



THE HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA

REPORT

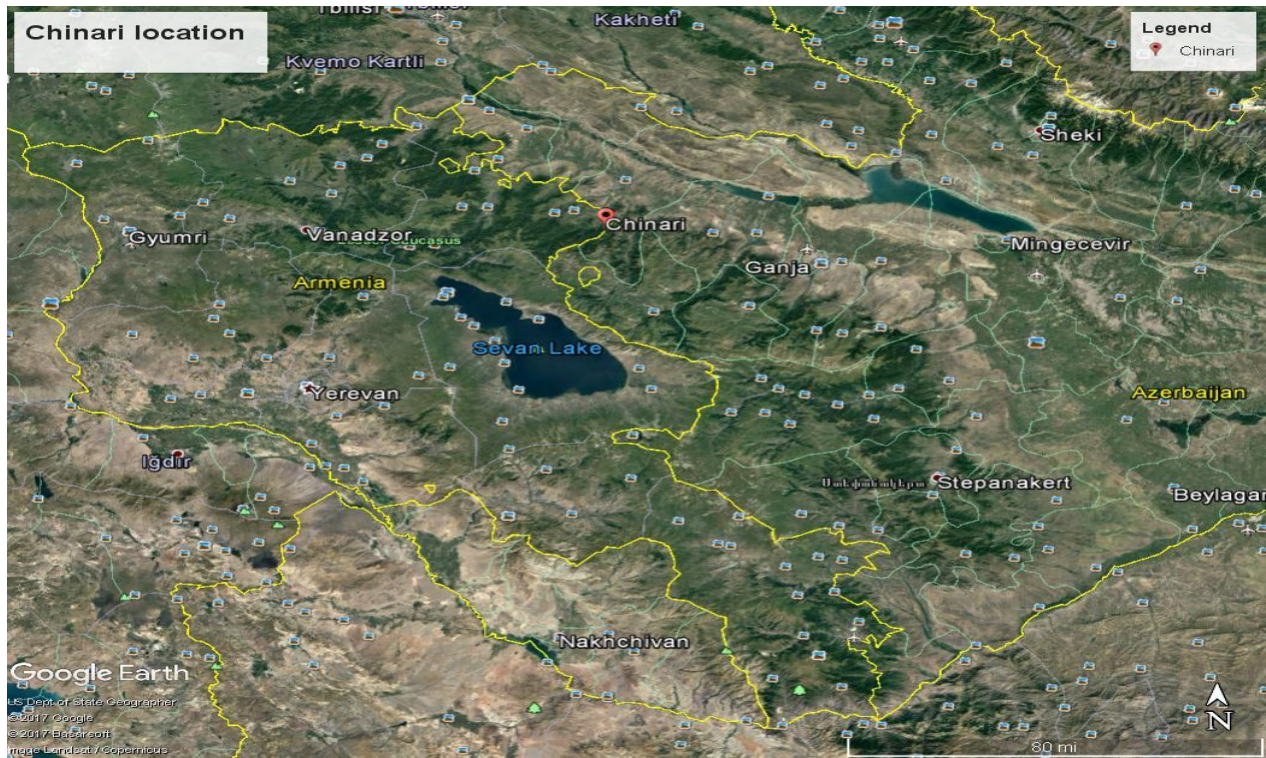
on the fact-finding mission in Chinari village
(Tavush Province, Republic of Armenia)

29 December 2016 – 13 January 2017

YEREVAN 2017

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1. An executive summary

The report on the results of the fact-finding mission in Chinari illustrates the results of the Human Rights Defender's fact-finding mission conducted in Chinari village of Tavush Province. The present report encompasses the actions undertaken by the Human Rights Defender's Office (hereinafter referred to as HRDO), summary of the findings and conclusions.

2. The mandate of the Defender to send the mission

Representing an independent official who follows respect for human rights and freedoms in Armenia, the Human Rights Defender (hereinafter referred to as the Defender) is legally entitled on his own initiative to respond to situations of serious human rights violations resulting from sudden events, and to promote accountability for such violations. In the perspective of the human rights protection, any military action conducted towards civilians is considered as a gross human rights violation.

3. The reason of the mission and terms of references

According to the public statement of the Ministry of Defense of the Republic of Armenia, the Azerbaijani troops attempted a subversive penetration near Armenian village Chinari in Tavush region early in the morning of December 29, 2016. The public statement of the Ministry of Defense further provided that as a result three servicemen were killed and the peaceful citizens were attacked.

