Armenian residents from the town, Azerbaijani Armed Forces proceeded to demolish Armenian religious and cultural edifices. As documented by Monument Watch monitoring efforts in Hadrut, satellite imagery captured between May and June 2021 revealed the near-complete destruction of the Armenian Genocide Memorial Complex in Azokh village, with the memorial itself entirely obliterated.<sup>137</sup>

This pattern of destruction has been extensively recorded by both international and Armenian scholarly bodies. Scholars affiliated with Monument Watch, a Yerevan State University-based group that has monitored more than 200 monuments in Nagorno-Karabakh, describe the comprehensive attack on Armenian culture and history in Nagorno-Karabakh as “an occupation of heritage.”<sup>138</sup> There have been over 180 incidents targeting these cultural sites after the 44-Day 2020 War.<sup>139</sup>

In its latest December 2023 report, CHW highlighted significant concerns regarding the preservation of heritage in Nagorno-Karabakh after Azerbaijan’s unlawful military aggression in September 2023. Their Monitoring Report from June 2023 identified two alarming trends endangering cultural heritage sites across the territory relinquished to Azerbaijan in 2020. First, there has been a notable expansion of adverse impacts on these sites. Second, there has been an increase in armed forces threatening heritage, particularly due to the construction of new military facilities. As documented by CHW, this violence led to the destruction of six sites of cultural significance. Among them were 14th-16th and 17-18th century Armenian cemeteries adorned with Khachkars (Armenian cross-stones), the 18th century Armenian Meghretsots Holy Mother of God Church, and the 17th century S. Astvatsatsin of Avetaranots Church in Nagorno-Karabakh, along with several other Armenian churches dating back to the 16th and 18th centuries.<sup>140</sup>

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<sup>137</sup> *Destruction of the Memorial Complex in Azokh Village of Hadrut*, MONUMENT WATCH (August 28, 2021), <https://monumentwatch.org/en/alerts/destruction-of-the-memorial-complex-in-azokh-village-of-hadrut/> (April 4, 2024).

<sup>138</sup> *Attacks on Cultural Heritage*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, *supra* note 140, <https://humanrightsnetwork.shorthandstories.com/we-are-no-on/attacks-on-cultural-heritage/index.html> (Accessed April 4, 2024).

<sup>139</sup> *ibid.*

<sup>140</sup> *CHW: Monitoring Report*, CAUCASUS HERITAGE WATCH (December 2023), <https://indd.adobe.com/view/0da94550-19a5-4b85-a682-9666a644bb79> (Accessed April 4, 2024).

A comprehensive review by the UNHR, incorporating multiple sources, has verified the damage, destruction, or desecration of at least 40 cultural landmarks in Nagorno-Karabakh, either partially or in entirety, with the remaining sites at serious risk of full destruction following the transfer of control to Azerbaijan.<sup>141</sup>

Furthermore, according to the testimonial evidence collected by CFTJ, Azerbaijan's illegal blockade of the Lachin Corridor, which commenced in December 2022 and intensified during the Azerbaijani unlawful military aggression in September 2023, has significantly worsened the situation for Nagorno-Karabakh Armenians in accessing their heritage and cultural sites. The restrictions imposed on movement have severely hindered Nagorno-Karabakh residents from freely participating in the cultural life of Armenians in the Republic of Artsakh.<sup>142</sup>

Lastly, the UN Special Rapporteur on cultural rights in a direct message to Azerbaijan, has expressed deep concern over the continuous destruction and appropriation of significant Armenian historical, cultural, and religious sites and objects in Nagorno-Karabakh. The UN Special Rapporteur voiced heightened concerns, stating,

"I am particularly worried about the assertions that coordinated attacks on individuals, monuments, and symbols, alongside historical falsifications, erasure of place names, and negative rhetoric targeting Armenians, could evolve into a form of cultural cleansing."

He underscored that the ICJ, the European Parliament, and the Council of Europe have all voiced concerns regarding the developing ideology in Azerbaijan. This ideology seeks to portray Armenian cultural heritage as the legacy of "Caucasian Albanians." Additionally, there is growing apprehension about the revisionist trend aiming to deny the Armenian heritage.

"The overwhelming majority of experts in art, architecture, and archaeology in the region have unequivocally rejected the revisionist claims as baseless. Once the region is cleansed of ethnic Armenians, it is alleged that Azerbaijan

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<sup>141</sup> *Attacks on Cultural Heritage*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, *supra* note 140, <https://humanrightsnetwork.shorthandstories.com/we-are-no-on/attacks-on-cultural-heritage/index.html> (Accessed April 4, 2024).

<sup>142</sup> Testimonial evidence collected by CENTER FOR TRUTH AND JUSTICE team during the blockade in Nagorno-Karabakh.

has planned to further remove all physical indications of the presence of Armenians.”<sup>143</sup>

In September 2022, Azerbaijani shelling, part of the unlawful military aggression on Armenia, resulted in the destruction of a cemetery in Jermuk, located in the Vayots Dzor province of southern Armenia.<sup>144</sup>

The destruction of cultural heritage is critical in the context of genocide. Once the population is removed from its lands, the destruction and appropriation of cultural heritage completes the erasure of the people and thus the complete destruction of a people, in this case, the people of Armenia.

### 3.6 Blockade of the Lachin Corridor

For the Armenians of Nagorno-Karabakh, the Lachin Corridor served as a lifeline, the only road connecting them to the rest of the world, including the Republic of Armenia, and thereby facilitating the flow of essential goods, medical supplies, and humanitarian aid crucial for their survival. This corridor was a vital economic, social, and humanitarian link, providing access to necessary resources, support, and security.

On December 12, 2022, individuals of Azerbaijani origin dressed in civilian clothing, proclaimed themselves as “eco-activists” and established tent encampments, effectively closing off the Lachin Corridor. This initial stage marked the beginning of a blockade that persisted for the following nine months until September 2023, severely restricting access to vital food, medical supplies, fuel, and other essential goods to the more than 120,000 ethnic Armenians living in Nagorno-Karabakh.

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<sup>143</sup> Public Communication Document, *Mandate of the Special Rapporteur in the field of cultural rights*, Office of the United Nations High Commissioner for Human Rights, Special Rapporteur in the field of cultural rights, (Sept. 22, 2023),

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28351> (Accessed April 4, 2024).

<sup>144</sup> *Attacks on Cultural Heritage*, UNIVERSITY NETWORK FOR HUMAN RIGHTS, *supra* note 140, <https://humanrightsnetwork.shorthandstories.com/we-are-no-on/attacks-on-cultural-heritage/index.html> (Accessed April 4, 2024).

On December 15, 2022, the Lemkin Institute Issued a “Genocide Alert for Azerbaijan”, describing the blockade and deprivation of utilities as part of a larger genocidal pattern against Armenia and Armenians by the Azerbaijani regime.<sup>145</sup>

A report conducted by the Center for Law and Justice and the Human Rights Ombudsman of the Republic of Artsakh and published in February 2023 found that the “eco-activists” blocking the corridor were “controlled and governed by authorities of Azerbaijan.”<sup>146</sup> The report further stated that “most leaders and key activists [sic] are either directly or indirectly affiliated with the government and state institutions or quasi-state bodies (...).”<sup>147</sup> Noteworthy, investigations conducted by the Center for Law and Justice revealed that protestors were unable to access the Lachin Corridor without special permission from the Azerbaijani authorities.<sup>148</sup>

An independent investigation conducted by Azerbaijani independent media outlet Mikroskop concluded that after watching more than 50 videos and researching the NGOs in the area, they found that only two NGOs in the area were specialized in the field of ecology.<sup>149</sup>

Furthermore, the CoE Commissioner for Human Rights, in their October 2023 report following country visits to Armenia, Azerbaijan, and Nagorno-Karabakh, characterized the protests as being “backed” by the Azerbaijani authorities.<sup>150</sup>

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<sup>145</sup> *Red Flag Alert for Genocide: Azerbaijan*, LEMKIN INSTITUTE (December 15, 2022), [https://www.lemkininstitute.com/\\_files/ugd/391abe\\_22be692d531c4134817cb6417ccdc931.pdf](https://www.lemkininstitute.com/_files/ugd/391abe_22be692d531c4134817cb6417ccdc931.pdf) (Accessed April 4, 2024),

<sup>146</sup> *The Azerbaijani Government’s ‘Eco-Activist’ Agents Who Blocked the only Road of Life Connecting Artsakh to Armenia and the Outside World*, CENTER FOR LAW AND JUSTICE “TATOYAN” FOUNDATION, the Human Rights Defender of the Republic of Artsakh (February 2023), p. 3-7, [https://tatoyanfoundation.org/wp-content/uploads/2023/09/ECO\\_ACTIVISTS.pdf](https://tatoyanfoundation.org/wp-content/uploads/2023/09/ECO_ACTIVISTS.pdf) (Accessed April 4, 2024).

<sup>147</sup> Ibid.

<sup>148</sup> *Eco-activists could not reach the Lachin Corridor without the Azerbaijani authorities' special permission: the Foundation has analyzed new facts*, CENTER FOR LAW AND JUSTICE “TATOYAN” FOUNDATION (January 20, 2023), <https://tatoyanfoundation.org/aranc-adrbejanakan-ishxanuthyunneri-hatuk-thuyiltvuthyan-ekoaktivistne-reh-chein-karogh-hasnel-lachini-mijanckh%E2%80%A4-himnadrameh-nor-phaster-e-verlutcel/?lang=en> (Accessed April 4, 2024).

<sup>149</sup> *How Much Grant Did Eco-Activists at the Lachin Corridor Receive from Azerbaijani Government?*, MIKROSKOP MEDI (January 19, 2023), <https://mikroskopmedia.com/en/2023/01/19/how-much-grant-did-eco-activists-at-the-lachin-corridor-receive-from-azerbaijani-government/>, (Accessed April 4, 2024).

<sup>150</sup> *Observations on the Human Rights Situation of People Affected by the Conflict in and around Nagorno-Karabakh region*, COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS (January 12, 2024), p. 3, <https://rm.coe.int/observations-on-the-human-rights-situation-of-people-affected-by-the-c/1680ae228c> (Accessed April 4, 2024).

On January 10, 2023, President Aliyev of Azerbaijan publicly commended the protest and blockade of the Lachin Corridor, recognizing the serious bodily or mental harm it was causing to ethnic Armenians in Nagorno-Karabakh. This statement came amidst a period of dire humanitarian conditions, where Armenians in Nagorno-Karabakh faced starvation due to the Azerbaijani blockade. Despite the humanitarian crisis, Aliyev's applause for the blockade underscored his clear intent to cause bodily and mental harm to Armenians. During this blockade, the Azerbaijani authorities invited a group of 30 foreign observers, all expenses covered, to witness the protest for propaganda purposes. One of them, speaking in Portuguese, remarked:

“Nobody here cares about the environment, but this way, you can control the media and the world opinion, because theoretically, the environment is important.”<sup>151</sup>

In addition to their visit to the protest site, these observers boasted about riding in military vehicles just miles from the Armenian border, treating Nagorno-Karabakh as if it were being turned into a macabre amusement park. While the Azerbaijani press hailed them as “world-famous travelers,” they appeared to be ordinary individuals who responded to the advertisement.<sup>152</sup>

According to the eyewitness testimonial evidence collected by CFTJ, Armenians attempting to travel to their homes in Nagorno-Karabakh were reportedly stopped by “eco-activists” who were shouting “Karabakh is Azerbaijan” in Azerbaijani.<sup>153</sup>

Pursuant to the 2020 Ceasefire Agreement, Azerbaijan authorized the presence of Russian peacekeepers to protect the Armenians living in Nagorno-Karabakh and authorized the role of the UN High Commissioner for Refugees to facilitate the return of internally displaced persons and refugees to the territory of Nagorno-Karabakh.

“The Lachin Corridor (5 km wide), which will ensure the communication between Nagorno-Karabakh and Armenia...shall remain under the control of

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<sup>151</sup> *And in Other News: Armenia-Turkey Relations at the Forefront*, CIVILNET (February 27, 2023), <https://www.civilnet.am/en/news/693237/and-in-other-news-armenia-turkey-relations-at-the-forefront/>, (Accessed April 2, 2024).

<sup>152</sup> *ibid.*

<sup>153</sup> *Armenians Trapped: Famine and Death Lurking as Azerbaijan Stops Humanitarian Aid Deliveries to Nagorno-Karabakh*, CENTER FOR TRUTH AND JUSTICE, (June 29, 2023), p. 9, [https://www.cftjustice.org/wp-content/uploads/2023/06/Armenians-Trapped\\_-famine-and-death-lurking-as-Azerbaijan-stop-humanitarian-aid-deliveries-to-Nag%D6%85rno-Karabakh.pdf](https://www.cftjustice.org/wp-content/uploads/2023/06/Armenians-Trapped_-famine-and-death-lurking-as-Azerbaijan-stop-humanitarian-aid-deliveries-to-Nag%D6%85rno-Karabakh.pdf) (Accessed April 4, 2024).

the peacekeeping contingent of the Russian Federation” for five years. (...) “The Republic of Azerbaijan shall guarantee the safe movement of citizens, vehicles, and cargo in both directions along the Lachin corridor.”<sup>154</sup>

On April 23, 2023, armed Azerbaijani soldiers replaced the “eco-activists” and established an illegal checkpoint at the corridor.<sup>155</sup> As a result of the establishment of the illegal checkpoint, the populations of three villages in Nagorno-Karabakh were cut off and 300 Armenian civilians were left to starve.<sup>156</sup>

Not only did Azerbaijan prevent the transport of people during the blockade, but they also repeatedly blocked the ICRC delivery of food and medication to Nagorno-Karabakh. Additionally, Azerbaijan repeatedly cut off water, electricity, gas, and internet access, making it impossible for Armenians in Nagorno-Karabakh to access these essential services. Gas, electricity and water was made available to the Armenians in Nagorno-Karabakh arbitrarily by Azerbaijan because they now occupied areas that included electricity stations, gas pipelines and water sources.<sup>157</sup> The Armenians of Nagorno-Karabakh were being starved, frozen and deprived of clean running water, internet access, and critical medical supplies. Public transportation came to a halt. All government run facilities were shut down. Unemployment rose to nearly 100%. The economy collapsed. Schools were shut down and starvation set in.

On June 15, 2023, Azerbaijan escalated the situation, completely sealing off the Lachin Corridor, the lifeline of Nagorno-Karabakh. The ICRC and Russian peacekeeping forces were banned from delivering humanitarian relief.

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<sup>154</sup> *Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation*, OFFICE OF THE PRIME MINISTER OF ARMENIA *supra* note 79, provisions 3 and 6, (November 10, 2020), <https://www.primeminister.am/en/press-release/item/2020/11/10/Announcement/> (Accessed April 2, 2024).

<sup>155</sup> Shirinyan A., *As World Focuses on Ukraine, Civilians in Nagorno-Karabakh Face Authoritarian Siege*, FREEDOM HOUSE (May 13, 2023), <https://freedomhouse.org/article/world-focuses-ukraine-civilians-nagorno-karabakh-face-authoritarian-siege>, (Accessed April 4, 2024).

<sup>156</sup> “*The Knife Has Reached the Bone’ Urgent Report on the Dire Humanitarian Crisis in the Villages of Mets Shen, Hin Shen, and Yeghtsahogh in Nagorno-Karabakh*,” CENTER FOR TRUTH AND JUSTICE, (April 25, 2023), <https://www.cftjustice.org/wp-content/uploads/2023/04/NO-SR-The-Knife-Has-Reached-the-Bone-Urgent-Report-1.pdf> (Accessed April 4, 2024).

<sup>157</sup> *Azerbaijan in Violation of International Law in the Context of Electricity Disruptions to Nagorno-Karabakh*, CENTER FOR TRUTH AND JUSTICE, (July 5, 2023), <https://www.cftjustice.org/wp-content/uploads/2023/07/Electrical-Utilities-Report-2.docx.pdf> (Accessed April 4, 2024).

On July 25, 2023, when the Azerbaijan Armed Forces refused access to a convoy with humanitarian cargo to pass through the Lachin Corridor and enter Nagorno-Karabakh, the ICRC said that despite their “persistent efforts” they are currently unable to bring humanitarian assistance to the civilian population through the Lachin Corridor or through any other routes.<sup>158</sup>

Consequently, the more than 120,000 Armenians residing in Nagorno-Karabakh, which included 30,000 children, were totally deprived of necessities such as food, medicine, gas, electricity, and internet access. They found themselves in a dire situation akin to living in an open prison, surrounded by Azerbaijani soldiers who frequently engaged in gunfire and military attacks against Armenian farmers and residents of Nagorno-Karabakh, causing widespread terror and loss of life.<sup>159</sup>

As the blockade continued for more than nine months, starvation impacted the entire Armenian population<sup>160</sup> because nearly 90% of the food sold in the markets of Nagorno-Karabakh was imported from Armenia.<sup>161</sup> The Nagorno-Karabakh authorities implemented a food rationing system and introduced a coupon system. According to testimonial evidence collected by CFTJ during the blockade in Nagorno-Karabakh, Armenians of Nagorno-Karabakh were observed standing in long queues for several hours to obtain limited provisions, such as 5 eggs.<sup>162</sup> On August 15, 2023, the first death due to malnutrition was reported.<sup>163</sup> It was further

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<sup>158</sup> *Azerbaijan/Armenia: Sides must reach “humanitarian consensus” to ease suffering*, INTERNATIONAL COMMITTEE OF THE RED CROSS ( July 25, 2023), <https://www.icrc.org/en/document/azerbaijan-armenia-sides-must-reach-humanitarian-consensus-to-ease-suffering>.

<sup>159</sup> Sargsyan S., *Surviving the Siege: The Life of the Artsakh’s Villages Under the Target of Azerbaijan*, PROVIDENCE (August 3, 2023), <https://providencemag.com/2023/08/surviving-the-siege-the-life-of-the-artsakhs-villages-under-the-target-of-azerbaijan/> (Accessed April 4, 2024).

<sup>160</sup> *Azerbaijan: Blockade of Lachin Corridor Putting Thousands of Lives in Peril Must Be Immediately Lifted*, AMNESTY INTERNATIONAL (February 9, 2023), <https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/> (Accessed April 4, 2024).

<sup>161</sup> *Updated Ad hoc Public Report on the Humanitarian Consequences of Blocking the Lachin Corridor: a Manifestation of the Policy of Armenophobia in Azerbaijan*, HUMAN RIGHTS DEFENDER OFFICE ARMENIA (June 16, 2023), p. 18, <https://www.ombuds.am/images/files/798e81176d93081e6199ca90cfa31466.pdf> (Accessed April 4, 2024).

<sup>162</sup> *Armenians Trapped: Famine and Death Lurking as Azerbaijan Stops Humanitarian Aid Deliveries to Nagorno-Karabakh*, CENTER FOR TRUTH AND JUSTICE (June 29, 2023), *supra* note 160, p. 11, [https://www.cftjjustice.org/wp-content/uploads/2023/06/Armenians-Trapped\\_-famine-and-death-lurking-as-Azerbaijan-stop-humanitarian-aid-deliveries-to-Nag%D6%85rno-Karabakh.pdf](https://www.cftjjustice.org/wp-content/uploads/2023/06/Armenians-Trapped_-famine-and-death-lurking-as-Azerbaijan-stop-humanitarian-aid-deliveries-to-Nag%D6%85rno-Karabakh.pdf) (Accessed April 4, 2024).

<sup>163</sup> *Nagorno-Karabakh Reports First Death From Hunger*, AZATUTYUN (RADIO FREE EUROPE, ARMENIAN SERVICE) (August 15, 2023), <https://www.azatutyun.am/a/32549361.html> (Accessed April 4, 2024).



documented that one in three deaths in Nagorno-Karabakh was linked to malnutrition.<sup>164</sup> Additionally, it was observed that residents of Nagorno-Karabakh experienced daily episodes of fainting due to malnutrition.<sup>165</sup>

Despite numerous reports and evidence of starvation, during a UN Security Council meeting on August 16, 2023, Yashar Aliyev, Azerbaijan's permanent representative to the UN, responded to allegations by presenting printouts of Instagram posts purportedly showing Karabakh Armenians eating and engaging in normal activities, such as birthdays and weddings adding,

“People are happy. They are dancing at their wedding party. This is a celebration. Very tasty cookies!”<sup>166</sup>

According to eyewitness testimonial evidence collected by CFTJ, women in Nagorno-Karabakh, desperate for baby formula, resorted to running ads or announcements on social media platforms seeking supplies for their children and making homemade baby porridge.<sup>167</sup> In July 2023, the Center for Maternal and Child Health in Stepanakert reported a nearly tripled rate of miscarriages compared to the previous month, attributed to heightened stress and a lack of a balanced diet.<sup>168</sup> Women in blockaded Nagorno-Karabakh were reportedly experiencing miscarriages without access to ambulance services due to fuel shortages.<sup>169</sup> Furthermore, it was

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<sup>164</sup> *Every third death in Nagorno-Karabakh is caused by malnutrition amid blockade*, ARMENPRESS (August 29, 2023), <https://armenpress.am/eng/news/1118287.html> (Accessed April 4, 2024).

<sup>165</sup> *In Nagorno-Karabakh, on a daily basis, people are losing consciousness due to malnutrition*, Marukyan, 1LURER (August 5, 2023), <https://www.1lurer.am/en/2023/08/05/In-Nagorno-Karabakh-on-a-daily-basis-people-are-losing-consciousness-due-to-malnutrition-Marukyan/973750> (Accessed April 4, 2024).

<sup>166</sup> Alex Galitsky (@agalitsky), x (FORMER TWITTER) (Aug. 17, 2023 at 2:04 PM), ‘People are happy and have very tasty cookies.’ *Azerbaijani diplomacy at its finest*, <https://twitter.com/agalitsky/status/1691918902450938213>.

