



**THE HUMAN RIGHTS DEFENDER OF THE  
REPUBLIC OF ARMENIA**



**AD HOC REPORT  
ON THE RESULTS OF THE FACT-FINDING ACTIVITIES IN TEGH  
COMMUNITY OF SYUNIK PROVINCE AND THE BORDER  
COMMUNITIES OF GEGHARKUNIK PROVINCE  
APRIL-MAY 2023**

**YEREVAN 2023**



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## **I. FOREWORD**

1. As a result of the aggressive acts of the units of the Azerbaijani Armed Forces in the border communities of the Republic of Armenia after the 44-day war in 2020, the normal life of the civilian residents has been disrupted.
2. Deployed in the immediate vicinity of the border communities of Syunik and Gegharkunik provinces, the Azerbaijani Armed Forces conduct regular shootings, cause tensions among the population, disrupt the normal life of people, and regularly conduct operations to create difficulties for the civilian population.
3. In March-April of 2023, the Azerbaijani Armed Forces were deployed in the immediate vicinity of Tegh community of Syunik province, in a distance of a few hundred meters away from the houses of the residents. Moreover, on April 11, the Azerbaijani Armed Forces demonstrated aggressive behavior in the immediate vicinity of the community; they shot in the direction of the Armenian military positions located nearby, and used large caliber weapons in the vicinity of the community, creating a real threat to the life and health of the people. As a result of the targeted shootings, 4 Armenian servicemen who were protecting the civilian population were killed, while 6 other received various physical injuries of varying degrees.
4. This Ad Hoc Report presents the human rights violations registered as a result of the fact-finding activities conducted by the Human Rights Defender of Armenia in Tegh community of Syunik province, as well as Verin and Nerkin Shorzha, Kut, Norabak, Sotk and Kutakan communities of the enlarged community of Vardenis in Gegharkunik province.
5. The fact-finding activities registered that the Azerbaijani Armed Forces operate in the direction of the border communities of Syunik and Gegharkunik provinces with the same aim, method, and logic. In particular, they terrorize the people through the display of their weapons, they shoot in the immediate vicinity of the community, they target the windows of residents' houses with searchlights late at night, deploy unmanned aerial vehicles (UAVs) in the airspace above the communities, and etc.
6. The Azerbaijani Armed Forces had dug trenches, and have deployed and positioned themselves in the grass fields, pastures, and lands belonging to the residents, preventing them from exercising their property rights and earning their livelihood. Moreover, Azerbaijani servicemen have dug trenches in the arable lands of the villagers, have damaged the wheat and barley fields, and do not allow people to approach their lands, and terrorize the residents by displaying their weapons and regularly conducting shootings.

## II. METHODOLOGY

7. The aim of the Report is to present the results of the fact-finding activities conducted during the visits of the working groups headed by the Human Rights Defender of Armenia to Syunik and Gegharkunik provinces in April and May of 2023.

8. The Human Rights Defender referred to the human rights violations as a result of the deployment of the Azerbaijani Armed Forces in the sovereign territory of the Republic of Armenia in the Ad Hoc Report published in 2022.<sup>1</sup> It is important to note that fact-finding activities which were carried out now also confirm that not only have the problems which were registered as a result of the acts and operations of the Azerbaijani servicemen been resolved, but on the contrary, they have received new manifestations, and new violations have been recorded.

9. Hence, on April 14, 2023, the working group headed by the Human Rights Defender of Armenia visited Syunik province.

10. The aim of the visit was to carry out in situ fact-finding activities on the human rights violations, collecting facts and evidence confirming those violations, and acquainting with the problems of the civilian population, after servicemen of the Azerbaijani Armed Forces approached, provoked and shot their firearms, and used other weapons of different calibers against the servicemen of the Armenian Armed Forces under the pretext and ploy of adjusting the deployment points on the border.

11. The Human Rights Defender discussed the issue in situ with the Governor of Syunik province and the Head of Tegh community. Meetings and private interviews were held with the residents of Tegh community, and members of the Armenian Armed Forces conducting their service in that region.

12. The collected information was corroborated by mass media organizations, non-governmental organizations, and various sides cooperating with the Human Rights Defender's Office.

13. On May 2, 2023, the working group headed by the Human Rights Defender visited Gegharkunik province.

14. The aim of the Defender's visit was to conduct fact-finding activities on human rights violations, to collect facts and evidence confirming those violations, and to acquaint with the problems of the civilian population.

15. Within the framework of the visit, separate meetings were held with the governor of Gegharkunik province, the Head of the enlarged community of Vardenis, the administrative Heads of the border communities of Verin and Nerkin Shorzha, Kut, Norabak, Sotk and Kutakan.