Upon the publication of the relevant information concerning the attacks the representative of the Defender's Gegharkunik Regional Office immediately left for Chinari. The representative had a special assignment to conduct a fact-finding mission with the objective to carry out on-site examinations of the circumstances under which human rights, including the rights of military personnel, have been allegedly violated.

4. The members of mission

The representative from the Defender's Office was Mr. Araz Saribekyan. At all times during the mission Mr. Saribekyan executed his responsibilities under the direct supervision of Mr. Hrachya Palyan, the Deputy Human Rights Defender. The member of the Expert Council of Military Personnel Rights adjunct to the Defender and "Powerful Armenian Army" civilian initiative, Mr. Karen Hovhannisyanyan rendered assistance to the fact-finding activities through sharing his valuable knowledge and experience.

5. The dates of the attacks by Azerbaijani military forces

The military actions were conducted during the following days.

- 29 December, 2016
- 3 January, 2017
- 8 January, 2017
- 13 January, 2017

6. The methodology used during the mission

The fact-finding mission was conducted with accuracy, integrity, professionalism as well as in accordance with the international human rights law standards at all times during the mission.

The mission started immediately after the statement of the Ministry of Defense. At first, the Defender had a conversation with the chief of Chinari community, who agreed to provide all necessary assistance during the mission.

The fact finding mission included:

- Interviews with the peaceful civilians (see the paragraph 6.1).
- Extensive inspection of the locality of the events, verification of publicly available information and other necessary examination concerning the attacks in the presence of a Chinari Community Council Member.
- Photographing the civilians' houses, the kinder-garden and the school damaged during the attacks.

6.1. Persons interviewed

Interviews were conducted with the chief of Chinari community, the Community Council Members, civilians as well as military servicemen with the purpose of getting the information on the human rights violations.

7. Findings of the fact-finding mission

The Azerbaijani troops attempted a subversive penetration near Chinari early in the morning of December 29, 2016. As a result of the attack, two Armenian soldiers and one officer were killed, when there was no possibility or risk of an attack from the Armenian side. The attack was still ongoing as of 01:00 p.m. also in the vicinity of Chinari village.

When the shooting started, civilians had to hide in special areas and were able to leave their hiding places only at around 01.00 p.m. As a result of the fact-finding mission, obvious signs of activities dangerous to civilians, including children, women and older persons' life have been recorded.

Fact-finding mission revealed that no military units or military object were in the village neither in the vicinity of the village. This fact and the above mentioned circumstances clearly shows that firings targeted the houses of civilians had the obvious hostile intent to harm peaceful civilians.

It is also assessed that in January 2017, during New Year holidays, other attacks, targeted at the school, kinder-garden and the houses of civilians were launched.

On January 3, 2017 during 06:05-07:00 p.m. the Azerbaijani armed troops conducted targeted shootings in the direction of the school and the kinder-garden of Chinari. The chosen time and the targets of the shootings make it clear that such activities had an obvious intent to endanger the lives of children. Photos that prove the shootings have been taken.

On January 8, 2017 Azerbaijani armed forces launched an attack in the direction of the civilian's houses that are located in the northern part of Chinari. The shootings have started since early morning. As a result of the fact-finding mission again obvious signs of activities dangerous to civilians including children, women and older persons' life have been recorded. All these facts attest that firings targeted the houses of civilians. The photos that prove the shootings have been taken as well.

On January 13, 2017 Azerbaijani armed forces targeted the Voskepar-Baghanis road. Specifically, during 04:00 p.m. the road, leading from Voskepar village to Baghanis village, was attacked. As a result of the shooting the above-mentioned road was closed till 05:00 p.m.

8. Conclusions

As a result of the fact-finding mission, it is assessed that Azerbaijani troops repeatedly attacked Armenian village Chinari where no military units or military objects were located and when there was no possibility or risk of an attack from the Armenian side. Subsequently, two Armenian soldiers and one officer were killed by the Azerbaijani armed forces that constitute a manifest violation of the international law protecting the right to life.

The attacks and shootings have been launched in such places, time and manner, that clearly reveal the intention of the Azerbaijani armed forces to harm civilians.

This intention has been particularly disclosed from the facts that no military units or military objects were located in the village and that military actions in the vicinity of civilian settlements targeted particularly children, women and older persons' life.

The combination of all pertinent facts and circumstances lead the Defender to conclude that the actions of Azerbaijani armed forces manifestly violate international human rights law and standards and should be confronted with absolute condemnation.