<sup>167</sup> *Armenians Trapped: Famine and Death Lurking as Azerbaijan Stops Humanitarian Aid Deliveries to Nagorno-Karabakh*, CENTER FOR TRUTH AND JUSTICE (June 29, 2023), *supra* note 160, p. 6, [https://www.cftjustice.org/wp-content/uploads/2023/06/Armenians-Trapped\\_-famine-and-death-lurking-as-Azerbaijan-stop-humanitarian-aid-deliveries-to-Nag%D6%85rno-Karabakh.pdf](https://www.cftjustice.org/wp-content/uploads/2023/06/Armenians-Trapped_-famine-and-death-lurking-as-Azerbaijan-stop-humanitarian-aid-deliveries-to-Nag%D6%85rno-Karabakh.pdf).

<sup>168</sup> *In recent month, the indicator of reproductive losses almost tripled: Head Doctor*, ARTAKHPRESS (Jul. 19, 2023), <https://artsakhpress.am/eng/news/184447/verjin-mek%C2%A0-amsum%C2%A0-hxiutyann-vax-shrjan-um-ptxi-korustneri-cucanishn-atchel-e-grete-ereq-angam-glkhavor-bzhishk.html>.

<sup>169</sup> *Queues for bread and no formula milk: Motherhood in blockaded Nagorno-Karabakh*, OPENDEMOCRACY, (Aug. 22, 2023), <https://www.opendemocracy.net/en/5050/mothers-nagorno-karabakh-artsakh-armenia-azerbaijan-children/>.

reported by the State Minister of Nagorno-Karabakh that “over 90 percent of pregnant women had anemia” during the blockade.<sup>170</sup>

Azerbaijan, utilizing starvation as a form of warfare, forced severe incidents such as the case of a single mother of two children, three-year-old Leo and six-year-old Gita, from the Martakert province of Nagorno-Karabakh. Desperate for essential supplies, she left her sleeping children alone at home and walked 5 kilometers to the nearby town of Martakert to obtain cooking oil, sugar, and other food items. Tragically, upon her return, she found that her children had gotten into the car, fallen asleep, and died from heat exhaustion.<sup>171</sup>

The Lemkin Institute issued a series of five Red Flag Alerts for Genocide to draw attention to Azerbaijan's criminal actions, leading to the imminent genocide of Armenians in Nagorno-Karabakh and the Republic of Armenia. These alerts have been regularly updated since the blockade's inception.<sup>172</sup>

Genocide Watch has declared a “genocide emergency” in Nagorno-Karabakh and categorized the crisis as Stage 8: Persecution, Stage 9: Extermination, and Stage 10: Denial.<sup>173</sup>

The Executive and Advisory Boards of the International Association of Genocide Scholars have identified significant risk factors for genocide in Nagorno-Karabakh.<sup>174</sup>

Over 50 prominent genocide scholars, in an open letter addressed to the UN Secretary-General, the UN High Commissioner for Human Rights, the Special

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<sup>170</sup> *Nagorno-Karabakh: The forgotten crisis on Europe's doorstep*, THE TELEGRAPH, (Aug. 16, 2023), <https://www.telegraph.co.uk/global-health/terror-and-security/armenia-azerbaijan-nagorno-karabakh-blockade/>.

<sup>171</sup> *Speech of Minister of Foreign Affairs of Armenia at the UN Security Council urgent meeting*, MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF ARMENIA (August 16, 2023), [https://www.mfa.am/en/speeches/2023/08/16/fm\\_mirzoyan\\_unsc/12143](https://www.mfa.am/en/speeches/2023/08/16/fm_mirzoyan_unsc/12143) (Accessed April 4, 2024). See also *Karabakh Mother Mourns the Death of Her Two Children*, CIVILNET (Jul. 20, 2023), <https://www.civilnet.am/en/news/745117/karabakh-mother-mourns-the-death-of-her-two-children/> (Accessed April 4, 2024); *'I will not let my child go hungry.' Mother of children who died in Artsakh*, AZATUTYUN (RADIO FREE EUROPE, ARMENIAN SERVICE) (July 12, 2023), <https://www.azatutyun.am/a/32500830.html>.

<sup>172</sup> *Red Flag Alerts for Genocide: Azerbaijan*, LEMKIN INSTITUTE <https://www.lemkininstitute.com/armeniaproject/red-flag-alerts-for-genocide> (Accessed Apr. 15, 2024).

<sup>173</sup> *Genocide Emergency: Azerbaijan's Blockade of Artsakh*, GENOCIDE WATCH, (Feb. 23, 2023), <https://www.genocidewatch.com/single-post/genocide-emergency-azerbaijan-s-blockade-of-artsakh>.

<sup>174</sup> *International Association of Genocide Scholars Executive and Advisory Boards: Statement Condemning the Azerbaijani Blockade of the Artsakh (Nagorno-Karabakh)*, THE INTERNATIONAL ASSOCIATION OF GENOCIDE SCHOLARS, (Feb. 1, 2023), <https://genocidescholars.org/wp-content/uploads/2023/02/IAGS-EB-AB-Statement-on-Azeri-Blockade-of-Artsakh.pdf>.

Adviser of the UN Secretary-General on the Prevention of Genocide, and Member States of the UN Security Council have issued warnings regarding the potential for genocide in Nagorno-Karabakh.<sup>175</sup>

Despite these warnings and measures taken to stop Azerbaijan from causing bodily and mental harm to the Armenians of Nagorno-Karabakh, a genocide occurred. Today, for the first time in two millennia, Nagorno-Karabakh is devoid of Armenians, and its cultural heritage is being dismantled and destroyed by Azerbaijan in order to erase signs that Armenians lived on their indigenous lands for thousands of years.

#### 4.0 International Court of Justice and Provisional Orders

On September 16, 2021, Armenia started proceedings against Azerbaijan before the International Court of Justice (ICJ). Armenia alleged that “[f]or decades, Azerbaijan has subjected Armenians to racial discrimination” in violation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).<sup>176</sup>

On December 7, 2021, the Court considered that “propaganda promoting racial hatred and incitement to racial discrimination or to acts of violence against any group of persons based on their national or ethnic origin can generate a pervasive racially charged environment within society. This holds particularly true when rhetoric espousing racial discrimination is employed by high-ranking officials of the State. Such a situation may have serious damaging effects on individuals belonging to the protected group. Such damaging effects may include, but are not limited to, the risk of bodily harm or psychological harm and distress.”<sup>177</sup>

The ICJ confirmed the occurrence of the material elements of genocide that are set out in Article II (c) of the Genocide Convention:

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<sup>175</sup> *An open letter to the UN Secretary-General, the UN High Commissioner for Human Rights, the Special Adviser of the UN Secretary-General on the Prevention of Genocide, and Member States of the UN Security Council regarding the potential for genocide in Artsakh (Nagorno-Karabakh)*, ARMENIAN GENOCIDE MUSEUM-INSTITUTE FOUNDATION (Aug. 9, 2023), <http://www.genocide-museum.am/eng/11.8.23.php>.

<sup>176</sup> *Application of the International Convention on the Elimination of All Forms of Racial Discrimination, (Armenia v. Azerbaijan)*, INTERNATIONAL COURT OF JUSTICE PRESS RELEASE NO. 2021/20 (Sep. 16, 2021), <https://www.icj-cij.org/index.php/node/106050>.

<sup>177</sup> *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Judgment, 2020 I.C.J. 180 ¶ 83, (Dec. 7, 2021).

“Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.”

After reviewing the information placed before it, the ICJ considered

“plausible the rights allegedly violated through incitement and promotion of racial hatred and discrimination against persons of Armenian national or ethnic origin by high-ranking officials of Azerbaijan and through vandalism and desecration affecting Armenian cultural heritage,”

On December 7, 2021, the Court made the following provisional orders:

The Republic of Azerbaijan shall, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, Protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law; (b) Unanimously, Take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin; (c) Take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artifacts.<sup>178</sup>

On February 22, 2023, with regards to the blockade of the Lachin Corridor, the ICJ ordered:

“The Republic of Azerbaijan shall, pending the final decision in the case and accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, take all measures at its disposal to ensure unimpeded movement of persons, vehicles, and cargo along the Lachin Corridor in both directions.”<sup>179</sup>

In its February order, the ICJ accepted the request related to food and medicines, affirming:

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<sup>178</sup> *Id.*

<sup>179</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination, (*Armenia v. Azerbaijan*), Judgment, 2023 I.C.J. 180 . 180, ¶13 (Feb. 22).

“[a] prejudice can be considered as irreparable when the persons concerned are exposed to danger to health and life. The Court has further noted that restrictions on the importation and purchase of goods required for humanitarian needs, such as foodstuffs and medicines, including lifesaving medicines, treatment for chronic disease or preventive care, and medical equipment, may have a serious detrimental impact on the health and lives of individuals.”<sup>180</sup>

The order was reaffirmed on July 6, 2023.<sup>181</sup>

To reach such a conclusion the ICJ took into consideration that,

“there is a real and imminent risk that irreparable prejudice will be caused to the rights claimed before the Court” validating Armenia’s claim of expressions of hate by Azerbaijan high ranking officers.<sup>182</sup>

## 5.0 ECHR Findings on the Lachin Corridor

Armenia initiated a case before the European Court of Human Rights (ECHR) stating that,

“The 120,000 ethnic Armenians in Nagorno-Karabakh are now entirely encircled by Azerbaijan, completely cut off from access to the outside world.” They are now “effectively under siege.”<sup>183</sup>

On December 21, 2022, the ECHR evaluated the State’s responsibility and instructed Azerbaijan to,

“take all measures that are within their jurisdiction to ensure safe passage through the ‘Lachin Corridor’ of seriously ill persons in need of medical treatment in Armenia and others who were stranded on the road without shelter or means of subsistence.”<sup>184</sup>

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<sup>180</sup> *Id.* at ¶55.

<sup>181</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination, (*Armenia v. Azerbaijan*), Judgment, 2023 I.C.J. . 180, ¶30, (July 6).

<sup>182</sup> Application of the International Convention on the Elimination of All Forms of Racial Discrimination, (*Armenia v. Azerbaijan*), Judgment, 2023 I.C.J.180, 10, ¶ 46 (Feb, 22).

<sup>183</sup> *European Court decides to indicate interim measures in the “Lachin Corridor*, EUROPEAN COURT OF HUMAN RIGHTS PRESS RELEASE (Dec. 21, 2022), [file:///C:/Users/melin/Downloads/Interim%20measures%20in%20the%20case%20Armenia%20v.%20Azerbaijan%20\(no.%204\).pdf](file:///C:/Users/melin/Downloads/Interim%20measures%20in%20the%20case%20Armenia%20v.%20Azerbaijan%20(no.%204).pdf) .

<sup>184</sup> *Id.*

## 6.0 UN CERD Findings of Incitement and Hate Against Ethnic Armenians

In its latest periodic review of Azerbaijan, the UN Committee on the Elimination of Racial Discrimination (CERD) expressed deep concern over the,

“[i]ncitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials, and the lack of detailed information on investigations, prosecutions, convictions and sanctions for such acts.”<sup>185</sup>

The blockade that had led to the starvation of the indigenous Armenians of Nagorno-Karabakh caused legal experts to conclude that Azerbaijan’s blockade of the Lachin Corridor constitutes genocidal intent. According to the inaugural International Criminal Court Chief Prosecutor Luis Ocampo,

“The blockade of the Lachin Corridor by the Azerbaijani security forces impeding access to any food, medical supplies, and other essentials should be considered a Genocide under Article II(c) of the Genocide Convention: ‘Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.’”<sup>186</sup>

The final stage of Azerbaijan’s ethnic cleansing policy unfolded with large-scale military aggression on September 19, 2023. Day-long attacks on the civilian population included brutal killings of adults and children, continuing threats to children’s lives, and kidnappings. The bombardments forced mass deportations of over 120,000 Nagorno-Karabakh Armenians who fled to Armenia. Ethnic Armenians were forced out of their ancestral homes by Azerbaijani military attacks.

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<sup>185</sup> *Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan*, (Sep. 22, 2022),

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsgoRhGEAt5PtVtE5DMv2FiPdFI7L0zJLQR%2BWMu0et%2FTL9aobSW1sFniSFK%2FmKJ9yC7H%2F1GqR17VJk8eel%2FHKLZzTe1rLOwUUipqeTsq5MK42fckdmt3G7XdXTvvnUya%2BYiw%3D%3D>.

<sup>186</sup> Ocampo L., *Expert Opinion: Genocide against Armenians in 2023*, CENTER FOR TRUTH AND JUSTICE (Aug. 7, 2023),

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

## 7.0 The Final Phase: The Forcible Displacement of All Armenians from Nagorno-Karabakh - September 2023

On September 18, 2023, the ICRC finally delivered some humanitarian aid.<sup>187</sup>

The next day, on September 19, 2023, the Azerbaijan Armed Forces launched a military assault on Nagorno-Karabakh, leading to over 200 fatalities. The Ombudsperson of Nagorno-Karabakh reported that the casualties included at least 35 civilians, among them 13 children.<sup>188</sup> Within 24 hours, the operation ended with the complete surrender of Nagorno-Karabakh's civilian, police, and military authorities. The local military was immediately disarmed, and the forced dissolution of the self-governing democracy was announced.<sup>189</sup>

### 7.1 Forcible Displacement of 120,000 Armenians

Following these events, the remaining ethnic Armenian population of Nagorno-Karabakh, estimated at 120,000 in August 2023, began to forcibly flee to Armenia.

Azerbaijan sporadically interrupted internet connectivity and denied access to media, NGOs, civil society groups, and UN special rapporteurs to ensure the freedom to commit atrocities without observers, investigation or reporting by independent third parties.<sup>190</sup> Genocide was committed in the darkness of the night.

Azerbaijan ultimately permitted travel through the Lachin Corridor to allow for the Armenian population to leave their homes, lands and personal property and escape imminent death by escaping to Armenia. The ethnic cleansing of and genocide of Nagorno-Karabakh was achieved by Azerbaijan.

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<sup>187</sup> *Azerbaijan/Armenia: Humanitarian Consensus on Relief*, ICRC, (Sep. 18, 2023), <https://www.icrc.org/en/document/azerbaijan-armenia-humanitarian-consensus-relief>.

<sup>188</sup> *35 civilians injured in Artsakh: 13 children, 15 women and 7 men*, NEWS.AM (Sep. 20, 2023), <https://news.am/eng/news/781945.html>.

<sup>189</sup> Edwards C., *Nagorno-Karabakh will cease to exist from next year. How did this happen?*, CNN (Sep. 28, 2023),

<https://www.cnn.com/2023/09/28/europe/nagorno-karabakh-officially-dissolve-intl/index.html>.

<sup>190</sup> *What happened to all the Armenians in Nagorno-Karabakh? An Exodus Out of Indigenous Lands: Azerbaijan's Forced Displacement of the Ethnic Armenians from Nagorno-Karabakh*, CENTER FOR TRUTH AND JUSTICE (Dec. 2023), [https://www.cftjustice.org/wp-content/uploads/2023/12/Exodus\\_FinalV4.pdf](https://www.cftjustice.org/wp-content/uploads/2023/12/Exodus_FinalV4.pdf)

Reports of grave violations and acts of violence surfaced, such as sexual assaults, decapitations, and killings involving both minors and adults across various social media platforms, including Telegram.

An illustrative case emerged in September 2023 when videos surfaced on Azerbaijani Telegram channels depicting Azerbaijani military personnel mistreating injured Armenian PoWs. The footage shows instances of the prisoners being kicked from multiple directions, struck in the head with fists and feet, and forced to crawl despite their injuries. The wounded individuals are further subjected to Azerbaijani military personnel stepping on their wounds, eliciting cries of agony. In one distressing moment, a young Armenian captive, unable to move due to his injuries, is menaced with a knife by an Azerbaijani soldier, who threatens him with further harm.<sup>191</sup>

Another video portrays two Azerbaijani soldiers wielding knives as they roam the area of Nagorno-Karabakh, actively seeking Armenians to attack. In the footage, the soldiers explicitly state their intent to capture Armenians and sever their heads.<sup>192</sup> In other footage circulating on Azerbaijani Telegram channels, Azerbaijani soldiers were seen desecrating the bodies of Armenian soldiers by mutilating them, specifically by severing their ears as war trophies.<sup>193</sup>

Additionally, a series of videos surfaced on Azerbaijani Telegram channels depicting Azerbaijani soldiers filming the bodies of Armenian civilians, including elderly individuals, who were killed in their yards in a village within Nagorno-Karabakh.<sup>194</sup>

Azerbaijani social media channels have openly issued threats of abuse against civilians, ranging from bounties placed on missing children to the dissemination of images and reports of massacres targeting residents who refused to evacuate their homes, resulting in frantic civilian efforts to flee before the arrival of Azerbaijani military forces.<sup>195</sup>

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<sup>191</sup> *18+ Torturing POWs, Atrocities, Looting, and Vandalism Committed by Azerbaijani Troops*, AZERIWARCRIMES.ORG (Oct. 8, 2023), <https://azeriwarcrimes.org/2023/10/08/18-torturing-pows-atrocities-looting-and-vandalism-committed-by-azerbaijani-troops/>.

<sup>192</sup> *Id.*

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*, see videos v-b01 and v-b02.

<sup>195</sup> *SOS Alert: Artsakh*, LEMKIN INSTITUTE, (Sep. 22, 2023), <https://www.lemkininstitute.com/sos-alerts-1/sos-alert---artsakh---2>.



Christian Solidarity International reported that on an Azerbaijani Telegram channel with over 11,000 followers, Azerbaijanis were circulating photos of missing Armenians who disappeared due to Azerbaijan's unlawful military aggression, accompanied by threats of rape and murder against the individuals depicted. Under the photo of a young woman, someone offered \$500 to anyone who could deliver her to him, intending to present her as a birthday gift to "Murad," referencing an Azerbaijani male.

Above a photograph of children, the post read:

"Children of whores should clean toilets and work hard in mines for pennies."

And under the same photograph of Armenian children, it read:

"They are lost. Whoever finds them, rape them, cut them into pieces, and feed them to dogs as dinner."<sup>196</sup>

CFTJ confirmed the authenticity of these screenshots and saved them before Telegram took the posts down. The Telegram channel cited these posts as a "call to violence."<sup>197</sup>

Within days, over 120,000 Armenians crossed into Armenia, on their own means, coerced by destruction, torture, rape, and killings to abandon their homes and lands, leaving behind all of their possessions and their loved ones buried in Armenian cemeteries in Nagorno-Karabakh.

After the forcible displacement of the Armenian population, videos on Azerbaijan's Telegram channels began to circulate that showed Azerbaijani soldiers vandalizing and looting the homes that the Armenians forcefully abandoned in an effort to escape death. The videos also showed the Azerbaijani soldiers who were walking through the neighborhoods of Nagorno-Karabakh indiscriminately shooting at the homes to simply damage and destroy.<sup>198</sup> These videos confirmed and validated the

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<sup>196</sup> Christian Solidarity International (CSI) (@CSI\_humanrights), x (FORMER TWITTER) (Sep.21, 2023 at 7:09 AM), [https://twitter.com/CSI\\_humanrights/status/1704860465220722998?ref\\_src=twsrc%5Egoogle%7Ctwtc&amp%5Eserp%7Ctwgr%5Etweet](https://twitter.com/CSI_humanrights/status/1704860465220722998?ref_src=twsrc%5Egoogle%7Ctwtc&amp%5Eserp%7Ctwgr%5Etweet).

<sup>197</sup> Zloy Mamed (@zloy\_mamed\_az), TELEGRAM (Sep. 20, 2023, 2:55 PM), *Avtandilyan ..... Whoever finds it for me will pay 500 Baku. I will give Casanova (Murad) for his birthday*, [https://t.me/zloy\\_mamed\\_az/2767](https://t.me/zloy_mamed_az/2767).

<sup>198</sup> *18+ Torturing POWs, Atrocities, Looting, and Vandalism Committed by Azerbaijani Troops*, (Oct. 8, 2023), *supra* note 200, <https://azeriwarcrimes.org/2023/10/08/18-torturing-pows-atrocities-looting-and-vandalism-committed-by-azerbaijani-troops/>.

fears that the Armenian population had of the Azerbaijani Armed Forces that upon arrival, they would destroy, torture, and kill Armenians.

These videos serve to advance Azerbaijan's psychological propaganda to infuse the population with fear, which serves their plan to remove Armenians from their lands. They have been able to achieve this successfully since 2020, both in Nagorno-Karabakh and Armenia.

Testimonial evidence gathered by CFTJ from Nagorno-Karabakh refugees indicates that the Armenian population of Nagorno-Karabakh was subjected to terror, particularly in the period leading up to the forced displacement and during the assault on the Hakari Bridge. This bridge connected Armenia to Nagorno-Karabakh. According to a witness who worked at Nagorno-Karabakh's communications office, two days before Azerbaijan launched its military offensive on September 19, 2023, the witness received numerous frantic calls at work from customers who reported receiving SMS messages stating "Karabakh is Azerbaijan." The office supervisor confirmed that the messages were sent from Azerbaijan. As the conflict escalated on September 20, 2023, the same witness stated that while they were working from a basement, an alarming SMS began to circulate that said:

"We will soon arrive,"

from the "Grey Wolves" [a Turkish ultra-nationalist paramilitary group].<sup>199</sup>

Another witness interviewed by CFTJ stated that at the Hakari checkpoint, Azerbaijanis with weapons terrorized them and yelled at them:

"Listen, Karabakh is Azerbaijan, Nikol is Azerbaijan."<sup>200</sup>

"Nikol" refers to the Prime Minister of Armenia, Nikol Pashinyan.

Another witness recounted the tragic experience of her mother, who, despite having no prior health issues, passed away as they approached the Azerbaijani checkpoint due to stress and fear.

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<sup>199</sup> *Azerbaijan Terrorizes Armenian Refugees at the Hakari Checkpoint*, CENTER FOR TRUTH AND JUSTICE (Feb. 2024), P. 10, <https://www.cftjustice.org/wp-content/uploads/2024/02/Azerbaijan-Terrorizes-Armenian-Refugees-at-the-Hakari->

<sup>200</sup> *Id.* at 16.