16. The Human Rights Defender held meetings and private interviews with the residents of the above-mentioned border communities.

17. Meetings and discussions were held with representatives of the Armenian Armed Forces serving in those regions.

18. Special attention was paid to issues related to the rights of the civilian population to life and security, physical and mental integrity, property, education, and other fundamental rights.

19. Within the framework of the preparation of the Report, the Human Rights Defender's Office has conducted a monitoring of the materials published on media platforms and analyzed and studied the alarming calls addressed to the Defender's Office, and its regional subdivisions in Gegharkunik and Syunik

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<sup>1</sup> See: <https://ombuds.am/images/files/fd29830766027e9c10fcfaec2effee4f.pdf>

provinces (including the 24/7 hotline of the Defender's Office). The monitoring also included the analysis of the mass, and social media of Azerbaijan.

20. The detailed considerations of the individual and systemic problems raised during the visits, and the Defender's positions and proposals regarding their solution were presented to the competent state and local self-government bodies.

21. The structure of the Report contains the following sections: The presentation of the information obtained as a result of the fact-finding activities carried out in Togh community, the cause-and effect relationship between the criminal acts of the Azerbaijani Armed Forces, and the policy of Armenophobia of the Azerbaijani authorities, presentation of the human rights violations in the border communities of Gegharkunik province, and the presentation of the suggestions of the Human Rights Defender regarding the raised issues.

### **III. VIOLATIONS OF THE RIGHTS OF THE RESIDENTS OF SYUNIK PROVINCE (FACT-FINDING ACTIVITIES, COLLECTION OF EVIDENCE, RAISING OF RESIDENTS' ISSUES OF CONCERN)**

22. In March-April 2023, the Azerbaijani Armed Forces were deployed in the immediate vicinity of Tegah community of Syunik province, in a distance of a few hundred meters away from the houses of the residents.

23. As a result, the entire Tegah community, including the school and kindergarten, the residential houses and the lands of the people have appeared under the direct vantage point of the Azerbaijani Armed Forces.

24. On April 11, 2023, the Azerbaijani Armed Forces conducted aggressive acts and operations in the direction of Tegah community of Syunik province; regular shootings were conducted in the immediate vicinity of the community, and large caliber weapons were used, including mortars.

25. As a result of the acts and operations of the Azerbaijani servicemen, the rights of the civilian population to life and security, physical and mental integrity, property, education, and other fundamental rights were violated.



#### **1. The right to live in peace and security**

26. During the visit to the Tegah community, the fact-finding group of the Defender recorded that the entire community, including people's houses, the school and the kindergarten, are under the vantage point and line of fire of the Azerbaijani Armed Forces.<sup>2</sup>

27. For example, the house of one of the residents is at a distance of only 600 meters from the nearest combat position of the Azerbaijani Armed Forces, and armed Azerbaijani servicemen are clearly visible from the house.

28. Due to the presence of Azerbaijani Armed forces, and the regular shootings in the immediate vicinity of Tegah community, the peaceful and normal life of people has been disrupted, and the residents have real security concerns.

29. The residents expressed their concerns to the fact-finding group that the Azerbaijani Armed Forces regularly, including at night, conduct shootings from weapons of various calibers in the immediate vicinity of the village, creating a real threat to the lives and security of the civilians, and their mental and physical integrity.

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<sup>2</sup> See: <https://www.ombuds.am/am/site/ViewNews/2489>

30. The residents also informed that Azerbaijani UAVs are deployed in the airspace of the community, especially at night. People noted, that they noticed the lights of the UAVs and heard their sounds. The situation has caused tensions among the residents, especially among the elderly and children.

31. The concerns of the residents to live in security have become more acute as a result of the aggressive behavior of the Azerbaijani Armed forces and their shootings in the immediate vicinity of the village on April 11, 2023. Moreover, as a result of the targeted shootings, 4 Armenian servicemen who were protecting the civilian population were killed, while 6 other received various physical injuries of varying degrees.<sup>3</sup>

32. The residents of Togh community mentioned to the fact-finding group of the Defender that on April 11, 2023 the Azerbaijani Armed Forces used weapons of large-caliber, including mortars, in a distance of a few hundred meters from their houses, creating a real threat to their lives and health.

33. According to the residents, the shootings were clearly heard in their community, and people found themselves confused and stressed, while women and children hid in the basements of their houses.



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<sup>3</sup> See: <https://news.am/arm/news/754860.html>





34. It is irrefutable that the Azerbaijani Armed Forces intent to terrorize the civilian population and cause panic among them. Their presence has made the normal and secure life of the people impossible.