"She took a few steps and complained that she was not well. She said her head was spinning. She was dizzy. Moments later, she collapsed, and she was gone. My mother had not had any health issues. She simply perished because of the stress, the fear, and the terror of approaching the Hakari checkpoint. We had all heard of the horrors that took place at that checkpoint, including violence and abductions. We had no choice. We had to put my mother's dead body in our car and go to the checkpoint. There, they [armed Azerbaijani guards] inspected my mother's body to confirm that she was dead, and then they let us all pass."<sup>201</sup>

According to the Armenian Investigative Committee, as of January 5, 2024, 244 people were wounded, and 70 people had died during their tumultuous escape into Armenia, which lasted more than 30 hours on the road. The desecration of 20 dead bodies was documented.<sup>202</sup> Further investigation has revealed rapes and torturous killings. CFTJ is in the process of collecting evidence of these additional acts of violence.

President Aliyev presented the following ultimatum to ethnic Armenians in Nagorno-Karabakh following months of starvation, aggression, and persecution:

"Armenians living in Karabakh must either take up Azerbaijani citizenship or seek another place of residence," as stated during his interview in April 2023 with the Az TV channel.<sup>203</sup>

Armenians, having been persecuted, hunted, maimed, tortured, and killed by the Azerbaijani Armed Forces and having experienced decades of hate speech by the aggressive genocidal rhetoric of President Aliyev, knew that Azerbaijani citizenship was not a viable option. Their families had experienced the pogroms of Armenians in Baku and Sumgait, who were citizens of Azerbaijan. Accepting Azerbaijani citizenship would not secure them to live peacefully on their indigenous lands. They also knew that they would have to give up their Armenian citizenship because Azerbaijan does not allow dual citizenship. The offer of Azerbaijani citizenship was

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<sup>201</sup> *Id* at 19.

<sup>202</sup> *2023 Azeri attack in Nagorno-Karabakh killed 223 people, including 5 children – says law enforcement official*, ARMENPRESS (Jan. 5, 2024), <https://armenpress.am/eng/news/1127400.html>.

<sup>203</sup> *Armenians in Karabakh must take up Azerbaijani citizenship: Aliyev*, DAILY SABAH, (Apr. 19, 2023), <https://www.dailysabah.com/politics/armenians-in-karabakh-must-take-up-azerbaijani-citizenship-aliyev/news>.

the final straw for the Armenians in Nagorno-Karabakh, who had continuously lived on their indigenous lands for thousands of years. The Armenians chose life and freedom over death at the hands of the Azerbaijani government and, en masse, escaped into the Republic of Armenia.

On October 4, 2023, the Azerbaijan State News Agency announced that the State Migration Service had received 13 in-person paper applications from Karabakh Armenians seeking Azerbaijani citizenship.<sup>204</sup> By late October 2023, estimates suggest that fewer than 15 ethnic Armenians remained in Nagorno-Karabakh. Video footage shows those who stayed behind are known Armenians who are either physically or mentally ill.<sup>205</sup>

The forced deportations of the 120,000 Armenians from Nagorno-Karabakh in the Republic of Armenia was very difficult and dangerous. An extensive report that includes testimonial evidence of the tragedies on that road has been documented by CFTJ.<sup>206</sup>

By October 1, 2023, the forcible deportation of the ethnic Armenian population to Armenia was complete. Many families reported being separated from relatives in the chaos of departure, leaving behind most of their belongings, including their properties, homes, and lands.<sup>207</sup> In some instances, families dug up their buried relatives and took their bodies with them knowing full well that Azerbaijan would destroy their cemeteries, a sacred place for Armenians.

In October 2023, an urgent United Nations mission assessed Nagorno-Karabakh's humanitarian situation, finding deserted towns and no need for further aid due to the absence of residents.

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<sup>204</sup> *Observations on the Human Rights Situation of People Affected by the Conflict in and around Nagorno-Karabakh region*, COE COMMISSIONER FOR HUMAN RIGHTS (Jan. 12, 2024), *supra* note 156, p. 9, <https://rm.coe.int/observations-on-the-human-rights-situation-of-people-affected-by-the-c/1680ae228c>.

<sup>205</sup> *Last officials leave Nagorno-Karabakh - Artak Beglaryan*, ARMINO (Oct. 5, 2023), [https://arminfo.info/full\\_news.php?id=79518&lang=3](https://arminfo.info/full_news.php?id=79518&lang=3).

<sup>206</sup> *Azerbaijan Terrorizes Armenian Refugees at the Hakari Checkpoint*, CENTER FOR TRUTH AND JUSTICE (Feb. 2024), <https://www.cftjustice.org/wp-content/uploads/2024/02/Azerbaijan-Terrorizes-Armenian-Refugees-at-the-Hakari-Checkpoint.pdf>.

<sup>207</sup> Jedidajah Otte, *This is a forced migration': the ethnic Armenians fleeing Nagorno-Karabakh*, THE GUARDIAN, (Oct. 3, 2023), <https://www.theguardian.com/world/2023/oct/03/this-is-a-forced-migration-the-ethnic-armenians-fleeing-nagorno-karabakh>.

The Lemkin Institute, in its second “SOS Alert for Genocide” in Nagorno-Karabakh, reported about Azerbaijani social media channels openly issuing threats to civilians, ranging from offering bounties on missing children to threats of rape and murder. These channels also disseminated images and reports of massacres of residents who refused to leave their homes.<sup>208</sup>

The Global Center for the Responsibility to Protect issued “Atrocity Alert: Nagorno-Karabakh, Ukraine, and Venezuela,” stating that “the failure of Azerbaijan to provide protection and guarantees to its ethnic Armenian population creates an environment conducive to the commission of atrocity crimes.”<sup>209</sup>

Following the unlawful military attack on Nagorno-Karabakh and the forcible removal of its entire Armenian population, the Lemkin Institute issued a Genocide Alert, expressing grave concern over the potential invasion of the Republic of Armenia by Azerbaijan.<sup>210</sup>

## 7.2 Arbitrary Detention, Imprisonment, and False Prosecution of Ethnic Armenian Leaders

During the unlawful military aggression of the Azerbaijan Armed Forces, several prominent leaders and former leaders of the autonomous government of Nagorno-Karabakh, the government of Artsakh, as well as civilian, law enforcement, and military officials, were arbitrarily detained and charged with various trumped-up terrorism offenses. They are currently in prison in Azerbaijan.

The information available suggests that most of those arbitrarily detained and accused individuals will be tried in military courts in Azerbaijan.<sup>211</sup> Their current locations and conditions are unknown.

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<sup>208</sup> *SOS Alert: Artsakh*, LEMKIN INSTITUTE (Sep. 22, 2023), <https://www.lemkininstitute.com/sos-alerts-1/sos-alert---artsakh---2>.

<sup>209</sup> *Atrocity Alert No. 366: Nagorno-Karabakh, Ukraine and Venezuela*, GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT (Sep. 27, 2023), <https://www.globalr2p.org/publications/atrocity-alert-no-366/>.

<sup>210</sup> *Red Flag Alert: Azerbaijan in the Republic of Armenia*, LEMKIN INSTITUTE (Oct. 31, 2023), [https://www.lemkininstitute.com/\\_files/ugd/9bc553\\_c3850c1636a24212b34d5cacc3d05139.pdf](https://www.lemkininstitute.com/_files/ugd/9bc553_c3850c1636a24212b34d5cacc3d05139.pdf).

<sup>211</sup> *Azerbaijan must Release all Armenian Political Prisoners, POWs, and Hostages*, CENTER FOR TRUTH AND JUSTICE (Nov. 21, 2023), <https://www.cftjustice.org/azerbaijan-must-release-all-armenian-political-prisoners-pows-and-hostages/>.

Among the ethnic Armenian leaders of Nagorno-Karabakh detained are as follows:

- a) Arayik Harutyunyan: Former President of Nagorno-Karabakh, who was detained on October 3, 2023, shortly after Nagorno-Karabakh's surrender.

Born in 1973 in Stepanakert, Harutyunyan's educational background includes the Yerevan State Institute of Economy and Artsakh State University. He served as Prime Minister of Artsakh starting in 2007, reappointed in 2009 and 2012, and became the State Minister in 2017.

Elected as the fourth President of Nagorno-Karabakh in 2020, Harutyunyan has been a vocal advocate for the self-determination of Nagorno-Karabakh. His advocacy is driven by personal loss, including the death of his brother in the First Nagorno-Karabakh War. He has highlighted the need for international recognition and protection of Nagorno-Karabakh, especially during the Azerbaijani blockade, which he termed a humanitarian catastrophe.

- b) Bako Sahakyan: Former President of Nagorno-Karabakh who served from 2007 to 2020 and previously, as Interior Minister. He was detained on October 3, 2023.

- c) Arkadi Ghukasyan: Former President of Nagorno-Karabakh who served from 1997 to 2007 and Foreign Minister of the Nagorno-Karabakh. He was detained on October 3, 2023.

- d) Ruben Vardanyan: Billionaire, philanthropist, and founder of Troika Dialog, one of Russia's largest investment banks, who moved to Nagorno-Karabakh in 2021. In September 2022, he was appointed State Minister of Nagorno Karabakh. On September 27, 2023, while attempting to escape to Armenia with the rest of the Armenian population to escape the military attack on the civilian population of Nagorno-Karabakh by Azerbaijan's Armed Forces, Vardanyan was arrested by Azerbaijan's State Security Service at the Lachin checkpoint. His detention and subsequent legal proceedings have been marked by violations of his rights, including being denied the right to proceedings in his native language and the right to make a phone call.

The Sabail District Court in Baku placed Vardanyan in pre-trial detention until January 19, 2024, where he pleaded not guilty to the charges against him. He faces 15 to 30 years sentence.

Vardanyan's case has been divided for procedural reasons, separating him from the other Armenians in custody in Azerbaijan.

- e) Davit Ishkhanyan: A politician from Nagorno-Karabakh, held the position of President of the National Assembly and briefly served as Acting President in 2023. He was detained in October 2023.
- f) Davit Babayan: Prominent Nagorno-Karabakh politician and academic, served in various capacities, including as Minister of Foreign Affairs and adviser to the President. His career spanned significant roles from 2013 to 2023. He was detained in September 2023.
- g) Davit Manukyan: The Nagorno-Karabakh Defense Army Deputy Commander. He was detained by Azerbaijan's Border Guard Service (BGS) on September 27, 2023, during his attempt to escape to Armenia via the Lachin Corridor.
- h) Levon Mnatsakanyan: Served as Nagorno-Karabakh's Defense Minister from June 2015 to December 2018, as well as commander of the Nagorno-Karabakh Defense Army and Nagorno-Karabakh's Police Chief. He was apprehended on September 29, 2023 en route to Armenia through the Lachin Corridor.

In March 2024, the former Minister of State and Human Rights Ombudsman of Nagorno-Karabakh, Artak Beglaryan, who narrowly escaped arrest by Azerbaijani forces, reported that the above-named leaders in Azerbaijan's custody are being compelled to give interviews supporting Azerbaijan's narrative.<sup>212</sup>

CFTJ has collected extensive testimonial evidence on the treatment of PoWs in the prisons of Azerbaijan. The extent of physical and psychological torture carried out by the commanders and prison guards shows a systemic pattern of targeting Armenians due to their ethnicity. These reports have been submitted to the UN Convention Against Torture and are readily available.<sup>213</sup> The fate of these Armenian leaders in the prisons of Azerbaijan is unknown; however, in reviewing how Armenians have

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<sup>212</sup> *Armenian Sources Blast Azerbaijani TV Interviews with Artsakh POWs*, ARMENIAN MIRROR SPECTATOR (March 14, 2024), <https://mirrorspectator.com/2024/03/14/armenian-sources-blast-azerbaijani-tv-interviews-with-artsakh-pows/>.

<sup>213</sup> *Azerbaijan's Serious and Persistent Breaches of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Shadow Report to the Fifth Periodic Report of Azerbaijan*, CENTER FOR TRUTH AND JUSTICE (March 7, 2024), [https://www.cftjjustice.org/wp-content/uploads/2024/03/2024\\_CAT\\_Report.pdf](https://www.cftjjustice.org/wp-content/uploads/2024/03/2024_CAT_Report.pdf).

been treated in Azerbaijani prisons, there is grave concern that they are similarly being denied their due process rights and are being tortured, mistreated, and psychologically harmed.

The detention and imprisonment of these leaders serves Azerbaijan's intent to commit genocide because it sends a clear message to all Armenians that regardless of their rank or position, they are subject to false arrests like common criminals. It also leaves communities without leadership and guidance, making Armenians more vulnerable. These are common strategies that are carried out when planning the destruction of a people. Once you take their leadership away, people are left distraught, confused, scared and therefore they escape to safety. This is exactly what happened to the remaining 120,000 Armenians in Nagorno-Karabakh. Without their leadership, having been starved and militarily attacked, they had no choice but to escape to Armenia, en masse.

## 8.0 Actus Reus of Genocide in Armenia

### 8.1 Unlawful Military Aggression in Armenia - Attack on Gegharkunik in May 2021

On May 12, 2021, ethnic Armenians in Kut village, in the Gegharkunik province in the northeastern part of Armenia, reported that Azerbaijani troops were,

“located where (...) residents would graze cattle. The first day, they told our shepherds that it was their territory, and the residents, who didn't understand and were scared, took their cattle and left.”<sup>214</sup>

On the same day, near the barns in the pastures of Verin Shorja village within the Vardenis community of Gegharkunik region, approximately 10 Azerbaijani armed soldiers threatened an unarmed Armenian shepherd.<sup>215</sup>

Later that day, as six Armenian shepherds from the villages of Vardenis and Ayrk were tending their livestock near a water basin in the pastureland, they were

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<sup>214</sup> *Azerbaijanis cross Armenia's state border near Kut village as well*, NEWS.AM (May 14, 2021), <https://news.am/eng/news/643709.html>.

<sup>215</sup> *Ad Hoc Public Report: Urgent Necessity for Demilitarize Security Zone in the Areas of Contact with the Azerbaijani Military Forces as a Fundamental Safeguard to Protect the Rights of Population in Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA, (Nov. 2021), p. 67-68, <https://ombuds.am/images/files/4f4d3319548889e2900530457ae24bad.pdf>.



approached by dozens of armed Azerbaijani soldiers. These servicemen brandished weapons, giving the shepherds five minutes to vacate the area or face captivity.<sup>216</sup>

On May 12, 2021, in the vicinity of Kut village, when an Armenian shepherd went to his barn, he encountered approximately 50 Azerbaijani armed soldiers who were in the adjacent pasture.

On May 13, 2021, around 50 Azerbaijani servicemen threatened an Armenian shepherd from Verin Shorzha village in the Vardenis province, demanding he leave under threat of death or capture.<sup>217</sup>

After the above-mentioned military attack, on May 22, 2021, President Aliyev issued a direct threat, explicitly stating his willingness to employ force to establish and occupy an extrajudicial land corridor through southern Armenia, linking Azerbaijan with Nakhichevan:

"[A]rmenia wants to hinder the implementation of the Zangezur corridor. But we will force them. Just like we will get everything we want from our lands. Thus, Armenia will have no choice but to accept the political will of Azerbaijan. We will implement the Zangezur corridor, whether Armenia wants it or not. If Armenia wants, we will solve it easier, if doesn't - we will solve it by force."<sup>218</sup>

In this statement, President Aliyev once again referred to the so-called "Zangezur Corridor," which is a pivotal component of his "Western Azerbaijan" campaign and propaganda to justify the attack of and occupation of Armenia. The "Zangezur Corridor" relates to Aliyev's demand to open an extrajudicial transportation corridor on sovereign Armenian territory from Azerbaijan to Nakhichevan, whereby the access would be unimpeded, and Azerbaijan would have full control over the transportation route. This would be achieved by occupying sovereign Armenian land and traversing Armenia's southern province of Syunik.<sup>219</sup> On April 21, 2021,

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<sup>216</sup> *Id.*

<sup>217</sup> *Id.*

<sup>218</sup> *Ilham Aliyev called on Armenia to come to terms with new realities*, NEWS.AZ (May 22, 2021), <https://azerbaijan-news.az/posts/detail/ilham-eliyev-ermenistani-yeni-realliqarla-barismaga-cagirdi-1621629642>.

<sup>219</sup> *To All State Parties of the Genocide Convention Azerbaijan's Policy of Irredentism: Illegitimate Territorial Claims on the Republic of Armenia*, CENTER FOR TRUTH AND JUSTICE (Jan. 2024), p. 22, <https://www.cftjustice.org/wp-content/uploads/2024/02/Azerbaijans-Policy-of-Irredentism-Illegitimate-Territorial-Claims-on-the-Republic-of-Armenia-.pdf>.

President Aliyev once again used his demand for the “Zangezur Corridor” as an excuse to attack and invade Armenia. In an interview with AzTV, he stated:

“The creation of the Zangezur corridor fully meets our national, historical and future interests. We are implementing the Zangezur Corridor, whether Armenia wants it or not. If Armenia wants it, then the issue will be resolved easier, if it does not want it, we will decide it by force. Just as before and during the war, I said that they must leave our lands, or we will expel them by force. And so it happened. The same will be the fate of the Zangezur corridor.”<sup>220</sup>

## 8.2 Attack on Gegharkunik in July 2021

On July 23, 2021, President Aliyev once again referred to the “Zangezur corridor,” stating:

“While in Yerevan, Charles Michel called the territories bordering Armenia disputed. To be honest, I disagree with this statement. Because we believe that these are our territories. I believe that this is the territory of Zangezur. And Zangezur is the land of our ancestors, and we are on our territory.”<sup>221</sup>

On July 5, 2021, Azerbaijani soldiers opened fire toward the village of Verin Shorja in Gegharkunik Province, Armenia. They did so from areas within Armenia that they had forcibly occupied to target the pastures of rural Armenians. According to reports by the Armenian Ombudsman, the Azerbaijani shootings were directed against the Armenian Armed Forces, as a result of which an Armenian serviceman sustained injuries.<sup>222</sup> Due to the Azerbaijani gunfire, local civilians found themselves unable to access their pastures.<sup>223</sup> Since they relied on these lands for their livelihood, the rural

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<sup>220</sup> *What will become of the Zangezur corridor? Comments from Azerbaijan and Armenia*, JAM NEWS (Apr. 21, 2021), <https://jam-news.net/what-will-become-of-the-zangezur-corridor-comments-from-azerbaijan-and-armenia/>

<sup>221</sup> *Ilham Aliyev: Armenia Should Not Repeat Its Previous Mistakes*, AZERBAIJAN TODAY (July 23, 2021), <https://azerbaijantoday.az/2021/07/23/ilham-aliyev-armenia-should-not-repeat-its-previous-mistakes/>.

<sup>222</sup> *The Azerbaijani shootings of July 5, 2021 in the vicinity of the village of Verin Shorja, proves that their presence near the border villages of Armenia is a violation of the right to life of the inhabitants of Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (July 6, 2021), [https://ombuds.am/en\\_us/site/ViewNews/1796](https://ombuds.am/en_us/site/ViewNews/1796).

<sup>223</sup> *Ad Hoc Public Report: Urgent Necessity for Demilitarize Security Zone in the Areas of Contact with the Azerbaijani Military Forces as a Fundamental Safeguard to Protect the Rights of Population in*

Armenians of this area were forced to flee their homes and their lands to avoid injury and death.<sup>224</sup> Once again, Azerbaijan successfully implemented its plan to remove Armenians from their lands by force and fear, with the intent to subsequently occupy Armenian sovereign lands.

On July 14, 2021, Azerbaijani President Ilham Aliyev threatened that:

“[I]f Armenia does not want this (unlawful military aggression), it is up to it. But Armenia should think carefully because otherwise, it will be too late...We will return there (Armenian territory) and we are returning there. Nobody can stop us. We will definitely return there because there is no other way. After the opening of all transport links we will, of course, return there, and the Azerbaijani population will return to the lands of their ancestors. [...] Our native land is Zangezur, our native land is Goycha (Sevan) and Irevan (Yerevan).”<sup>225</sup>

President Aliyev and his leadership almost always refer to Armenian towns, villages, cities, and geographic areas by non-native Turkic names. This is done to discredit the ancient history and culture of the Armenian people and falsely claim that the sovereign lands of Armenia historically belong to Azerbaijan. Their denial of Armenia’s history is the foundation of their false propaganda to justify occupying Armenia by force and fear.

On July 15, 2021, soon after Aliyev’s statement, the Azerbaijani Armed Forces opened gunfire from occupied territories within Armenia near the village of Kut in Gegharkunik Province, targeting the Armenian Armed Forces.

On July 23, 24, and 28, 2021, the Azerbaijani Armed Forces launched assaults on the positions of the Armenian Armed Forces and indiscriminately attacked ethnic Armenian civilians living in “Saradeghy” in Verin Shorzha village. They opened fire on the Armenian Armed Forces in Gegharkunik, wounding three Armenian soldiers.<sup>226</sup> On July 26, 2021, the Azerbaijani Armed Forces began indiscriminately

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*Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Nov. 2021), *supra* note 224, p. 49-50, <https://ombuds.am/images/files/4f4d3319548889e2900530457ae24bad.pdf>.

<sup>224</sup> *Id.* at 49.

<sup>225</sup> *Aliyev Warns Armenia Amid Fresh Border Tensions*, AZATUTYUN (RADIO FREE EUROPE, ARMENIAN SERVICE) (July 14, 2021), <https://www.azatutyun.am/a/31358424.html>.

<sup>226</sup> *Ad Hoc Public Report: Urgent Necessity for Demilitarize Security Zone in the Areas of Contact with the Azerbaijani Military Forces as a Fundamental Safeguard to Protect the Rights of Population in Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Nov. 2021), *supra* note 224, p. 49-50, <https://ombuds.am/images/files/4f4d3319548889e2900530457ae24bad.pdf>.

firing in the area surrounding the mountain pastures of Verin Shorja village in Gegharkunik Province. Furthermore, from the early hours of July 26, 2021, the Human Rights Defender's Office of the Republic of Armenia received distressing reports from civilian residents regarding Azerbaijani Armed Forces firing shots at Sotk village, located in the Geghamasar community of the Gegharkunik Province.<sup>227</sup>

On July 28, 2021, ethnic Armenian civilians reported that the Azerbaijani Armed Forces were shooting indiscriminately at the Armenian Armed Forces, killing three and wounding four servicemen.<sup>228</sup> In several villages in the Gegharkunik Province of Armenia, including Sotk, Kut, Azat, Norabak, Nerkin Shorja, and Verin Shorja, Azerbaijani Armed Forces continue to target civilians and civilian infrastructure indiscriminately. Notably, the people in Kut and Verin Shorja are particularly vulnerable as sitting ducks due to the strategic positions Azerbaijan's Armed Forces have occupied inside of Armenia, keeping that civilian population in their line of fire.<sup>229</sup>

On July 29, 2021, there were further indiscriminate shootings in the "Saradeghy" area of Verin Shorzha village, Gegharkunik Province, from Azerbaijani armed soldiers against ethnic Armenian civilians, Armenian Armed Forces and the Sotk mine. It was reported that the Azerbaijani Armed Forces conducted shootings from their positions near the windmills on the Sotk mountain pass, located in the Geghamasar community of Gegharkunik Province.<sup>230</sup>

As a result of this unlawful military aggression, ethnic Armenian civilians fled these rural areas under threat of violence, abandoning their homes, lands, cattle, and possessions.

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<sup>227</sup> *Id.*

<sup>228</sup> *Clashes on Armenia-Azerbaijan border leave 3 dead, 4 wounded*, ASSOCIATED PRESS (July 29, 2021), <https://apnews.com/article/government-and-politics-europe-azerbaijan-armenia-3b146508eb208a7f77cbd1e1211e881a>.

<sup>229</sup> *Ad Hoc Public Report: Urgent Necessity for Demilitarize Security Zone in the Areas of Contact with the Azerbaijani Military Forces as a Fundamental Safeguard to Protect the Rights of Population in Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Nov. 2021), *supra* note 224, p. 49-50, <https://ombuds.am/images/files/4f4d3319548889e2900530457ae24bad.pdf>.

<sup>230</sup> *Id.*

### 8.3 Attack on Gegharkunik in August 2021

On August 13, 2021, pushing further into Armenia, the Azerbaijani Armed Forces initiated gunfire targeting the Armenian Armed Forces' military positions in the Gegharkunik province.<sup>231</sup> During the evening of August 16, 2021, the Azerbaijani Armed Forces once again resorted to provocation, opening fire to target Armenian Armed Forces positions along the Armenian-Azerbaijani border in the Gegharkunik province. Amid the intense fight, an Armenian soldier was killed.<sup>232</sup>

On August 17, 2021, the Azerbaijani Armed Forces opened fire at the Armenian positions on the Armenian-Azerbaijani border in Gegharkunik, particularly in the Sotk province, injuring one Armenian soldier.<sup>233</sup>

The day before that, President Aliyev, referring to the Vardenis district of Gegharkunik, Armenia, stated:

During the blocking of the primary north-south (Goris – Kapan) highway by Azerbaijan on August 27, 2021, the Azerbaijani Armed Forces initiated intensive, targeted, indiscriminate shootings at unarmed ethnic Armenian civilian houses in Kut village of Gegharkunik province, located in the eastern part of Armenia, endangering the civilian population. The Armenian Ombudsman reported that because of the shootings, more than 10 civilian houses were damaged, with visible traces of gunfire and bullets embedded in the walls. The shootings, conducted with weapons of different calibers, occurred while elderly people and children were present in the yards and houses, posing a severe threat to their safety and well-being. Evidence was presented that the armed Azerbaijan soldiers were indiscriminately targeting children in Kut as part of their attack.<sup>234</sup>

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<sup>231</sup> *Press release*, MINISTRY OF DEFENCE OF THE REPUBLIC OF ARMENIA (Aug. 13, 2021), <https://www.mil.am/en/news/9790>.

<sup>232</sup> *Press release*, MINISTRY OF DEFENCE OF THE REPUBLIC OF ARMENIA (Aug. 16, 2021), <https://www.mil.am/en/news/9798>.

<sup>233</sup> *Press release*, MINISTRY OF DEFENCE OF THE REPUBLIC OF ARMENIA (Aug. 17, 2021), <https://www.mil.am/en/news/9799>.

<sup>234</sup> *Yesterday's Azerbaijani shootings damaged the wall near which a child was standing in the yard of the house in Kut village*, MINISTRY OF DEFENCE OF THE REPUBLIC OF ARMENIA (Aug. 28, 2021), [https://ombuds.am/en\\_us/site/ViewNews/1881](https://ombuds.am/en_us/site/ViewNews/1881).

#### 8.4 Attack on Gegharkunik-Kalbajar in November 2021

On November 16, 2021, violent clashes broke out between Azerbaijan and Armenia along the border province of Syunik in the south and Gegharkunik in the northeast. The State of Azerbaijan asserts that Armenia instigated these skirmishes.<sup>235</sup> However, geolocation analysis of specific recorded footage confirms that Azerbaijani Armed Forces made incursions into Armenian territory. These hostilities led to the loss of at least seven Azerbaijani and 15 Armenian soldiers and led to the illegal capture of 32 Armenian soldiers.<sup>236</sup>

According to the testimonial evidence collected by CFTJ, four of these Armenian PoWs reported being tortured by various forms of humiliation and violence, including beatings with sticks and hammers, forced standing, forced labor, threats, and deprivation of medical assistance and basic needs such as sleep, food, and water. The individuals subjected to capture and detention by Azerbaijani forces experienced various forms of verbal abuse and political chants, as detailed in their accounts. Interrogations conducted in the prison involved coercion into signing documents in Azerbaijani, which the individual did not understand. They were forced to repeat the political chant "Karabakh is Azerbaijan" while being filmed for propaganda videos emphasizing Azerbaijani claims over the disputed territory of Nagorno-Karabakh. Despite a visit from the Red Cross, the prisoners were coerced into silence about their treatment.<sup>237</sup>

On the same day, Armenian Prime Minister Pashinyan stated that Azerbaijani forces had taken control of approximately 41 square kilometers (16 sq mi) of the territory of the Republic of Armenia.<sup>238</sup> The following day, on November 17, 2021, a joint statement was made by EU officials Marina Kaljurand, Andrey Kovatchev, and Željana Zovko, condemning the military actions undertaken by Azerbaijan on November 16, 2021. They labeled these actions as the most severe breach of the

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<sup>235</sup> *Armenia Says Six Of Its Soldiers Killed In Latest Clashes With Azerbaijan*, RADIO FREE EUROPE (Nov. 19, 2021), <https://www.rferl.org/a/armenia-azerbaijan-border-clashes-deaths/31569486.html>.

<sup>236</sup> *Id.*

<sup>237</sup> CFTJ Interview, Witness 22LC-0003, Witness 22LC-0004, Witness 22LC-0041, Witness 21LC-0078.

<sup>238</sup> Forestier-Walker R., *Armenia and Azerbaijan's new-old border war*, AL JAZEERA (Nov. 19, 2021), <https://www.aljazeera.com/news/2021/11/19/armenia-and-azerbaijans-new-old-border-war>.

2020 Nagorno-Karabakh ceasefire agreement and strongly criticized the Azerbaijani military incursion into Armenian territory.<sup>239</sup>

### 8.5 Attack on Gegharkunik in July and August 2022

Armenian residents of Gegharkunik recounted instances of the Azerbaijani Armed Forces instilling fear and perpetrating systematic acts of violence against civilians, including the indiscriminate shooting at villagers engaged in agricultural work on their lands, using drones, looting of cattle, and burning large volumes of hay<sup>240</sup> as part of their strategy to make life impossible for these Armenian villagers.

The Armenian civilians from these areas reported that they were coerced into abandoning their homes and their lands because they were in the direct line of fire of Azerbaijan's armed forces.

When Armenian workers tried to approach their lands to carry out agricultural work, the Azerbaijani soldiers would shoot at them.

In almost all the communities of Gegharkunik province, people reported that at night, the Azerbaijani armed forces turned on strong lights aimed in the direction of the houses of the villagers to exert psychological pressure on them and to create a constant state of tension in the community. According to the residents, Azerbaijani soldiers threw burning wheels in the direction of the pastures, deliberately burning and setting the land on fire. The constant presence and audible sound of UAVs is also a form of psychological trauma with the persistent reminder that they are under threat of attack and death and that they are never safe.<sup>241</sup>

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<sup>239</sup> *Joint statement on the escalation on the border between Armenia and Azerbaijan and the Nagorno-Karabakh conflict*, DELEGATIONS EUROPEAN PARLIAMENT (Nov. 17, 2021), <https://www.europarl.europa.eu/delegations/en/joint-statement-on-the-escalation-on-the/product-detail/s/20211117DPU31721>.

<sup>240</sup> *On August 2, Kristinne Grigoryan made a fact-finding visit to several border communities of Gegharkunik province*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Aug. 3, 2022), <https://ombuds.am/am/site/ViewNews/2312>.

<sup>241</sup> *Ad Hoc Public Report on Consequences of Azerbaijani Military Attack on the Republic of Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Sep. 2022), <https://ombuds.am/images/files/bb0ed8808617aa8b63c6a52e2891c7b3.pdf>.

## 8.6 Attack on Gegharkunik in 2023

On May 11, 2023, Armenia's Ministry of Defense reported that Azerbaijani military units launched artillery and mortar attacks on Armenian military sites in the Sotk area, located in Vardenis Municipality in Gegharkunik Province. These Azerbaijani attacks wounded three Armenian soldiers.<sup>242</sup>

## 8.7 Unlawful Military Aggression in Southeast Armenia (Syunik) - May 2021

In Armenia's southern province of Syunik, the Azerbaijan Armed Forces crossed into Armenia and moved 3.5 kilometers into the sovereign territory with the goal of surrounding Sev Lake, which would give them control over water supplies. The Armenian military halted this advance without resorting to gunfire.<sup>243</sup>

On May 12, 2021, in the area between Sev Lake and Verishen village in the Syunik province, Azerbaijani soldiers confronted an unarmed Armenian shepherd, threatening him with weapons and ordering him to abandon his barn and pasture.<sup>244</sup>

Because of Azerbaijan's illegal occupation of critical areas within Armenia, citizens of villages are unable to access their water sources.

Azerbaijani armed soldiers invaded the Verin Shorzha province on May 12, 2021, seizing control of lands belonging to Armenian citizens and opened gunfire toward the village, terrorizing residents involved in agriculture, burning pastures, and illegally taking over reservoirs and natural springs, depriving people of water. Fact-finding missions have reported that these villages have become ghost towns, with parts of

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<sup>242</sup> *Armenia and Azerbaijan trade blame over Nagorno-Karabakh attacks*, EURONEWS (May 11, 2023), <https://www.euronews.com/2023/05/11/armenia-and-azerbaijan-point-fingers-over-nagorno-karabakh-attacks>.

<sup>243</sup> *Azerbaijani side's advance at the border section of Sev Lich (Black Lake) is unacceptable as it represents an encroachment on the sovereign territory of the Republic of Armenia - Nikol Pashinyan Holds Security Council Meeting*, THE PRIME MINISTER OF THE REPUBLIC OF ARMENIA (May 12, 2021), <https://www.primeminister.am/en/press-release/item/2021/05/12/Nikol-Pashinyan-Security-Council-meeting/>.

<sup>244</sup> *Ad Hoc Public Report: Urgent Necessity for Demilitarize Security Zone in the Areas of Contact with the Azerbaijani Military Forces as a Fundamental Safeguard to Protect the Rights of Population in Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Nov. 2021), *supra* note 224, p. 67, <https://ombuds.am/images/files/4f4d3319548889e2900530457ae24bad.pdf>.



the mountain range inaccessible to residents because they are under the complete surveillance of Azerbaijan's military.<sup>245</sup>

On May 13, 2021, Prime Minister Pashinyan stated:

“... 250 Azerbaijani soldiers are currently stationed within the internationally recognized borders of Armenia.”<sup>246</sup>

On May 14, 2021, the advancement of Azerbaijani armed forces towards civilians in Akner and Verishen villages in Syunik prevented the unarmed local ethnic Armenian farmers from accessing their pastures or their livestock. The local Armenian population was forced to abandon their homes, farms, and cattle.<sup>247</sup>

On May 23, 2021, in Aravus village, part of the Tegh community in the Syunik province, several Azerbaijani armed soldiers physically assaulted an unarmed Armenian shepherd, knocking him from his horse and stealing his cell phone.

A 65-year-old Armenian shepherd was confronted by Azerbaijani armed soldiers who made sexual slurs and demanded that he stop grazing his animals in his fields. When the shepherd insisted that these were lands within Armenia's borders, the threats escalated to physical assaults and the looting of 42 heads of cattle, two horses, and his cell phone.<sup>248</sup>

## 8.8 Attack on Syunik in July 2021

On July 14, 2021, President Aliyev, referring to the “Zangezur Corridor,” reiterated his claim that the capital of Armenia, Yerevan, is ancient Azerbaijani land, affirming

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<sup>245</sup> *People were forced to leave Verin Shorzha and Nerkin Shorzha villages, their cattle barns, the HPP is not functioning as a result of the Azerbaijani invasions of September 13-14: Fact-finding mission results of the Center for Law and Justice “Tatoyan” Foundation*, CENTER FOR LAW AND JUSTICE “TATOYAN” FOUNDATION (Jan. 9, 2023), <https://tatoyanfoundation.org/mardik-harkadrvtc-lkhel-en-verin-shorzha/?lang=en>.

<sup>246</sup> *Armenian PM Accuses Azerbaijan Of Fresh 'Infiltration,' Calls For Regional Help*, RADIO FREE EUROPE (May 13, 2021), <https://www.rferl.org/a/armenian-pm-accuses-azerbaijan-of-fresh-infiltration-calls-for-csto-help/31253854.html>.

<sup>247</sup> *The fact-finding activities of the Human Rights Defender of Armenia in the Gegharkunik and Syunik regions*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA, FACEBOOK (May 18, 2021), [https://www.facebook.com/photo.php?fbid=858014168131123&set=a.363684047564140&type=3&ref=embed\\_post](https://www.facebook.com/photo.php?fbid=858014168131123&set=a.363684047564140&type=3&ref=embed_post).

<sup>248</sup> *Ad Hoc Public Report: Urgent Necessity for Demilitarize Security Zone in the Areas of Contact with the Azerbaijani Military Forces as a Fundamental Safeguard to Protect the Rights of Population in Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Nov. 2021), *supra* note 224, p. 67-68, <https://ombuds.am/images/files/4f4d3319548889e2900530457ae24bad.pdf>.

Azerbaijan's determination to reclaim it.<sup>249</sup> At the same time, Azerbaijan's Armed Forces opened fire on the Northeast province of Gegharkunik. Other armed Azerbaijani soldiers looted cattle from three villages in the Kapan community of Syunik Province, further establishing occupying positions within Armenian territory.

On July 19, 2021, Azerbaijani armed soldiers threatened an unarmed ethnic Armenian villager from Tegh with a weapon, physically assaulted him, and arbitrarily detained him.<sup>250</sup>

Confirming President Aliyev's intent to take over the lands in Syunik and clear it of its ethnic Armenian population, on July 14, 2021, he stated:

"If there is East Zangezur, then there is also West Zangezur. Yes, West Zangezur is our ancestral land. I said that we have to return there. I said that ten years ago. All my speeches are available in the media. I said that it is the land of our ancestors, and we must return there. We will, and we are already returning there. No one can stop us. We will definitely return because there is no other way."<sup>251</sup>

## 8.9 Attack on Syunik in August 2021

On August 17, 2021, a subdivision of Azerbaijani Armed Forces attempted to advance from the direction of Sev Lake in the Syunik province along the Armenian-Azerbaijani border, attempting to occupy more territory within Armenia.<sup>252</sup>

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<sup>249</sup> *Ilham Aliyev attended the ceremony to give out apartments and cars to families of martyrs and war disabled in the Khojasan settlement*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (July 14, 2021), <https://president.az/en/articles/view/52446>.

<sup>250</sup> *Ad Hoc Public Report: Urgent Necessity for Demilitarize Security Zone in the Areas of Contact with the Azerbaijani Military Forces as a Fundamental Safeguard to Protect the Rights of Population in Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Nov. 2021), *supra* note 224, p. 70, <https://ombuds.am/images/files/4f4d3319548889e2900530457ae24bad.pdf>.

<sup>251</sup> *From the speech of the President of the Republic of Azerbaijan Ilham Aliyev at the meeting with families of martyrs and war disabled in Khojasan settlement of Binagadi district of Baku*, WESTERN AZERBAIJAN (July 14, 2021), <https://qerbiazerbaijan.com/en/from-the-speech-of-the-president-of-the-republic-of-azerbaijan-ilham-aliyev-at-the-meeting-with-families-of-martyrs-and-war-disabled-in-khojasan-settlement-of-binagadi-district-of-baku/>.

<sup>252</sup> *Press release*, MINISTRY OF DEFENSE OF THE REPUBLIC OF ARMENIA (Aug. 16, 2021), <https://www.mil.am/en/news/9791>.

## 8.10 Attack on Syunik in 2023

On April 11, 2023, Armenian troops were carrying out engineering tasks near the Tegh village when they came under gunfire from Azerbaijani forces, which left 4 Armenians dead and 6 injured.<sup>253</sup>

In Nerkin Hand, the Armenian population cannot access potable water, their St. Hripsime Church, and their cemetery, because they have been occupied by the Azerbaijan Armed Forces. The people in Nerkin Hand have to rely on the river for water.<sup>254</sup>

Additionally, the occupation encompasses gardens, pastures, grasslands, and arable lands, effectively eradicating cattle breeding for the local population, which is a vital component of the local economy, thus forcing the Armenians to leave in search of livelihood elsewhere.

## 8.11 Unlawful Military Aggression in Southwest Armenia (Ararat)

On July 19, 2021, Azerbaijani Armed Forces attempted to advance their military positions towards Yeraskh, a village in the Ararat Municipality of the Ararat Province along the border with Nakhchivan.<sup>255</sup> They began bombarding Yeraskh, employing mortars and grenade launchers, resulting in the death of an Armenian soldier, Samvel Alaverdyan, and injuring the community leader of Yeraskh, Radik Oghikyan, who received four shrapnel injuries while trying to extinguish a fire caused by the attacks.<sup>256</sup>

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<sup>253</sup> *Positional fighting will escalate into large-scale aggression, Opinion from Yerevan*, JAM NEWS (Apr. 12, 2023), <https://jam-news.net/military-clash-near-the-village-of-tegh/>.

<sup>254</sup> *id.*

<sup>255</sup> *Armenia's Yeraskh community leader wounded as a result of Azerbaijani shots*, ARMENPRESS (July 20, 2021), <https://armenpress.am/eng/news/1058562.html>.

<sup>256</sup> *Ad Hoc Report: Violations of Armenia's Yeraskh Community Residents' Rights by Shootings of the Azerbaijani Armed Forces: the Results of the Fact-Finding Activities July 14-21, 2021*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (July 14-21 2021), p. 10, <https://ombuds.am/images/files/22a1728ac8baa655e3689687cf82c4b9.pdf>.

### 8.12 Attack on Ararat in August 2021

On August 16, 2021, the Azerbaijani Armed Forces opened fire in Yeraskh, a village located 55 kilometers south of Yerevan which caused the death of an Armenian man due to gunfire.<sup>257</sup>

### 8.13 Attack on Ararat in September 2021

On September 1, 2021, Azerbaijan attacked Armenian military positions in the Ararat province of Armenia, a province bordered by Turkey to the west and Azerbaijan's Nakhchivan Autonomous Republic to the south. As a result of sniper attacks, an Armenian was killed.<sup>258</sup>

### 8.14 Attack on Ararat in October 2021

On October 16, 2021, the Azerbaijan Armed Forces opened fire at unarmed ethnic Armenian civilians in the Yeraskh community of the Ararat province, which started a fire destroying farming in the community.<sup>259</sup>

### 8.15 Unlawful Military Aggression and the Forced Closure of the Armenia-Iran Road - August 2021

On August 25, 2021, the Azerbaijani Armed Forces<sup>260</sup> imposed a 48-hour blockade on southern Armenia (Syunik) by closing the primary north–south (Goris – Kapan) highway in Armenia,<sup>261</sup> effectively closing the road and obstructing transportation on the main highway that connects Armenia to Iran.

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<sup>257</sup> *Press Release*, MINISTRY OF DEFENSE OF THE REPUBLIC OF ARMENIA (Aug. 16, 2021), <https://www.mil.am/en/news/9792..>

<sup>258</sup> *Armenian soldier killed by Azeri sniper fire on the border*, REUTERS (Sep. 1, 2021), <https://www.reuters.com/world/armenian-soldier-killed-by-azeri-sniper-fire-border-tass-2021-09-01/>.

<sup>259</sup> *The Azerbaijani armed forces opened targeted fire at the Yeraskh community of Armenia's Ararat region*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Oct. 17, 2021), [https://www.ombuds.am/en\\_us/site/ViewNews/1954](https://www.ombuds.am/en_us/site/ViewNews/1954).

<sup>260</sup> *For more than 3 hours, 50 or more Azerbaijani servicemen have blocked the interstate road leading from Goris to Kapan near the village of Davit Bek*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Aug. 26, 2021), [https://www.facebook.com/permalink.php?story\\_fbid=915834469015759&id=100017676420633](https://www.facebook.com/permalink.php?story_fbid=915834469015759&id=100017676420633).

<sup>261</sup> *Azerbaijani troops block key Armenian road*, OC MEDIA (Aug 26, 2021), <https://oc-media.org/azerbaijani-troops-block-key-armenian-road/>.

The Goris-Kapan Road holds significant importance as one of Armenia's major thoroughfares, serving as a crucial link between the central and southern regions of the country.

This road closure created substantial disruptions in the trade routes between Armenia and Iran. Hundreds of trucks were stranded in both Armenia and Iran. 50 trucks transporting 1,000 tons of copper concentrate from mines in Syunik to Yerevan were unable to return due to the blockade.<sup>262</sup> Over 40% of Armenia's cargo comes from Iran.<sup>263</sup>

On August 27, 2021, the Armenian Ombudsman reported that another section of the road, located further to the north near the village of Vorotan, an interstate route crucial for facilitating the ordinary movement of Armenia's civilian population, was also blocked, restricting people's travel. Also, Azerbaijan erected its flags and placed its own border guards,<sup>264</sup> all within the territory of the Republic of Armenia. This has effectively cut off three Armenian villages from the rest of the country.

The travel disruptions in the mountainous region left the local populations particularly vulnerable because their access to essential goods such as food, fuel and medical services<sup>265</sup> was severely impacted.

The North-South thoroughfare was opened only after the Azerbaijani Armed Forces established a police checkpoint on the Goris-Kapan Highway on September 12, 2021. They proceeded to conduct vehicle checks, particularly targeting those with Iranian license plates entering Armenia near the village of Eyvazli. Iranian drivers reported being subjected to various charges, with officers instructing them to turn off their phones and refrain from filming the exchange. These checkpoints severely impacted the flow of traffic adversely affecting Armenia's economy.

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<sup>262</sup> *Azerbaijan's blockade of southern Armenia continues*, EURASIANET, (Aug.27, 2021), <https://eurasianet.org/azerbaijans-blockade-of-southern-armenia-continues>.

<sup>263</sup> *Iranian Trucks Entering Armenia Stopped By Azerbaijan*, AZATUTYUN (Sept. 13 2021), <https://www.azatutyun.am/a/31458354.html>.

<sup>264</sup> *The Azerbaijani armed servicemen have just blocked the road from Goris to Vorotan in the Syunik province of Armenia*, HUMAN RIGHTS DEFENDER OF ARMENIA (Aug. 26, 2021), [https://www.facebook.com/permalink.php?story\\_fbid=916080478991158&id=100017676420633](https://www.facebook.com/permalink.php?story_fbid=916080478991158&id=100017676420633).

<sup>265</sup> *Yerevan Says Azerbaijan Has Unblocked Road Connecting Two Parts Of Armenian Region*, RADIO FREE EUROPE (Aug. 27, 2021), <https://www.rferl.org/a/31431914.html>; *The route from Armenia to Iran is blocked: hundreds of cars are stuck due to the actions of the Azerbaijani Armed Forces*, PUTNIK (Aug. 26, 2021), <https://ru.armeniasputnik.am/20210826/Zablokirovan-put-iz-Armenii-v-Iran-sotni-mashin-zastryali-iz-a-deystviy-VS-Azerbaydzhana-28794622.html>.

This flagrant invasion of the internal transport route inside Armenia is a clear indicator of Azerbaijan's intentions to occupy Armenia.

#### 8.16 Attack against the Provinces of Syunik, Gegharkunik, and Vayots Dzor

On September 13, 2022, Azerbaijan Armed Forces initiated a three-day large-scale coordinated attack on Armenia, targeting positions spanning a 200 km stretch of their shared border using heavy artillery, mortars of various calibers, unmanned aerial vehicles (UAVs), large-caliber guns, multiple rocket launchers (MRLs),<sup>266</sup> and heavy weapons directed toward Armenian military positions and ethnic Armenian civilian areas along the eastern and southeastern border, including those in the provinces of Gegharkunik, Vayots Dzor, and Syunik provinces in Armenia.

Azerbaijan's military attacks against Armenia's communities were launched from occupied positions within the sovereign territory of Armenia. Villages in Gegharkunik province, such as Sotk, Norabak, and Kut were particularly targeted, with attacks on several civilian targets ranging from schools to civilian houses.<sup>267</sup>

Similarly, ethnic Armenian civilians in the communities in Syunik, Gegharkunik, and Vayots Dzor provinces were attacked from Azerbaijani occupied positions unlawfully situated on roads on the Armenia-Azerbaijan border including but not limited to the Syunik Kapan-Tshakaten Road and near villages such as the Sev Lake area and Sotk-Verin Shorzha.

The intensity of the shelling escalated rapidly, with Gegharkunik province bearing the brunt initially, followed by attacks spreading to new villages like Airk and Kutakan on September 14, 2022. Villages in Syunik, such as Nerkin Hand, also came under heavy fire. Both days and nights witnessed focused shelling on civilian communities, causing extensive damage to civilian infrastructure, buildings, hospitals, and gas pipelines. In Sotk alone (Gegharkunik Province), over 200 ethnic Armenian houses

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<sup>266</sup> *Ad Hoc Public Report on Consequences of Azerbaijani Military Attack on the Republic of Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Sep. 2022), *supra* note 250, p. 3, <https://ombuds.am/images/files/bb0ed8808617aa8b63c6a52e2891c7b3.pdf>.

<sup>267</sup> *More than 200 killed in Armenia-Azerbaijan border clashes – officials*, REUTERS (Sep. 16, 2022), <https://www.reuters.com/world/asia-pacific/armenia-says-135-soldiers-killed-clashes-with-azerbaijan-t-his-week-2022-09-16/>.

were destroyed. The village of Sotk faced continuous aggressive attacks throughout September 13, with brief ceasefires only lasting up to three hours.<sup>268</sup>

Livestock, including 6,000 sheep from the Jermuk community (Syunik Province), were reportedly stolen, or killed by Azerbaijani forces, depriving many families of their livelihoods.<sup>269</sup>

In April 2023, the Center for Law and Justice conducted a fact-finding mission in Tegh, Kornidzor, and Aravus villages of the Syunik province. This mission revealed that Azerbaijani armed forces occupied nearly all surrounding hills in the area and targeted the surrounding villages. The deployment and advancement of Azerbaijani positions have placed ethnic Armenian civilian houses and plots of land, as well as schools and kindergartens, directly in their line of fire. Fearing the constant threat of being maimed and killed, the Armenians were forced to abandon their homes, cattle, and lands.<sup>270</sup>

The attacks commenced after midnight and caught civilians by surprise. In an effort to flee, most were unable to take their essential belongings and many families were separated from their members, exacerbating their terror.

Those with disabilities and the elderly were particularly vulnerable when the Azerbaijani Armed Forces indiscriminately opened fire in the direction of these communities, and were frequently left behind because they were unable to quickly escape. For those who were unable to escape, staying behind amounted to a death sentence since they were left without caretakers, food supplies and under the occupation of Azerbaijani military.

In the Chakaten, Syunik, and Srashen communities of the Syunik province, some people with disabilities or various health issues, as well as their caretakers, were unable to evacuate and were forced to endure constant shelling.<sup>271</sup>

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<sup>268</sup> *Azerbaijani Ongoing Hatred Policy Towards Armenians: A State-Sponsored Motivation for Atrocities*, CENTER FOR LAW AND JUSTICE “TATOYAN” FOUNDATION (2022), p. 20, <https://tatoyanfoundation.org/wp-content/uploads/2022/09/%D4%B6%D5%A5%D5%AF%D5%B8%D6%82%D5%B5%D6%81.pdf>.

<sup>269</sup> *Id.* at, p. 21

<sup>270</sup> *Report: Results of the Fact-Finding Activities Conducted in Armenia’s Syunik, Gegharkunik, and Vayots Dzor Provinces*, CENTER FOR LAW AND JUSTICE “TATOYAN” FOUNDATION (July 2023), p. 19, <https://tatoyanfoundation.org/wp-content/uploads/2023/11/Report-on-the-Azerbaijani-unlawful-armed-presence-in-the-sovereign-territories-of-Armenia-1.pdf>.

<sup>271</sup> *Ad Hoc Public Report on Consequences of Azerbaijani Military Attack on the Republic of Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Sep. 2022), *supra* note 250, p. 25, <https://ombuds.am/images/files/bb0ed8808617aa8b63c6a52e2891c7b3.pdf>.

Even as unarmed ethnic Armenian civilians were escaping, the Azerbaijani forces targeted roads, including the vital Kapan-Tshakaten and Sotk-Yerevan routes, preventing civilian movement and impeding emergency services. Ambulance vehicles on the Kapan-Tshakaten Road were also targeted multiple times, by sniper fire, further endangering civilian lives.<sup>272</sup>

On September 14, 2022, several media outlets reported that the Azerbaijani Armed Forces opened fire toward Armenia's Sotk community targeting Armenian and foreign journalists.<sup>273</sup>

Following the forcible displacement of the ethnic Armenian population in the Nerkin Hand village in Syunik Province, most agricultural lands have been occupied by the Azerbaijani Armed Forces, rendering them inaccessible. As a result, there has been a 70% reduction in cattle ranching and a complete cessation of pig farming.<sup>274</sup> Other forms of livelihood such as beekeeping, that are central to the rural life of the ethnic Armenians in these locations, have been disrupted.<sup>275</sup>

Azerbaijan's forces also implemented a scorched earth policy, burning approximately 80 hectares of wheat and barley fields, along with nearly 80% of meadows and pastures in the Lusakunk community of Gegharkunik province.<sup>276</sup>

From September 13 to 15, 2022, at least 7,000 individuals were displaced from the provinces of Gegharkunik, Syunik, and Vayots Dzor because of the indiscriminate attacks across the border. The majority were women, children, elderly, and people with disabilities, totaling 1,437 children and 99 people with disabilities. These individuals have not been able to return to their homes and their lands because they are still under Azerbaijani occupation.

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<sup>272</sup> *Azerbaijani Ongoing Hatred Policy Towards Armenians: A State-Sponsored Motivation for Atrocities*, CENTER FOR LAW AND JUSTICE "TATOYAN" FOUNDATION (2022), *supra* note 283, p. 21, <https://tatoyanfoundation.org/wp-content/uploads/2022/09/%D4%B6%D5%A5%D5%AF%D5%B8%D6%82%D5%B5%D6%81.pdf>.

<sup>273</sup> *The Azerbaijani Armed Forces targeted a group of journalists in Sotky*, RADAR (Sep. 14, 2022), <https://radar.am/hy/news/social-2526323813/>.

<sup>274</sup> *Report: Results of the Fact-Finding Activities Conducted in Armenia's Syunik, Gegharkunik, and Vayots Dzor Provinces*, CENTER FOR LAW AND JUSTICE "TATOYAN" FOUNDATION (July 2023), *supra* note 285, p. 25,

<https://tatoyanfoundation.org/wp-content/uploads/2023/11/Report-on-the-Azerbaijani-unlawful-armed-presence-in-the-sovereign-territories-of-Armenia-1.pdf>.

<sup>275</sup> *Ad Hoc Public Report on Consequences of Azerbaijani Military Attack on the Republic of Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Sep. 2022), *supra* note 250, p. 32, <https://ombuds.am/images/files/bb0ed8808617aa8b63c6a52e2891c7b3.pdf>.

<sup>276</sup> *Id.* at 33.



The number of victims and missing persons resulting from the aggression is estimated to be over 210, with seven civilians confirmed dead and one civilian reported missing.<sup>277</sup>

In Vardenis municipality alone, within the Gegharkunik province of Armenia, since the Azerbaijani aggression of 2022, over 120 families, comprising at least 500 individuals, have fled due to apprehensions of imminent invasion by Azerbaijan.<sup>278</sup>

Most civilian casualties occurred while individuals were engaged in agricultural activities.<sup>279</sup> Additionally, 293 Armenian soldiers and 8 civilians sustained injuries and 28 Armenian soldiers were reported missing.<sup>280</sup>

In the aftermath of the Azerbaijani attacks on September 13, 2022, CFTJ conducted interviews of civilians from Kut village. One of these civilians whose car, home, and land were shelled, stated that:

“for them there was no difference between military positions and civilian infrastructure since Azerbaijani forces that are occupying Armenian mountains can observe the movement [of civilians] and it felt like that they were purposefully targeting homes to harm the civilians.”

The witness described that when he attempted to evacuate his wife, children, and parents, a bomb fell right near his vehicle.

“My home was being targeted. We could not stay and had to leave without taking any of our belongings.<sup>281</sup>

Another resident of Kut village speaking about his experience on September 13, 2022, mentioned that the attacks started when he had guests in his home. The witness's land, his farm storage, and his son's home were hit by Azerbaijani bombardment. He stated:

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<sup>277</sup> *Id.* at 27

<sup>278</sup> CFTJ Declaration - Telephonic interview of Gegharkunik Province Governor, [March 27, 2024].

<sup>279</sup> *Ad Hoc Public Report on Consequences of Azerbaijani Military Attack on the Republic of Armenia*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (Sep. 2022), *supra* note 250, p. 27, <https://ombuds.am/images/files/bb0ed8808617aa8b63c6a52e2891c7b3.pdf>.

<sup>280</sup> *Prime Minister Nikol Pashinyan's speech at the regular session of the Council of CIS Heads of State*, THE PRIME MINISTER OF THE REPUBLIC OF ARMENIA (Oct. 14, 2022), <https://www.primeminister.am/en/statements-and-messages/item/2022/10/14/Nikol-Pashinyan-Speech/>.

<sup>281</sup> CFTJ Interview, Witness 22LC-0067.

“My family and I had to flee our home at 2:40 AM in the middle of bombardment when danger looms every second.”<sup>282</sup>

A third civilian was hit when driving. He sustained shrapnel injuries to his leg and arm. After this experience he moved his children and enrolled them in school in Yerevan, the capital of Armenia. He stated:

“the stress levels are high in the community. People cannot sleep peacefully at nights, (...) when the dog barks you think the [Azerbaijanis] have come [to kill you].”<sup>283</sup>

Jermuk is a resort town with spas, surrounded by forests in the Southern part of Armenia. It is known for its hot springs and mineral water. The town was being developed to become a modern center for tourism and health services. However, since 2022, its population has declined because of the military offensive launched by Azerbaijan’s Armed Forces.

On September 13, 2022, Azerbaijan shelled and bombed Jermuk. As a result, the Azerbaijani military units are now situated about 4.5 km from the Jermuk gate. This has economically devastated the city which relied heavily on tourism.<sup>284</sup>

Jermuk’s gondolas that attracted over 50,000 visitors each year and took them up the picturesque mountains were targeted and damaged. It was one of the town’s highlights that overlooked a beautiful waterfall.

Azerbaijan’s attacks in September 2022 led to the near-complete destruction of this resort town, effectively halting all tourism. The attacks also resulted in significant agricultural losses and pasture damage, which now present severe challenges to cattle breeding. It also caused fires in Jermuk’s forests, severely damaging the biodiversity within a 10-hectare area of forest and causing considerable land degradation.<sup>285</sup>

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<sup>282</sup> CFTJ Interview, Witness 23LC-0065.

<sup>283</sup> CFTJ Interview, Witness 22LC-0066.

<sup>284</sup> *Jermuk: Changes in Jermuk resort town after Azerbaijani attack (photo report)*, NEWS.AM (Sep. 22, 2022), <https://news.am/eng/news/721589.html>.

<sup>285</sup> *Id.*

## 9.0 Ongoing Unlawful Military Aggression Against The Republic of Armenia -2024

While Azerbaijan's unlawful military aggression against Armenia is ongoing, Azerbaijan is also demanding under threat of more aggression that Armenia change its Constitution. This underscores a systemic attempt to reshape Armenian national identity in alignment with Azerbaijani interests.<sup>286</sup>

In October 2023, United States Secretary of State Antony Blinken and U.S. representative Frank Pallone warned of Azerbaijan's intentions to invade sovereign Armenian territory, especially in light of their previous genocidal actions in the Republic of Nagorno-Karabakh.<sup>287</sup> Similar warnings have been issued by Armenia's ambassador to the European Union.<sup>288</sup> In November 2023, President Aliyev attended the Summit of the UN Special Program for the Economies of Central Asia and stated that, "Azerbaijan's neighbor, Armenia, cannot be viewed as truly independent."<sup>289</sup>

Four months later, on February 13, 2024, the Azerbaijani Armed Forces opened fire on Armenian positions near the small village of Nerkin Hand in Syunik Province of Armenia. The Armenian Ministry of Defense reported that four Armenian soldiers were killed and one was wounded. Importantly, Azerbaijan had already taken control and occupied territory around Nerkin Hand during its September 2022 attack on Armenia.<sup>290</sup>

Following the unlawful military advances of Azerbaijan Armed Forces on February 13, 2024, the village of Nerkin Hand was surrounded from three sides by 25 armed Azerbaijani positions, 15 of which are situated within the Azerbaijani occupied territory inside Armenia.<sup>291</sup> The nearest military position is just roughly 769 meters

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<sup>286</sup> *Aliyev Demands Constitutional Change In Armenia*, AZATUTYUN (Feb. 1, 2024), <https://www.azatutyun.am/a/32801517.html>.

<sup>287</sup> *Blinken warned lawmakers Azerbaijan may invade Armenia in coming weeks*, POLITICO (Oct. 13, 2023), <https://www.politico.com/news/2023/10/13/blinken-warned-lawmakers-azerbaijan-may-invade-armenia-in-coming-weeks-00121500>.

<sup>288</sup> *Armenia fears Azerbaijani invasion 'within weeks*, BRUSSEL'S SIGNAL (Oct. 6, 2023), [https://brusselssignal.eu/2023/10/armenia-fears-azerbaijani-invasion-within-weeks/?fbclid=IwAR1000YOZStvQKQ0BIQ5GgN6IR83kEDNBBETivVG2nG8vUKIP\\_HDiSny20s](https://brusselssignal.eu/2023/10/armenia-fears-azerbaijani-invasion-within-weeks/?fbclid=IwAR1000YOZStvQKQ0BIQ5GgN6IR83kEDNBBETivVG2nG8vUKIP_HDiSny20s).

<sup>289</sup> *Ilham Aliyev attended the Summit of UN Special Program for the Economies of Central Asia – SPECA*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (Nov. 24, 2023), <https://president.az/en/articles/view/62327>.

<sup>290</sup> *As a result of the Azerbaijani armed forces firing, the Armenian side has 4 killed and 1 wounded*, MINISTRY OF DEFENSE OF THE REPUBLIC OF ARMENIA (Feb. 13, 2024), <https://mil.am/hy/news/11991>.

<sup>291</sup> *Azerbaijani crimes in Nerkin Hand, including the positions from which our servicemen were killed (in detail)*, CENTER FOR LAW AND JUSTICE "TATOYAN" FOUNDATION (March 3, 2024),

from Nerkin Hand's local school, directly endangering the well-being and security of the village's children.<sup>292</sup>

On February 22, 2024, the Lemkin Institute issued another Genocide Alert, referring to the attack and stating:

"The lack of response to and condemnation of Azerbaijan's September 2023 invasion of Artsakh—which caused the mass exodus of nearly all of Artsakh's 120,000 native Armenians—has emboldened Aliyev to continue with his genocide of the Armenian people."<sup>293</sup>

On March 9, 2024, Azerbaijan's Deputy Prime Minister Shahin Mustafayev demanded the immediate surrender of the villages of Baghanis Ayrum, Nerkin Voskepar, Heyrimili, and Berqaber in the Tavush province of the Republic of Armenia, which would, tragically, condemn their ethnic Armenian residents to the same fate.<sup>294</sup>

On April 1, 2024, the Azerbaijani Armed Forces units opened fire on Armenian combat positions in Kut village in Gegharkunik province.

On April 2, 2024, Azerbaijani armed forces opened fire on Armenian military positions located in Togh village in the Syunik province of Armenia.<sup>295</sup>

Just a day later, on April 3, 2024, the Lemkin Institute issued another Genocide Alert, citing Azerbaijan's escalating rhetoric, demands, and recent attacks on Armenia's Syunik and Gegharkunik provinces. The institute warned of Azerbaijan's goal to

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[https://tatoyanfoundation.org/azerbaijani-crimes-in-nerkin-hand-including-the-positions-from-which-our-servicemen-were-killed-in-detail/?lang=en\\_](https://tatoyanfoundation.org/azerbaijani-crimes-in-nerkin-hand-including-the-positions-from-which-our-servicemen-were-killed-in-detail/?lang=en_)

<sup>292</sup> *Id.*

<sup>293</sup> *Red Flag Alert: Azerbaijan in the Republic of Armenia #2*, LEMKIN INSTITUTE (Feb. 22, 2024), [https://www.lemkininstitute.com/\\_files/ugd/72b3ef\\_15d178c59ba54e36b0cef2520310f9ed.pdf](https://www.lemkininstitute.com/_files/ugd/72b3ef_15d178c59ba54e36b0cef2520310f9ed.pdf).

<sup>294</sup> *Azerbaijan demands the return of 4 villages under the occupation of Armenia*, ANADOLU AGENCY, (March 9, 2024), *supra* note 27, <https://www.aa.com.tr/en/europe/azerbaijan-demands-return-of-4-villages-under-occupation-of-armenia/3160285> (Accessed April 13, 2024).

<sup>295</sup> Azerbaijani armed forces opened fire against the Armenian positions, MINISTRY OF DEFENSE OF THE REPUBLIC OF ARMENIA (April 2, 2024), <https://mil.am/en/news/12069>.

control the entirety of the Armenian state and unify the Azerbaijani mainland with Turkey.<sup>296</sup>

From April 5 to 7, 2024, in Chinari village in the Tavush Province and Verin Shorzha in Gegharkunik Province, the Azerbaijani Armed Forces opened fire on Armenians which resulted in the damage of property, homes and cemeteries.<sup>297</sup>

On April 9, 2024, the Azerbaijani armed forces opened fire towards villages in Syunik Province which caused damage to the roof and windows of a house in a village in the Syunik Province.<sup>298</sup>

These developments in the Tavush Province indicate a shift in Azerbaijan's approach to claiming Armenian territory. While previously focused on "Western Azerbaijan" and the "Zangezur Corridor" in Armenia's southern Syunik province, Azerbaijan is now targeting northern territories as well. The villages of Tavush are strategically located along the main road between Yerevan and the Georgian border and are vital for trade routes with Georgia in the north and Iran in the south.

In March 2024, Azerbaijan demanded four villages in Armenia's Tavush Province. The rugged terrain of Armenia presents formidable obstacles when these highways face disruption. Additionally, the villages serve as pivotal elements in Armenia's strategic defense, boasting strategic heights and robust defensive structures in the area. Notably, Tavush emerges as the sole province with advantageous defensive positioning against Azerbaijan, surpassing other border regions. This clarifies

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<sup>296</sup> Red Flag Alert: Azerbaijan in Armenia #3, LEMKIN INSTITUTE (April 3, 2024), [https://www.lemkininstitute.com/\\_files/ugd/72b3ef\\_b0cc4e1c24c04105af9b4caf887294a1.pdf](https://www.lemkininstitute.com/_files/ugd/72b3ef_b0cc4e1c24c04105af9b4caf887294a1.pdf).

<sup>297</sup> Announcement: Civilian infrastructures sustains damage due to irregular and indiscriminate fire, MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF ARMENIA (April 6, 2024), <https://www.facebook.com/MIAOFARMENIA/posts/pfbid025iUPxYB9eincgEPm34QvjiHgvsvvVW1bjobKGMW3tEm3kuburKg41FmN6dXeoekZl>. See also *Announcement: Damage Caused to a House Window in Tegh Village Due to Irregular Fire*, MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF ARMENIA (April 7, 2024), <https://www.facebook.com/MIAOFARMENIA/posts/pfbid025iUPxYB9eincgEPm34QvjiHgvsvvVW1bjobKGMW3tEm3kuburKg41FmN6dXeoekZl> (Accessed April 13, 2024).

<sup>298</sup> See *Azerbaijani armed forces opened fire against the Armenian positions*, MINISTRY OF DEFENSE OF THE REPUBLIC OF ARMENIA (April 9, 2024), <https://www.mil.am/en/news/12081>; *Announcement: Damage Caused to the Roof and Window of one of the Houses in Tegh Village as a Result of an Irregular Fire*, MINISTRY OF INTERNAL AFFAIR OF THE REPUBLIC OF ARMENIA (April 9, 2024), <https://www.facebook.com/MIAOFARMENIA/posts/pfbid02F16TLgh1LGZdFU25JJJcKCQfCV8JDCpBV2sUVX1brduSxwZcVSSgE4WmT8juyFSeI>.

Azerbaijan's fervent ambition to seize control of these villages, potentially paving the way for the conquest of the entire nation.<sup>299</sup>

## 10. Mens Rea of Genocide in Armenia

The analysis of the intent to commit genocide against ethnic Armenians by Azerbaijani leadership, particularly as articulated and enacted by President Ilham Aliyev, reveals a multifaceted strategy to remove the ethnic Armenian population from Azerbaijani-occupied Armenian territory that transcends mere territorial conquest.

This strategy is characterized by a systematic campaign of dehumanization, historical revisionism, and direct military aggression aimed not only at displacing Armenians from their ethnic lands but also at the destruction of the Armenian ethnic identity itself. The evidence, drawn from public statements, military actions, and policy initiatives clearly shows a deliberate effort to eradicate the Armenian presence, both physically and culturally, from areas unlawfully claimed by Azerbaijan, namely territories inside the Republic of Armenia.

### 10.1 President Aliyev's Speeches Clearly Demonstrate the Intent to Commit Genocide of Ethnic Armenians Inside the Borders of The Republic of Armenia

President Aliyev's public speeches, marked by overt threats, admissions of ethnic cleansing, and territorial claims over sovereign Armenian lands, manifest a clear genocidal intent towards ethnic Armenians.

His open genocidal intent against ethnic Armenians dates back to 2012 when Aliyev delivered a speech railing against Armenians, with an excerpt later posted on his official Twitter account stating:

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<sup>299</sup> Elena, Teslova, *Azerbaijan demands the return of 4 villages under the occupation of Armenia*, ANADOLU AGENCY (March 9, 2024), *supra* note 27, <https://www.aa.com.tr/en/europe/azerbaijan-demands-return-of-4-villages-under-occupation-of-armenia/3160285>.

"Armenia is a country of no value. It is actually a colony, an outpost run from abroad... Evidence of this is the mass exodus of people from Armenia to other countries."<sup>300</sup>

"Rats" was a derogatory term frequently used by Aliyev to refer to Armenians in 2012.<sup>301</sup>

In a speech to his own cabinet in April 2015, Aliyev was reported on his government's official website as telling Armenians:

"If you do not want to die, then get out of Azerbaijani lands. [...] We must and we do wage a more active struggle with Armenia. We have isolated it from all international and regional projects."<sup>302</sup>

In October 2020, after launching a military attack against Nagorno Karabakh, Aliyev started portraying all ethnic Armenians living under Azerbaijan's control as usurping interlopers with neither an indigenous state nor a culture of their own<sup>303</sup> that deserve to be removed from their lands and replaced by ethnic Azerbaijanis. He used aggressive, dehumanizing language on national TV on several occasions inciting hatred for ethnic Armenians and justifying the need to remove them from their lands and destroy their population. On October 20, 2020, President Aliyev, addressing the Azerbaijani nation, stated:

"We will continue to expel these liars [ethnic Armenians]. They see who is who now. They see that we were teaching them a lesson they will never forget."<sup>304</sup>

On October 4, 2020, President Aliyev commenting on the aggressive occupation of Nagorno-Karabakh, acknowledged the forcible displacement of ethnic Armenians,

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<sup>300</sup> Ilham Aliyev (@presidentaz), x (FORMER TWITTER) (Nov. 20, 2012, 1:52 AM), *President of the Republic of Azerbaijan, Armenia as a country is of no value. It is actually a colony, an outpost run from abroad*, <https://twitter.com/presidentaz/status/270827003521929216>.

<sup>301</sup> Nersessian J., *The Mixed Messaging of Ilham Aliyev*, EVN REPORT (Oct. 22, 2020), <https://evnreport.com/spotlight-karabakh/the-mixed-messaging-of-ilham-aliyev/>.

<sup>302</sup> *Ilham Aliyev chaired the meeting of the Cabinet of Ministers dedicated to the results of socioeconomic development in the first quarter of 2015 and objectives for the future*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN (Apr. 15, 2015), <https://president.az/en/articles/view/14805>.

<sup>303</sup> R. Topalian, *The Slow Death: Azerbaijan's Armenian Genocide*, TRINITY NEWS (Aug. 14, 2023), <https://trinitynews.ie/2023/08/120000-people-trapped-and-starving-since-december-azerbajians-illegal-blockade-of-nagorno-karabakh/>

<sup>304</sup> *Ilham Aliyev addressed the nation*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN (Oct. 20, 2020), <https://president.az/en/articles/view/43696>.

the dehumanization of Armenians, and the intent to destroy the existing Armenian population living under Azerbaijani control during a televised address, declaring:

"[W]e are driving them [ethnic Armenians] away like dogs! Azerbaijani soldiers drive them away like dogs."<sup>305</sup>

On October 20, 2020, President Aliyev, referring to the Armenians, stated:

"They [Armenians] have neither conscience nor morality. They do not even have a brain." Aliyev also described the Azerbaijani army as a force capable of eliminating the "brainless" Armenians.<sup>306</sup>

As the head of the executive and commander of Azerbaijan's armed forces who ordered the initiation of a military attack on Nagorno-Karabakh and an occupation of their land, President Aliyev's speeches are clear indicia that his government and armed forces intended to commit genocide against the ethnic Armenians in Nagorno-Karabakh and Armenia. He stated on October 17, 2020 on national TV:

"I said that if they [ethnic Armenians] do not leave our lands of their own free will, we will chase them away like dogs and we are doing that."<sup>307</sup>

In his speech, in March 2021, Aliyev also expressed satisfaction with the fact that the younger Azerbaijani generation has "grown up with love for the Motherland and hatred for the enemy," specifically referring to Armenians. Aliyev has also referred to ethnic Armenians as "barbarians and vandals," who are infected by a "virus, more dangerous than Coronavirus" for which they "need to be treated."<sup>308</sup>

On October 2, 2021, Spanish news agency EFE gave President Aliyev an interview where he said of Armenian PoWs "they are not prisoners of war. They are terrorists, they are members of a sabotage group who've been sent in order to attack Azerbaijani civilians and military servicemen."<sup>309</sup>

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<sup>305</sup> *Ilham Aliyev chaired the meeting of the Cabinet of Ministers dedicated to the results of socioeconomic development in the first quarter of 2015 and objectives for the future*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN (Apr. 10, 2015), *supra* note 2, <https://president.az/en/articles/view/14805>.

<sup>306</sup> Ilham Aliyev addressed the nation, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN (Oct. 20, 2020), *supra* note 15, <https://president.az/en/articles/view/43696>.

<sup>307</sup> Ilham Aliyev addressed the nation, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN, (Oct. 17, 2020), *supra* note 14, <https://president.az/en/articles/view/43334>.

<sup>308</sup> Opening speech by Ilham Aliyev at the 7th Congress of New Azerbaijan Party, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN (March 5, 2021), <https://president.az/en/articles/view/50805>.

<sup>309</sup> *Ilham Aliyev's interview with Spanish EFE news agency*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN (Oct. 2, 2021), <https://president.az/en/articles/view/53296>.



On April 18, 2023, Azerbaijan Television granted an interview to President Aliyev where he called Armenians "human-like creatures".<sup>310</sup>

This genocidal intent was also obvious from Azerbaijan's state policy and the language used by high-level Azerbaijani officials. Elnur Aslanov, Head of the Political Analysis and Information Department of the Presidential Administration, referred to Armenia as a "cancerous tumor."<sup>311</sup>

On October 11, 2020, a member of the Parliament of Azerbaijan and member of the ruling party in Azerbaijan stated:

"There is no need to sit at the negotiating table with terrorists and vandals, you need to continue operations to destroy them".<sup>312</sup>

News media in Azerbaijan also participates in dehumanizing Armenians and fomenting hatred of them by running baseless or exaggerated news stories about life in Armenian provinces and by obfuscating or inventing history. On January 6, 2023, Baku TV ran a report falsely claiming that Armenia had committed a genocide against Azerbaijanis in 1988 writing,

"The Azerbaijani population in Armenia was forced to flee their ancestral lands after Armenian armed groups committed a mass genocide against them in 1988."<sup>313</sup>

On September 1, 2023, Azerbaijani news media used the word 'annihilated' when writing news about the deaths of Armenian servicemen.<sup>314</sup>

On September 15, 2023, the West Azerbaijan Chronicle wrote,

"Armenians are not people of nature, they are enemies of nature".<sup>315</sup>

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<sup>310</sup> *Ilham Aliyev gave an interview to Azerbaijan Television in Salyan*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN, *supra* note 7, (Apr. 18, 2023), <https://president.az/az/articles/view/59451>.

<sup>311</sup> *Elnur Aslanov: Armenia is a cancerous tumor of the South Caucasus*, NEWSDAY.AZ (May 17, 2013), <https://news.day.az/politics/402615.html>.

<sup>312</sup> *Armenia's arbitrariness makes the truce meaningless – MP*, TREND NEWS AGENCY (Oct. 11, 2020), <https://www.trend.az/azerbaijan/karabakh/3314834.html>.

<sup>313</sup> *How were the Azerbaijanis expelled from Iravan?*, BAKU TV TELEGRAM CHANNEL (Jan. 6, 2023), <https://t.me/bakutvxeber/56161>.

<sup>314</sup> (@bakutvxeber) *The names of the destroyed servicemen of the Armenian army were announced*, BAKU TV TELEGRAM CHANNEL, (September 1, 2023 at 7:45 a.m.), <https://t.me/bakutvxeber/65265> (Accessed April 13, 2024).

<sup>315</sup> *Armenians are not people of nature, they are enemies of nature - West Azerbaijan Chronicle*, BAKU TV, (Sep. 15, 2023), <https://youtu.be/Hn-o5xjZth8?si=y5WCvheBXdlQK805>.

## 10.2 Dehumanization of Ethnic Armenians

A critical component of genocidal intent is the dehumanization of the targeted group. President Aliyev's rhetoric frequently employs dehumanizing language to describe Armenians, portraying them as a malignant presence within Azerbaijani territories, usurpers, terrorists, dogs, and viruses that need to be eradicated. This narrative serves to justify aggressive actions against Armenians by framing them not as human beings but as obstacles to Azerbaijani national integrity and progress.

Aliyev's references to Armenians using terms that suggest a lesser form of life or a direct threat to Azerbaijani well-being are not merely inflammatory, they are indicative of an intent to legitimize the discrimination and ultimately the destruction of ethnic Armenians. This rhetoric not only serves to rally domestic support for the military campaigns but has also been used by Azerbaijani officials to create a narrative that views the destruction or displacement of the Armenian population not as a tragedy but as a necessary step toward national reunification.

These statements often frame the conflict in existential terms, portraying the military campaigns as a necessary step toward the restoration of Azerbaijani sovereignty over the region. Such rhetoric, when combined with the deliberate targeting of civilian infrastructure and the displacement of thousands of ethnic Armenians, points to a broader objective that transcends mere territorial conquest.

The use of dehumanizing language by Azerbaijani leaders and media plays a significant role in fostering an environment conducive to genocide where the population is desensitized to the suffering of the Armenians, making the genocidal intent more palatable to the broader public.

## 10.3 Acknowledgment of Ethnic Cleansing by President Aliyev

Perhaps most striking is President Aliyev's acknowledgment during an April 2021 interview of carrying out ethnic cleansing during the 2020 war. By openly admitting to such actions and expressing sentiments through hate speech, Aliyev not only acknowledges the deliberate removal of ethnic Armenians but also their removal with the intent to destroy them, which amounts to the required mental element for genocide.

The acknowledgment of ethnic cleansing, particularly during the 2020 conflict in Nagorno-Karabakh, is a stark admission of genocidal intent. By openly admitting to actions aimed at forcibly removing Armenians from their homes and lands, the Azerbaijani leadership acknowledges its role in attempting to alter the demographic makeup of the region through violence and intimidation. This acknowledgment is not a mere reflection of wartime realities, but a declaration of a broader policy aimed at the eradication of the Armenian presence.

In the context of recent events, it is essential to highlight President Aliyev's concerning behavior, specifically his appearance on March 19, 2024, in Stepanakert during the Novruz holiday celebration. President Aliyev made remarks strikingly reminiscent of Nazi rhetoric, stating,

"The Novruz bonfire is also doing the final cleaning."

This statement is particularly alarming given the demographic makeup of Nagorno-Karabakh before Aliyev's regime carried out genocidal acts, with an estimated 120,000 ethnic Armenians residing in the Nagorno-Karabakh region.<sup>316</sup>

By openly admitting to such actions and expressing sentiments through hate speech, Aliyev not only acknowledges the deliberate removal of ethnic Armenians but also acknowledges their removal with the intent to destroy them, which amounts to the required mental element for genocide.

#### 10.4 The Use of Force to Further "Western Azerbaijan"

The geopolitical vision termed "Western Azerbaijanism," is a concept promoted by the Azerbaijani government since the early 2000s<sup>317</sup> that seeks to portray the lands to the West of Azerbaijan including Nagorno-Karabakh and Armenia as being historically Azerbaijani land.

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<sup>316</sup> Ilham Aliyev (@presidentaz), x (FORMER TWITTER) (March 19, 2024, 1:05 AM), *The President of the Republic of Azerbaijan, The Novruz bonfire is also doing the final cleaning*, <https://twitter.com/presidentaz/status/1769998494196965516>

<sup>317</sup> *To All State Parties of the Genocide Convention Azerbaijan's Policy of Irredentism: Illegitimate Territorial Claims on the Republic of Armenia*, CENTER FOR TRUTH AND JUSTICE (January 2024), *supra* note 226, p. 14, <https://www.cftjustice.org/wp-content/uploads/2024/02/Azerbaijans-Policy-of-Irredentism-Illegitimate-Territorial-Claims-on-the-Republic-of-Armenia-.pdf>.

Since 2013, President Ilham Aliyev has consistently described the entire territory of the Republic of Armenia as Azerbaijani land, renaming cities and province with Azerbaijani names—Yerevan as "Irevan," Lake Sevan as "Göyçə," and the Syunik province as "Zangezur".<sup>318</sup> In 2017, Aliyev reiterated these claims, particularly after the 2016 war in Nagorno-Karabakh, falsely asserting that Armenia is situated on historically Azerbaijani territories.<sup>319</sup>

In February 2018, Aliyev outlined a strategic plan to disseminate the notion that present-day Armenia is historically Azerbaijani, aiming to educate the younger generation about Azerbaijan's historical lands, which according to him, include Irevan (Yerevan), Zangezur (Syunik), and Goycha (Sevan Lake) as being part of Azerbaijan's historical lands. He stated this as a political and strategic goal of his government, emphasizing the need for Azerbaijanis to return to these lands.<sup>320</sup>

On May 11, 2020, the Azerbaijani government issued a statement officially announcing its historical claims, the right of Azerbaijanis to their ancestral lands in West Azerbaijan, and the necessity to fight for these lands that then formed part of Nagorno-Karabakh and Armenia. Political scientist Gabil Huseynli, commenting on the declaration of the "Republic of Western Azerbaijan" by the initiative of Professor Gafar Chakhmaghli of the Erjiyaz University of Turkey, stated:

"Therefore, we can say that today it is a completely justified and historical necessity for the Azerbaijanis of Yerevan to fight for Yerevan." (...) Nagorno-Karabakh is currently under occupation. In this sense, I think that this initiative is in place and a positive step."<sup>321</sup>

On May 20, 2020, it was made clear that Azerbaijan's aspiration to take over Nagorno- Karabakh and Armenia would be implemented through the use of force:

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<sup>318</sup> *Id.* at P. 13.

<sup>319</sup> *President Ilham Aliyev received group of servicemen on anniversary of April victories of Azerbaijani army*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN (March 31, 2017), [https://azertag.az/en/xeber/President\\_Ilham\\_Aliyev\\_received\\_group\\_of\\_servicemen\\_on\\_anniversary\\_of\\_April\\_victories\\_of\\_Azerbaijani\\_army\\_VIDEO-1046923](https://azertag.az/en/xeber/President_Ilham_Aliyev_received_group_of_servicemen_on_anniversary_of_April_victories_of_Azerbaijani_army_VIDEO-1046923).

<sup>320</sup> *Speech by Ilham Aliyev at the 6th Congress of New Azerbaijan Party*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN (Feb. 8, 2018), <http://en.president.az/articles/26998>.

<sup>321</sup> *The Republic of Western Azerbaijan has been announced*, AXAR TV (May 11, 2020), <https://www.youtube.com/watch?v=CxZeJdQzf2k>.

"We know from history that the current territory of Armenia is the ancient lands of Azerbaijan...". (...) if Armenia wants Yerevan to remain its capital, it should either give up its claim to Nagorno-Karabakh or return Yerevan."<sup>322</sup>

This move was presented as a counter to Armenian territorial claims and was supported by political figures, academics, and the Azerbaijani diaspora.

In June 2020, Aliyev linked "Western Azerbaijan" to Turkey's foreign policies, emphasizing the loss of Zangezur to Armenia as a division of the Turkic world:

"[T]he territory of the present Republic of Armenia is ancient Azerbaijani land(.) Our ancient land of Zangezur was also transferred to Armenia. With the transfer of Zangezur, a geographical division of the great Turkic world occurred and the main part of Azerbaijan was deprived of the border with Turkey. Our border with Turkey is located only in the Nakhchivan Autonomous Republic."<sup>323</sup>

In April 2021, President Aliyev made inflammatory remarks, referring to Armenian land as a "dagger" that was "stuck in our body," portraying it as a source of division within the Turkic world.<sup>324</sup> This metaphorical language not only demonstrates a deeply entrenched hostility towards Armenia but also reflects a desire to assert control over the Republic of Armenia.

By July 2021, President Aliyev's rhetoric escalated further, with bold assertions of victory and territorial expansion. He declared,

"We have won. We do not have any other issues on the agenda today. We have accessed our borders and taken control of the Armenian-Azerbaijani border."

Furthermore, President Aliyev reiterated his long-standing territorial ambitions, stating,

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<sup>322</sup> *West Azerbaijan Republic - Azerbaijan should not demand Karabakh, but Iravan [Yerevan] as well*, XƏBƏRNAMƏ TV, YOUTUBE (May 20, 2020), [https://www.youtube.com/watch?v=aLpwCPfAXTg\\_](https://www.youtube.com/watch?v=aLpwCPfAXTg_).

<sup>323</sup> *Ilham Aliyev attended opening of Tartar Olympic Sports Complex*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (June 3, 2020), <https://president.az/en/articles/view/38976>.

<sup>324</sup> *Informal Summit of Cooperation Council of Turkic-Speaking States was held in video conference format*, APA (April 1, 2021), <https://apa.az/en/xeber/foreign-politics/Informal-Summit-of-Cooperation-Council-of-Turkic-Speaking-States-was-held-in-video-conference-format-coloredUPDATEDcolor-345741>.

"I said this 10 years ago. All my speeches are available in the media. I said that it [Armenia] is the land of our ancestors, that we must return there, we will return and we are already returning there. No-one can stop us."<sup>325</sup>

On December 1, 2022, the Azerbaijani Ministry of Defense released a press release urging people to refer to Armenian locations by invented Azerbaijani place names writing,

"We inform you once again that it is unacceptable to mention the names of our settlements in the territory of the Republic of Azerbaijan with invented Armenian place names, including the use of the expression "Territory of Nagorno-Karabakh".

The statement on the official website of the Ministry of Defense reads as follows:

"We remind you that the official names of the Azerbaijani settlements listed as "Martakert", "Martuni", "Mataghis" and "Getavan" in the economic region of Karabakh as "Mountain Karabakh Territory" are Aghdara, Khojavand, Sugovushan, and Gozlukeyorpu, respectively."<sup>326</sup>

In March 2023, President Aliyev proclaimed that Armenia had squandered its chance at independence. During the summit of the Heads of State of the Organization of Turkic States, Aliyev consistently labeled Armenian territory as "Western Azerbaijan."<sup>327</sup>

In the news media in Azerbaijan, Armenian places are often presented with fabricated Azerbaijani names. For instance, on October 26, 2023, AzTV News referred to the Armenian town of Kapan as 'Gafan'.<sup>328</sup>

The investigation conducted by CFTJ revealed that the map published and endorsed by the Azerbaijani government deliberately excludes Armenia from its internationally

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<sup>325</sup> *Ilham Aliyev attended the ceremony to give out apartments and cars to families of martyrs and war disabled in the Khojasan settlement*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN ILHAM ALIYEV (July 14, 2021), <https://president.az/en/articles/view/52446>.

<sup>326</sup> *Press Release of the Ministry of Defense*, MINISTRY OF DEFENSE OF THE REPUBLIC OF AZERBAIJAN, (Dec. 1, 2022), <https://mod.gov.az/az/news/mudafie-nazirliyinin-metbuata-aciqlamasi-45442.html>

<sup>327</sup> *To All State Parties of the Genocide Convention Azerbaijan's Policy of Irredentism: Illegitimate Territorial Claims on the Republic of Armenia*, CENTER FOR TRUTH AND JUSTICE (January 2024), *supra* note 226, p. 15,

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

<sup>328</sup> AZ TV (@AZTV), YOUTUBE, (Oct. 26, 2023), *The AzTV team is just a step away from Gafa: what strategic objects does our army control?* AZ TV, <https://www.youtube.com/watch?v=5VNa8TjGICU>.

recognized borders. Instead, the entire territory of the Republic of Armenia is depicted as "Western Azerbaijan," asserting historical Azerbaijani ownership. Additionally, the map labels Armenian towns with Azerbaijani names, further erasing Armenian identity and heritage. Moreover, the map features a navigation system known as the "catalog" section, presented exclusively in Azerbaijani. This section provides a distorted portrayal of towns and cities within Armenia, alongside a fabricated historical narrative of "Western Azerbaijan." This narrative includes baseless territorial claims over every town and village within the Republic of Armenia. As an example, Yerevan, the capital city and one of the oldest continuously inhabited cities globally, is falsely characterized as a "medieval Azerbaijani city (Iravan)." The map propagates the unsubstantiated claim that "the leadership of Azerbaijan gave Yerevan to the Republic of Armenia," further perpetuating historical inaccuracies and territorial disputes.<sup>329</sup>

Furthermore, the investigation conducted by CFTJ uncovered that even Azerbaijani fifth-grade history textbooks perpetuate territorial claims over northern and southern provinces of Armenia. For instance, these textbooks depict the entire northern part of Armenia, encompassing provinces such as Tavush, Gegharkunik, and Yerevan, as part of the "Yerevan Khanate" of Azerbaijan. Similarly, they portray the southern provinces of Armenia, including Syunik, as part of the "Gharabagh Khanate" of Azerbaijan.

The promotion of "Western Azerbaijanism" and the assertion of historical claims over Armenian territories serve to underpin the narrative that Armenians are interlopers on Azerbaijani lands. This historical revisionism is a key element of the genocidal intent, as it seeks to erase Armenian history and rights to the land, effectively denying the existence of Armenians as a distinct people with their own cultural and historical identity. The renaming of places and the assertion of Azerbaijani historical rights over areas like Yerevan, Syunik, and Lake Sevan are attempts to rewrite history to exclude Armenians, thereby justifying their destruction.

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<sup>329</sup> *To All State Parties of the Genocide Convention Azerbaijan's Policy of Irredentism: Illegitimate Territorial Claims on the Republic of Armenia*, CENTER FOR TRUTH AND JUSTICE (Jan. 2024), *supra* note 226, p. 15-20, <https://www.cftjustice.org/wp-content/uploads/2024/02/Azerbaijans-Policy-of-Irredentism-Illegitimate-Territorial-Claims-on-the-Republic-of-Armenia-.pdf>.

CFTJ has prepared an extensive report, “To All State Parties of the Genocide Convention - Azerbaijan’s Policy of Irredentism: Illegitimate Territorial Claims on the Republic of Armenia.”<sup>330</sup> It outlines primary source evidence including maps, renamed streets, the growing policy of “Western Azerbaijan” and President Aliyev and Azerbaijan’s plans to invade and occupy Armenia.

## 11. Genocidal Intent from State Policy

### 11.1 The Destruction of Ethnic Armenians in Nagorno-Karabakh

The conflict between Azerbaijan and the ethnic Armenian population of Nagorno-Karabakh has been marked by a series of military campaigns that reveal a strategic and systematic approach to the attacks launched by Azerbaijan. These campaigns, characterized by their intensity, coordination, and deployment of advanced military technology have not only resulted in the Azerbaijani Armed Forces’ take-over of land previously autonomously administered by Nagorno-Karabakh but were also aimed at the forcible removal of the entire ethnic Armenian population of Nagorno-Karabakh through:

- a) Starvation resulting from the 10 months’ complete blockade starting in December 2022 that impeded all essential foods, medical necessities, and fuel from entering the enclave;
- b) Indiscriminate killing of ethnic Armenian civilians of Nagorno-Karabakh during the war of 2016 and the war of 2020, including through the use of extremist Muslim mercenaries and snipers shooting at civilians in villages, drones, and heavy artillery;
- c) Arbitrary detention, torture, and false prosecution of those ethnic Armenian civilians of Nagorno-Karabakh who refused to leave upon falling under occupation or were abducted by the Azerbaijan Armed Forces;
- d) Looting of the homes, cattle, and property of all the ethnic Armenian civilians of Nagorno-Karabakh who were forced to leave on short notice, often on

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<sup>330</sup> *To All State Parties of the Genocide Convention - Azerbaijan’s Policy of Irredentism: Illegitimate Territorial Claims on the Republic of Armenia*, CENTER FOR TRUTH AND JUSTICE (Jan. 2024), <https://www.cftjustice.org/wp-content/uploads/2024/02/Azerbaijans-Policy-of-Irredentism-Illegitimate-Territorial-Claims-on-the-Republic-of-Armenia-.pdf> (last visited April 15, 2024)



roads where they would be subjected to further persecution from Azerbaijani soldiers.

The nature of these attacks, coupled with the rhetoric and statements emanating from Azerbaijani officials, provides evidence of the intent to destroy, a fundamental element required to qualify actions as “genocidal” under international law.

The blockade of the Lachin Corridor by Azerbaijani forces under the command of President Aliyev serves as a critical piece of evidence in assessing the intent to inflict conditions of life calculated to bring about the physical destruction of the ethnic Armenians in Nagorno-Karabakh. The deliberate obstruction of this vital lifeline, which is essential for the transit of people and goods including food, medicine, and fuel, to Nagorno-Karabakh, can be interpreted as an intentional act aimed at inflicting conditions of life on the group calculated to bring about its physical destruction, in part if not in whole.

President Aliyev's decision to continue with the blockade, despite being placed on notice by the ICJ regarding the "impending" dangers of such actions, underscores a willful disregard for international legal obligations and the well-being of the ethnic Armenian population in Nagorno-Karabakh. This disregard can be seen as indicative of a deliberate and informed intent to destroy as it demonstrates a conscious choice to pursue actions known to have destructive consequences for the group.

Azerbaijan's violations of the 2020 peace agreement, after the initial promises by President Aliyev to guarantee a free corridor between Armenia and Nagorno-Karabakh, highlights a strategic decision to alter the status and treatment of Nagorno-Karabakh and its ethnic Armenian population. This shift away from recognizing any form of autonomy and taking steps aimed at the elimination of Armenians from Nagorno-Karabakh further evidences genocidal intent.

The military campaigns initiated by Azerbaijan against Nagorno-Karabakh have been meticulously planned and executed, demonstrating a clear strategic objective. The use of drones, long-range artillery, and precision-guided munitions points to a modern warfare approach aimed at achieving maximum territorial gains, all while exerting psychological pressure on the Armenian population.

The military campaigns launched by Azerbaijan against Nagorno-Karabakh are characterized by their systematic nature and focus on civilian targets. The use of

advanced weaponry to target schools, hospitals, and residential areas, coupled with the blockade of essential goods and services through actions like the Lachin Corridor blockade, demonstrate a strategy aimed not just at territorial control but at the removal and destruction of the Armenian community. These actions, designed to inflict maximum harm on and displacement of the Armenian population, are indicative of an intent to destroy, in whole or in part, the ethnic Armenian group within the contested territories.

The evidence of intent to destroy the ethnic Armenians by the occupation of their lands through the use of force can be inferred from various statements made by Azerbaijani officials. Public statements made by President Aliyev, including threats to use force to establish an extrajudicial, occupied corridor through southern Armenia and assertions of historical Azerbaijani claims over Armenian territories, serve as direct expressions contributing to the inference of intent to destroy the ethnic Armenian group in Nagorno-Karabakh and Armenia.

High-ranking leaders, including President Ilham Aliyev, have made public declarations that not only assert territorial claims over Nagorno-Karabakh and deny the legitimacy and rights of its Armenian inhabitants but also dehumanize ethnic Armenians, fostering an environment aimed at producing a genocide. Ethnic Armenians have been portrayed as invaders, terrorists, a virus, dogs, and a threat to Azerbaijani identity, thereby dehumanizing an entire population and legitimizing violence against them. Dehumanizing language serves to diminish the perceived humanity of the target group, often portraying them as lesser beings or even non-human, thereby facilitating and justifying acts of violence and destruction against them.

## 11.2 Targeting of Ethnic Armenian Leaders

During the unlawful military aggression of the Azerbaijan Armed Forces, several prominent leaders and former leaders of the autonomous government of Nagorno-Karabakh, as well as civilian, law enforcement, military officials, and troops, were arbitrarily detained and charged with various types of terrorism offenses.

Leaders within communities play a pivotal role in the preservation, transmission, and development of cultural identity, and social and political cohesion, helping to unite

individuals around common values, goals, and practices. They also often serve as representatives of their communities in the broader political and social landscape and advocate for the rights and needs of their community members, negotiate resources, and protect their community from external threats. The targeting of such leaders, with the aim of undermining or destroying a community's ability to sustain itself, leaves a devastating impact on the ability of a community to survive and rebuild and can therefore be recognized as an act aimed at eradicating the cultural and social existence of the group.

Leaders, including political figures, intellectuals, religious figures, and cultural icons, are in fact often among the first to be targeted due to their influence, authority, and ability to mobilize and sustain community cohesion and resistance, as seen during the Rwandan genocide, where intellectuals, professionals, and religious leaders were targeted to ensure the decapitation of societal leadership, leaving the Tutsi population, moderate Hutus leaderless and more vulnerable subject to mass slaughter. In Cambodia, the Khmer Rouge regime led by Pol Pot targeted anyone perceived as an intellectual or potential leader. This also occurred during the Holocaust, where rabbis, intellectuals, and cultural figures were often among the first to be detained and killed. Finally, it occurred during the Ottoman Turkish government's systematic extermination of 1.5 million Armenians, beginning with the arrest and execution of hundreds of Armenian intellectuals and community leaders in Constantinople on April 24, 1915, to weaken Armenian identity and resistance, facilitating the mass deportations and killings that followed.

The targeting of community leaders of Nagorno-Karabakh was a deliberate strategy aimed at weakening the social and cultural structures of the targeted groups, making it easier to carry out mass violence and genocide. The loss of leaders not only left communities vulnerable but also significantly impaired their ability to recover and rebuild in the aftermath of such atrocities.

### 11.3 Popularization of Genocide

To obtain widespread approval of his strategy of aggression and genocidal plan towards the ethnic Armenians in Nagorno-Karabakh and Armenia, President Aliyev implemented a propaganda strategy for decades aimed at portraying ethnic

Armenians as enemies, describing them as "barbarians and vandals," who are infected by a "virus" for which they "need to be treated."

In a speech in March 2021, Aliyev also expressed his satisfaction that the younger Azerbaijani generation has "grown up with love for the Motherland and hatred for the enemy," specifically referring to Armenians.<sup>331</sup>

One of Azerbaijan's initiatives to popularize the genocidal intent towards Armenians is the "Military Trophy Park" inaugurated on April 12, 2021, in Baku. Showcasing helmets of deceased Armenian soldiers and military equipment captured during the 2020 War, along with dehumanizing wax mannequins depicting dead, tortured, and dying Armenian soldiers, this exhibition was designed to inflame hatred and animosity towards Armenians.

The Trophy Park's opening ceremony, attended by young children, underscores the existence and encouragement of institutionalized hatred towards Armenians in Azerbaijan and the propagation of animosity through state policy. This educational indoctrination of hatred and genocidal intent from a young age is further accomplished by schoolbooks, where narratives depict Armenians as instigators of violence and promote violence against them. These textbooks are tailored to teach Azerbaijani children historic grievances, military customs, and racial hatred towards Armenians. In a disturbing instance, a poem titled "Rhyme for Children" found in an Azerbaijani language 2nd-grade schoolbook perpetuates negative stereotypes and promotes violence against Armenians. The poem describes Armenians as obstructing Father Christmas and Snow Maiden from visiting certain regions, expressing a desire for retribution and punishment:

"The Armenians did not allow Father Christmas and Snow Maiden To come to Lachin, Kalbajar (..) My dream: May Father Christmas Cover all the mountains with snow and host us in Garabag next year".<sup>332</sup>

Moreover, a Methodological Manual provided for teachers alongside the same textbook instructs educators to elucidate to children that the expressions "black clouds" and "grey winds" symbolize the Armenians who have allegedly occupied

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<sup>331</sup> *Opening speech by Ilham Aliyev at the 7th Congress of New Azerbaijan Party*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN, (March 5, 2021), *Supra* note 305, <https://president.az/en/articles/view/50805>.

<sup>332</sup> CFTJ Backup

[https://docs.google.com/document/d/1RtgTB-7mIMOrbxTleW\\_\\_XZnTWDfgFyyencyz7ya5sENk/edit](https://docs.google.com/document/d/1RtgTB-7mIMOrbxTleW__XZnTWDfgFyyencyz7ya5sENk/edit).

Azerbaijani lands. This guidance further reinforces the narrative of enmity and hostility towards Armenians, perpetuating discriminatory attitudes and fostering animosity from an early age.<sup>333</sup> Moreover, a video surfaced in 2022 showcasing Azerbaijani children being instructed to chant the notorious Azerbaijani fascist anti-Armenian slogan:

"Service to the Motherland! Loyalty to the people! Hatred! (repeated three times) to the enemy!"<sup>334</sup>

President Aliyev's remarks during the Trophy Park opening ceremony openly admitted to committing crimes and "shedding blood":

"[T]he Turkic world is proud of it. We have created a new reality. We have created it by shedding blood, showing courage, and driving away the enemy. Everyone should and will reckon with us from now on."<sup>335</sup>

The opening of the Trophy Park drew condemnation from multiple sources<sup>336</sup>, including the Council of Europe's Commissioner for Human Rights.<sup>337</sup> Many members of the European Parliament also condemned the park. The Vice-President of the European Parliament remarked,

"This theme park in Azerbaijan is beyond disgusting. Primary school-age kids on the opening day were exposed to such warmongering."<sup>338</sup>

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<sup>333</sup> CFTJ Backup

<https://docs.google.com/document/d/1OqkTMXh64IGVsFuO9CzGb8kwml-OF-nDDgYPMnMYDgY/edit>; See more at <https://www.cftjustice.org/wp-content/uploads/2023/05/Aliyev-and-Hate-Speech.pdf>.

<sup>334</sup> The US Armenians (@theusarmenians), FACEBOOK (Sep. 23, 2022), *Azerbaijan children are taught to repeat the famous Azerbaijani fascist anti-Armenian slogan*, [https://www.facebook.com/theusarmenians/videos/azerbaijan-children-are-taught-to-repeat-the-famous-azerbaijani-fascist-anti-arm/611705907068841/?locale=ms\\_MY](https://www.facebook.com/theusarmenians/videos/azerbaijan-children-are-taught-to-repeat-the-famous-azerbaijani-fascist-anti-arm/611705907068841/?locale=ms_MY).

<sup>335</sup> *Speech by Ilham Aliyev at the opening of Military Trophy Park in Baku*, PRESIDENT OF THE REPUBLIC OF AZERBAIJAN (Apr. 12, 2021), <https://president.az/en/articles/view/51083>.

<sup>336</sup> *Ad Hoc Report: A Park of Killed Armenian Soldiers and Chained Prisoners of War Opened in Baku*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA (2021), p.9, <https://www.ombuds.am/images/files/fec534aee0fe528fe043e41c90cd83b5.pdf>.

<sup>337</sup> *Letter from the CoE Commissioner for Human Rights to the President of Azerbaijan*, COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS (Apr. 20, 2021), [https://www.coe.int/en/web/commissioner/view/-/asset\\_publisher/ugj3i6qSEkhZ/content/azerbaijan-efforts-to-deal-with-the-past-should-become-the-priority-to-ensure-reconciliation-andlasting-peace](https://www.coe.int/en/web/commissioner/view/-/asset_publisher/ugj3i6qSEkhZ/content/azerbaijan-efforts-to-deal-with-the-past-should-become-the-priority-to-ensure-reconciliation-andlasting-peace).

<sup>338</sup> Heidi Hautala (@HeidiHautala), x (FORMER TWITTER) (Apr. 19, 2021 at 9:07 AM), *This theme park in #Azerbaijan is beyond disgusting. Primary school-age kids on the opening day exposed to such warmongering*, <https://twitter.com/HeidiHautala/status/1384176944229486599>

On May 20, 2021, the European Parliament adopted a resolution<sup>339</sup> denouncing the park as "a glorification of violence" and warned that it could incite further hostility and hate speech. The resolution urged for its immediate closure to prevent perpetuating an atmosphere of hatred.

The rhetorical phase of President Aliyev's threat to Armenians and their territory translated into Azerbaijani Armed Forces' incursions into the territory of Armenia starting in May 2021.

Within two weeks of the fall of the Republic of Nagorno-Karabakh in September 2023, Azerbaijan published an updated map of Nagorno-Karabakh on GoMap, an online website and a platform sponsored by the government of Azerbaijan and promoted by government-owned enterprises. The map renamed streets in Nagorno-Karabakh, eliminating all Armenian historical names and references. Notably, two streets in the capital of Nagorno-Karabakh were renamed after the masterminds of the Armenian Genocide of 1915: Nuri Pasha and Enver Pasha.<sup>340</sup>

#### 11.4 Glorification of Murderers of Ethnic Armenians

On February 19, 2004, Gurgen Margaryan—a lieutenant of the Armenian forces—was brutally murdered in Budapest, Hungary, by an Azerbaijani lieutenant named Ramil Safarov. Margaryan was in Hungary to study the English language for three months through NATO's Partnership for Peace Program. A month after his arrival, Safarov used an ax to murder Margaryan while he was sleeping. Safarov was also participating in the NATO-sponsored program. Safarov, after serving part of his life sentence in Hungary, was extradited to Azerbaijan. Upon arrival at the airport, he was freed, reinstated in the army with a promotion, and declared a national hero by

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<sup>339</sup> *Joint Motion for a Resolution on PoWs Following the Latest Conflict between Armenia and Azerbaijan*, EUROPEAN PARLIAMENT, (May 19, 2021), [https://www.europarl.europa.eu/doceo/document/RC-9-2021-0277\\_FR.html?fbclid=IwAR0hNHUy6cwHEUyYVgsxvef5Ki3r7ktWfeDR9sYRBUPxFTBOV3Si1uyLXrs](https://www.europarl.europa.eu/doceo/document/RC-9-2021-0277_FR.html?fbclid=IwAR0hNHUy6cwHEUyYVgsxvef5Ki3r7ktWfeDR9sYRBUPxFTBOV3Si1uyLXrs).

<sup>340</sup> *To All State Parties of the Genocide Convention Azerbaijan's Policy of Irredentism: Illegitimate Territorial Claims on the Republic of Armenia*, CENTER FOR TRUTH AND JUSTICE, (Jan. 2024), *supra* note 226, p. 9-11, <https://www.cftjustice.org/wp-content/uploads/2024/02/Azerbaijans-Policy-of-Irredentism-Illegitimate-Territorial-Claims-on-the-Republic-of-Armenia-.pdf>.

high-ranking officials in Azerbaijan for his crimes committed against the Armenian people.<sup>341</sup>

The glorification of Safarov's crime, alongside the encouragement of his actions as an example of patriotism for Azerbaijani youth, demonstrates a disturbing endorsement of violence against Armenians at the highest levels of the Azerbaijani government. The ECHR found the Azerbaijani government responsible for the murder of Margaryan<sup>342</sup>, further underscoring the systemic nature of this genocidal intent.

In another case, during Azerbaijan's unlawful military aggression in 2016, Kyaram Sloyan, an Armenian, was killed in action. His body was then mutilated and beheaded, and images of Azerbaijani soldiers holding his severed head circulated on the Russian social media platform VKontakte. Also, one of the soldiers who is seen posing with Sloyan's head appears to have since been awarded a medal by President Ilham Aliyev.<sup>343</sup>

In December 2020, the Azerbaijani Ministry of Defense initiated an investigation into a disturbing video depicting the mutilation of corpses of Armenian servicemen carried out by Azerbaijani servicemen, which circulated on social media platforms, including Telegram. This inquiry formed part of Azerbaijan's response to accusations of "inhumane treatment" of Armenian military personnel and captives. Despite Azerbaijan's announcement regarding the arrest of four individuals, including Gardashkhan Abishov and Rashad Aliyev, for their involvement in desecrating the bodies of Armenian soldiers, there has been a noticeable lack of updates on this case. In contrast, less than two years later in August 2022, the President of Azerbaijan publicly commended numerous Azerbaijani soldiers for their contributions to "protecting the borders of the Republic of Azerbaijan." Notably, among those

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<sup>341</sup> *The Azerbaijani Policy of Hatred and Animosity Towards Armenians as Root Causes of Ethnically Motivated Violations of Human Rights*, HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA, (Feb. 2022), <https://ombuds.am/images/files/3101f60c869b0f378dbc737b002e5054.pdf>; *Ax murderer's pardon stirs fears of war*, CNN (Sep. 6, 2012), <https://edition.cnn.com/2012/09/05/world/asia/caucasus-ax-murderer-tension/index.html> (Accessed Apr. 5, 2024); *Hero's welcome for Azerbaijan axe murderer*, AL JAZEERA (Sep. 2, 2012), <https://www.aljazeera.com/news/2012/9/2/heros-welcome-for-azerbaijan-axe-murderer>; *Azerbaijani Kills Armenian at Peace Program*, WASHINGTON POST (Feb. 19, 2004), <https://www.washingtonpost.com/wp-dyn/articles/A54979-2004Feb19.html>.

<sup>342</sup> *Makuchyan and Minasyan v. Azerbaijan and Hungary*, (ECHR, 2020).

<sup>343</sup> *Aliyev Awards Officer who Decapitated Artsakh Soldier*, ASBAREZ.COM (May 2, 2016), <https://asbarez.com/aliyev-awards-officer-who-decapitated-artsakh-soldier/>.

recognized were Gardashkhan Abishov and Rashad Aliyev, individuals previously charged with war crimes against Armenians.<sup>344</sup>

On February 21, 2024, Kamil Zeynalli, an Azerbaijani blogger, was released by Russian officials after brief detention at a Moscow airport for an arrest warrant issued by Armenia; Zeynalli was wanted for the murder of two Armenians during the 2020 war.<sup>345</sup> According to Zeynalli's Instagram page, after his return to Baku, he has remained a free man.<sup>346</sup> On March 6, 2024, his Instagram page showed him giving public speeches to students at school number 45 of Nerimanov district in Azerbaijan.<sup>347</sup> Zeynalli received a certificate of acknowledgment from the Azerbaijani state for his participation in Azerbaijan's unlawful military aggression in Nagorno-Karabakh in 2020.<sup>348</sup> Furthermore, in his interview with state media, Kamil Zeynalli promptly thanked President Aliyev for his swift release and was widely welcomed by the state media.<sup>349</sup>

In another harrowing case, Huseyn Akhundov, an Azerbaijani soldier, was detained on April 13, 2023, near the village of Achanan in the southernmost Syunik province of Armenia following the brutal killing and beheading of a civilian in April 2023. Two videos of Akhundov circulated on social media, one of which showed him confessing to the beheading of Armenians and shedding Armenian blood where he said:

"We are not traitors, and we hope to successfully return to Azerbaijan."<sup>350</sup>

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<sup>344</sup> *One year after arrests for war crimes, Azerbaijan remains silent*, EURASIANET (Dec. 15, 2021), <https://eurasianet.org/one-year-after-arrests-for-war-crimes-azerbaijan-remains-silent>; See also *On the awarding of military personnel of the State Border Service of the Republic of Azerbaijan*, NEWS.AZ (Aug. 18, 2022), <https://www.azerbaijan-news.az/az/posts/detail/azerbaycan-respublikasi-dovlet-serhed-xidmetinin-her-bi-qulluqcularinin-telif-edilmesi-haqqinda-1660774164>.

<sup>345</sup> *Russian Authorities Release Azerbaijani Fitness Trainer Detained At Yerevan's Request*, RADIO FREE EUROPE (Feb. 21, 2024), <https://www.rferl.org/a/azerbaijan-fitness-trainer-extradition-armenia-detained-moscow/32829091.html>.

<sup>346</sup> Kamil Zeynalli (@kamilzeynalli), INSTAGRAM (March 7, 2024), [https://www.instagram.com/kamilzeynalli/reel/C4OMl\\_rCtZD](https://www.instagram.com/kamilzeynalli/reel/C4OMl_rCtZD).

<sup>347</sup> Kamil Zeynalli (@kamilzeynalli), INSTAGRAM (March 6, 2024), <https://www.instagram.com/kamilzeynalli/reel/C4Kmhwwi55P>.

<sup>348</sup> *Kamil Zeynalli*, FACEBOOK (Feb. 24, 2021), <https://www.facebook.com/photo/?fbid=265293895000165>.

<sup>349</sup> *Kamil Zeynalli talked about the moments he was detained*, YOUTUBE, (Feb. 22, 2024), <https://www.youtube.com/watch?v=aA5GEvU76eI>.

<sup>350</sup> *Azerbaijani soldier charged with murdering Armenian civilian*, ARMENIAN WEEKLY (April 19, 2023), <https://armenianweekly.com/2023/04/19/azerbaijani-soldier-charged-with-murdering-armenian-civilian>.



His victim, 56-year-old Hayrapet Meliksetyan, a security guard at the Zangezur Copper-Molybdenum Combine in the town of Kapan in Syunik, was found shot to death on April 12, 2023. Akhundov was convicted of the murder and sentenced to 20 years in prison on June 9, 2023 in Armenia.<sup>351</sup> However, during the December 2023 prisoner exchange, when Akhundov returned to Azerbaijan, he was released and welcomed as a hero by the Azerbaijani state media.<sup>352</sup>

### 11.5 Cultural Erasure and Propaganda

Azerbaijan's efforts to erase Armenian cultural and historical presence highlights its clear intent to commit genocide. The destruction of Armenian monuments, churches, and cultural sites, alongside the propagation of fake Azerbaijani historical narratives that deny Armenian claims to the land, are acts of cultural genocide. They aim not only to physically remove Armenians but to obliterate their historical and cultural legacy.

Azerbaijani authorities have utilized the notions of "Western Azerbaijan" and "Caucasian Albania" to dispute the historical presence of indigenous Armenians not only in Nagorno-Karabakh but also in present-day Armenia, while also seeking to erase evidence of Armenian cultural heritage and communities.

As part of its state policy, Azerbaijan has systematically removed Armenian inscriptions and markings from Armenian cultural monuments and churches that fell under its control following the 2020 unlawful military aggression. The UN Special Rapporteur on Cultural Rights concluded in September 2023 that once the Nagorno-Karabakh region is completely cleansed of ethnic Armenians in 2023, Azerbaijan allegedly plans to eliminate all physical evidence of Armenian presence.<sup>353</sup> This intention has been confirmed through the systematic destruction of

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<sup>351</sup> *Azeri Soldier Sentenced For Murder In Armenia*, AZATUTYUN (RADIO FREE EUROPE, ARMENIAN SERVICE) (July 21, 2023), <https://www.azatutyun.am/a/32469332.html>.

<sup>352</sup> *Akhundov, who shed Armenian blood, gets hero's welcome in Azerbaijan*, NEWS.AM, (Dec. 14, 2023), [https://news.am/eng/news/797647.html#google\\_vignette..](https://news.am/eng/news/797647.html#google_vignette..)

<sup>353</sup> *Public Communication Document*, OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS (Sept. 22, 2023), *supra* note 146, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28351>.

cultural heritage sites including ancient Armenian churches, museums, and monuments.<sup>354</sup>

A particularly egregious example of this is Azerbaijan's plans to convert the Ghazanchetsots (Holy Saviour) Cathedral, which has been under construction for an extended period in Azerbaijani-occupied Shushi, into a mosque. Reports about the potential conversion of the Ghazanchetsots Church into a mosque have been circulating on Azerbaijani social media platforms since the conclusion of the 2020 war. Moreover, photographs reveal the removal of domes, crosses, and angels from the historic Armenian church.<sup>355</sup>

On February 3, 2022, the Minister of Culture of Azerbaijan announced that a working group had been established consisting of “both local and international experts” and including representatives of government agencies which would be responsible for removing “the fictitious traces written by Armenians” from “Albanian” religious buildings.<sup>356</sup>

On February 7, 2022, Azerbaijan’s Minister of Culture claimed “Armenian falsification” regarding Albanian churches in the Caucasus<sup>357</sup>. On March 12, 2022,

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<sup>354</sup> *Azerbaijan’s attacks on Armenian heritage aim to erase an entire culture*, THE CONVERSATION, (Feb. 7, 2024),

<https://theconversation.com/azerbaijans-attacks-on-armenian-heritage-aim-to-erase-an-entire-culture-222655#:~:text=This%20tragic%20loss%20is%20epitomised,genocide%20of%20the%2021st%20century%E2%80%9D> (Accessed April 5, 2024);

*Azerbaijanis destroy memorial dedicated to fallen soldiers, 13th century cross-stone in Artsakh’s Tsar village*, ARM RADIO (March 15, 2024),

<https://en.armradio.am/2024/03/15/azerbaijanis-destroy-memorial-dedicated-to-fallen-soldiers-13th-century-cross-stone-in-artsakhs-tsar-village/>; *Azeri vandals destroy Soviet hero’s statue in Artsakh*, PANORAMA, (March 11, 2024)

<https://www.panorama.am/en/news/2024/03/11/vandalism-Artsakh/2974814>; *Azerbaijan demolishes former Karabakh Armenian parliament building*, REUTERS (March 6, 2024),

<https://www.reuters.com/world/asia-pacific/azerbaijan-demolishes-former-karabakh-armenian-parliament-building-2024-03-05/>; *Azerbaijan Demolishes Charles Aznavour Monument in Artsakh’s Stepanakert*, THE ARMENIAN REPORT (Feb. 28, 2024),

<https://www.thearmenianreport.com/post/azerbaijan-demolishes-charles-aznavour-monument-in-artsakh-s-stepanakert>; *Armenian Cultural Heritage in Karabakh Threatened; Monitoring Group Calls on Baku for Assurances*, HETQ (Jan. 31, 2024), <https://hetq.am/en/article/163446>.

<sup>355</sup> *Reports suggest Azerbaijan seeks to turn Shushi cathedral into mosque*, PANORAMA (Jan. 11, 2024), <https://www.panorama.am/en/news/2024/01/11/Shushi-cathedral/2950346>.

<sup>356</sup> *A working group was created for the restoration of Albanian religious temples, which were falsified by Armenians*, REPORT.AZ (Feb. 3, 2022),

<https://report.az/medeniyyet-siyaseti/alban-dini-mebedlerin-in-berpasi-ucun-isci-qrup-yaradilib/>

<sup>357</sup> *Caucasia Bureau (@Caucasian\_Bureau)*, TELEGRAM (Feb. 7, 2022 at 11:11),

[https://t.me/Caucasian\\_bureau/30564](https://t.me/Caucasian_bureau/30564) (*The Ministry of Culture of Azerbaijan announced the creation of a working group to monitor the Albanian heritage in the territories liberated from occupation. The group includes both local and foreign experts.*)

the Azerbaijani state media falsely identified the Armenian Church Mknatami Khach as “Caucasian Albanian”.<sup>358</sup>

This narrative, which emerged in the 1960s and intensified shortly after the 2020 ceasefire, has been referred to as the “Albanization” of Armenian monuments and history and is promoted by today’s leadership in Azerbaijan. The narrative has been rejected by international scientists and researchers who claim Azerbaijan is falsifying history to purposely mislead and advance historical revisionism. The ICJ, the European Parliament, and the Council of Europe have all expressed concerns about the developing narrative in Azerbaijan promoting a “Caucasian Albanian” heritage to replace “Armenian” cultural heritage. The vast majority of experts in the region’s art, architecture, and archaeology have all rejected the revisionist claims as false.<sup>359</sup>

On February 23, 2022, a member of the Azerbaijani parliament visited the Blue Mosque in Yerevan and referred to the 18th-century building as an Azerbaijani monument. That statement ignores the history of the building, the fact that it was constructed as a Shia Mosque during the period when Yerevan was under Persian rule, that it was secularized during the Soviet period, that it was renovated and returned to a place of Muslim worship after Armenia’s independence, and that it was at no point an Azerbaijani building.<sup>360</sup>

In August 2022, after the deportation of the Armenians living in Lachin, Azerbaijan announced it would convert the Surb Hambardzum Church of Lachin into a mosque. According to the plan presented by the Azerbaijani organization Public Association for Monument Protection, the top of the dome will be demolished, the bell tower will be dismantled, and two minarets will be built on the northern facade. All Armenian

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<sup>358</sup> Public Communication Document, *Mandate of the Special Rapporteur in the field of cultural rights*, Office of the United Nations High Commissioner for Human Rights, Special Rapporteur in the field of cultural rights, (Sept. 22, 2023), <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28351> (Accessed April 4, 2024).

<sup>359</sup> European Parliament resolution of 28 February 2024 on the implementation of the common foreign and security policy – annual report 2023 (2023/2117(INI)), EUROPEAN PARLIAMENT (Feb. 28, 2024) [https://www.europarl.europa.eu/doceo/document/TA-9-2024-0104\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2024-0104_EN.html); 1478th meeting of the Committee of Ministers on 18 October 2023 EU statement on Armenia/Azerbaijan, DELEGATION OF THE EUROPEAN UNION TO THE COUNCIL OF EUROPE (Oct. 18, 2023), [https://www.eeas.europa.eu/delegations/council-europe/1478th-meeting-committee-ministers-18-october-2023-eu-statement-armeniaazerbaijan\\_en?s=51](https://www.eeas.europa.eu/delegations/council-europe/1478th-meeting-committee-ministers-18-october-2023-eu-statement-armeniaazerbaijan_en?s=51); Armenia v. Azerbaijan, Order of 7 December 2021, INTERNATIONAL COURT OF JUSTICE (2021), <https://www.icj-cij.org/node/106095>.

<sup>360</sup> Supra footnote 358.

inscriptions on the walls will also be removed. The project was allegedly approved by an order of the Azerbaijani President.<sup>361</sup>

On December 24, 2022, the President of Azerbaijan announced the creation of a community organization of “Western Azerbaijan” to “return to Western Azerbaijan”<sup>362</sup>, which refers to territory situated in currently internationally-recognized Armenia.

On December 29, 2022, it was reported that the National Academy of Science of Azerbaijan opened three departments devoted to “Western Azerbaijan” (current Republic of Armenia): “History of Western Azerbaijan” in the Institute of History, “Western Azerbaijan Folklore” in the Institute of Folklore, and “Toponymy of Western Azerbaijan” in the Institute of Linguistics.<sup>363</sup>

In May 2023, the Chairman of the State Committee on Religious Associations of the Republic of Azerbaijan stated that the Armenian clergy should leave the historic Dadivank Monastery as it belonged to Caucasian Albania and that it should be managed by the Albanian-Udi religious community. This statement was released despite the Armenian inscriptions dating back to the 12th -17th century AD, the cross-stones inserted in the walls in the 17th century AD, and the various historical records of its continued importance as an Armenian apostolic monastery and religious center over the centuries.<sup>364</sup>

On December 25, 2023, the Azerbaijan parliament (the Milli Majlis) adopted a declaration asserting that there existed an Azerbaijani community in what is now the Republic of Armenia, which was displaced due to conflict. Despite relying on scant evidence and weak arguments, this document asserts the right of Azerbaijanis to reclaim these territories.<sup>365</sup>

The Parliament of Azerbaijan has also adopted a controversial resolution entitled “Statement on the return of Western Azerbaijani to their historical homeland”<sup>366</sup> purporting to validate claims with historical documents and maps asserting that

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<sup>361</sup> Supra footnote 144.

<sup>362</sup> *Id.*

<sup>363</sup> *Id.*

<sup>364</sup> *Id.*

<sup>365</sup> *Western Azerbaijan Community representatives issue statement on return to their historical homeland*, AZERTAG.AZ (Dec. 26, 2023),

[https://azertag.az/en/xeber/western\\_azerbaijan\\_community\\_representatives\\_issue\\_statement\\_on\\_return\\_to\\_their\\_historical\\_homeland-2865874](https://azertag.az/en/xeber/western_azerbaijan_community_representatives_issue_statement_on_return_to_their_historical_homeland-2865874).

<sup>366</sup> *Id.*

Azerbaijani were the predominant demographic within what is today Armenian territory.

## 12. Conclusion

This CFTJ communication requests the ICC Prosecutor to open a preliminary examination of the situation in Armenia since May 12, 2021, both to prevent and to punish the perpetrators of the genocide committed against ethnic Armenians under the Convention on the Prevention and Punishment of the Crime of Genocide, Article II(c), deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

It is submitted that the illegal occupation of 31 towns and villages inside the Republic of Armenia by Azerbaijan's Armed Forces, the forcible displacement of over 7,000 Armenian civilians, the killing of Armenian civilians, the extrajudicial execution of Armenian PoWs, the aggressive military attacks on civilians and civilian infrastructure since May 12, 2021, created conditions of life calculated to bring about the physical destruction of ethnic Armenians.

Furthermore, evidence collected by CFTJ points to additional Azerbaijani crimes committed in illegally occupied areas of Armenia for the purpose of eliminating the ethnic Armenians, including the forced disappearance of over 200 civilians and PoWs, arbitrary detention of at least 100 ethnic Armenian civilians and PoWs, and over 350 documented instances of torture and other cruel treatment against both civilians and PoWs.

These acts resulted not only in ongoing physical violence and harm but also in severe psychological suffering, trauma, and deterioration of mental health intended to instill fear, despair, or social disintegration within the group, with the ultimate goal of destroying ethnic Armenians.

Beyond the concern for the gravity of the crimes already committed against the ethnic Armenians, many of whom are now internally displaced in Armenia, or subjected to forced disappearance or imprisonment in Azerbaijan, CFTJ highlights the imminent threat posed by the State of Azerbaijan to other Armenians residing within Armenian borders in the context of Azerbaijan's ongoing unlawful military aggression.

The constant escalation of the aggressive rhetoric of genocidal intent from President Aliyev against ethnic Armenians, and the pattern of behavior exhibited by the Azerbaijani Armed Forces against ethnic Armenians in Nagorno-Karabakh and in Armenia underscores the imminent threat posed.

Since Azerbaijan's unlawful military aggression against Nagorno-Karabakh and ethnic cleansing in September 2023, the Lemkin Institute has issued three red flag alerts for Azerbaijan. The latest alert stated that:

"the threat of genocide has extended to the sovereign territory of the Republic of Armenia itself,"

and emphasized that:

"failure to act risks undermining the rules-based order established in the aftermath of the Holocaust and could usher in a new era of genocide with devastating consequences globally."<sup>367</sup>

Armenia is at the doorstep of a new era of genocide with devastating consequences. Azerbaijan's Parliament,<sup>368</sup> the country's legislative body, controlled by Aliyev, expressed openly its intention to remove all the Armenians from Armenia.

Since at least May 12, 2021, Azerbaijan's President Aliyev and high level Azerbaijani state officials have implemented a state policy of genocide.<sup>369</sup> The ongoing campaign of killing, forcible removal of and unlawful military aggression against ethnic Armenians within the Republic of Armenia as well as President Aliyev's declarations during the last ten years unequivocally demonstrate his intention to destroy ethnic Armenians.

This ICC communication requests that the ICC Prosecutor open a preliminary examination of the situation in Armenia starting May 12, 2021, both to prevent a new genocide against Armenians and to investigate the crimes committed by President Aliyev and his state officials.

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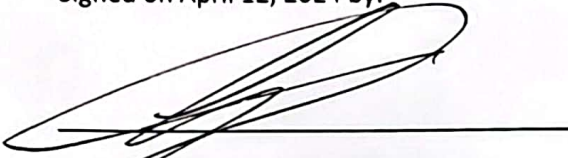
<sup>367</sup> *Red Flag Alert: Azerbaijan in Armenia*, LEMKIN INSTITUTE (Apr. 3, 2024), [https://www.lemkininstitute.com/\\_files/ugd/72b3ef\\_b0cc4e1c24c04105af9b4caf887294a1.pdf](https://www.lemkininstitute.com/_files/ugd/72b3ef_b0cc4e1c24c04105af9b4caf887294a1.pdf).

<sup>368</sup> *At the meeting of the National Assembly*, THE MILLI MAJLIS OF THE REPUBLIC OF AZERBAIJAN (Dec. 26, 2023), <https://www.meclis.gov.az/news.php?id=5267&lang=az>.

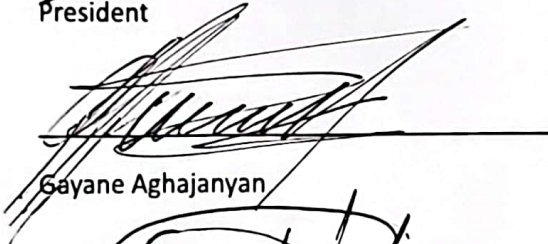
<sup>369</sup> Under Article 2 a), b), and c) of the Genocide Convention and Article 6 a), b), and c) of the Rome Statute.

We, Members of the Board of Directors for The Center for Truth and Justice submit this ICC communication to request the ICC Prosecutor to open a preliminary examination of the situation in Armenia since May 12, 2021, both to prevent and punish the perpetrators of the genocide committed against ethnic Armenians under Article 6 of the Rome Statute.

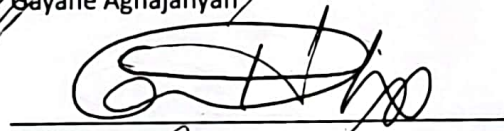
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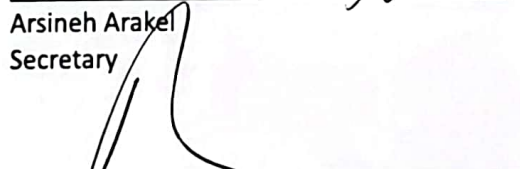
Gor Mnatsakanyan  
President



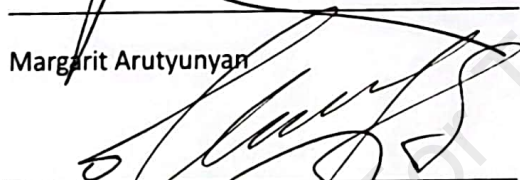
Gayane Aghajanyan



Arsineh Arakel  
Secretary



Margarit Arutyunyan



Meline Mailyan



Emilia Mikaelyan



Arutyun Topchyan

## Index

**CONFIDENTIAL**

**The English summaries of witness statements are shared confidentially with the ICC Prosecutor and should not be distributed.**

The following are the key card numbers of witnesses/victims whose testimonies were used in the Communication filed April 18, 2024. These testimonies were taken pursuant to CFTJ's [protocol](#)<sup>1</sup> by trained legal professionals.

To ensure confidentiality, privacy, and security, the Center For Truth and Justice does not use the full names of victims and witnesses, but rather keycards to identify them.

### English Summaries of Witness Statements

No	Key-Card of Witness/Victim	Description	Date of Interview
1	21LC-NK0036	CFTJ interview	April 20, 2022
2	21LC-NK0027	CFTJ interview	April 15, 2022
3	21LC-NK0029	CFTJ interview	April 15, 2022
4	21LC-0078	CFTJ interview	February 27, 2022
5	23LC-NK0009	CFTJ interview	August 2, 2023
6	22LC-0054	CFTJ interview	October 31, 2022/November 1, 2022
7	22LC-0007	CFTJ interview	March 27, 2022
8	22LC-0051	CFTJ interview	October 13, 2022
9	22LC-0061	CFTJ interview	October 24, 2022/October 25, 2022
10	22LC-0003	CFTJ interview	February 27, 2022

<sup>1</sup> <https://www.cftjustice.org/?s=Methodology+>



11	22LC-0004	CFTJ interview	January 30, 2022
12	22LC-0041	CFTJ interview	July 25, 2022
13	22LC-0067	CFTJ interview	November 27, 2022
14	22LC-0066	CFTJ interview	November 27, 2022
15	22LC-0064	CFTJ interview	November 27, 2022
16	23LC-0032	CFTJ interview	September 14, 2023
17	23LC-0018	CFTJ interview	May 12, 2023