35. In this regard, it is imperative to recall the legal acts regulating issues related to security problems, and consider the problems in their light.

36. Within the context of its General Comment No.4, the Committee on Economic, Social and Cultural Rights (CESCR), referring to the right to adequate housing, which is a component of the adequate standard of living, stated that: “The right to housing (...) should be seen as the right to live somewhere in security, peace and dignity”.<sup>4</sup>

37. As a result of the acts of the Azerbaijani Armed Forces and their aggressive behavior, it has become impossible to guarantee **a person's right to live in peace**, which is an important component of the right to housing.

38. Moreover, Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) guarantees everyone’s right to respect their private and family life, which, according to the case law of the European Court of Human Rights, also includes the right to physical and mental integrity of a person.<sup>5</sup> In this context, it is important to note that **states have a negative obligation not to take measures that would unlawfully interfere with the realization of the rights guaranteed by the Convention.**



<sup>4</sup> See General Comment No.4 of the Committee on Economic, Social and Cultural Rights, para. 7; <https://www.refworld.org/pdfid/47a7079a1.pdf>

<sup>5</sup> See, for example, the February 11, 2020 judgement in the Buturugă v. Romania, application no. 56867/15; The April 8, 2021 judgement in the Vavříčka and Others v. The Czech Republic, application No. 47621/13.

39. Moreover, taking into consideration Articles 3 and 8 of the ECHR, the European Court of Human Rights has emphasized the importance of children and other vulnerable members of society benefiting from state protection when their physical and mental well-being and integrity is threatened.<sup>6</sup>

40. It is evident that the behavior of the Azerbaijani servicemen also contradicts the principles and purposes defined by the Charter of the United Nations, and is a threat to peace and a manifestation of aggression.

41. Therefore, it is necessary to emphasize that the acts and operations of the Azerbaijani Armed Forces, which are aimed at terrorizing and intimidating the civilian population, are clearly illegal and contradict international law.

## **2. Violations of the right to property**

42. As a result of the fact-finding activities in Tegh community, the fact-finding group registered that the Azerbaijani Armed Forces are physically present in those areas which belong to residents of the Republic of Armenia, or are common properties (belonging to Tegh community), based on legal documents certifying the right to property.

43. The residents are not able to use the lands they own based ownership/property rights certificates by the competent authorities of the Republic of Armenia, because they are under the control or vantage point of the Azerbaijani Armed Forces.

44. The residents of Tegh community also mentioned they are unable to use the pastures, arable lands, and grass fields that belong to them under property rights because of the current situation. They are also under the control or vantage point of the Azerbaijani side.

45. The concern of the people is that they have been deprived of the possibility to earn a stable livelihood for their families.

46. For example, one of the residents reported that Azerbaijani servicemen dug trenches in his wheat field, thus depriving him of the opportunity to harvest and make a living.<sup>7</sup>



<sup>6</sup> See the Judgment in the *Wetjen and Others v. Germany*, para. 74

<sup>7</sup> See <https://www.azatutyun.am/a/32344009.html>



47. The abovementioned facts have been corroborated through discussions which were held with local self-government bodies, representatives of the Armenian Armed Forces, the testimonies of residents, as well as objective evidence, photos, the property rights certificates of the people, and etc.

48. Hence, the fact-finding activities have registered that, as a result of the acts and operations of Azerbaijani servicemen, the rights to property and an adequate standard of living of the residents of Tegh community have been violated.

49. The legal basis of property rights is enshrined in the Constitution of the Republic of Armenia, and fundamental international documents. Article 1 of Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms stipulates that every natural or legal person is entitled to the peaceful enjoyment of his possessions.

### **3. Issues related to ensuring children's rights to education**

50. On April 11, 2023, the use of military equipment of various caliber in the immediate vicinity of Tegh community by the Azerbaijani Armed Forces was more intense. As a result of the shootings which have become regular, the children have become worried, anxious, and uncertain.

51. The school of Tegh community is under the vantage point and direct line of fire of the Azerbaijani Armed Forces. As a result of regular shootings over a long period of time, the educational process has been halted. The positions of deployment of the Azerbaijani Armed Forces are visible from the school.

52. The situation which has been created as a result of the acts and operations of the Azerbaijani Armed Forces has generated real security problems for children and has prevented them from realizing their right to education. In the context of this issue, it should be noted that the right to education is one of the fundamental rights of persons, the guaranteeing of which is important for the realization of other rights and freedoms.

53. According to Article 26 of the Universal Declaration of Human Rights, everyone has a right to education. The right of the child to education is also guaranteed by Article 28 of the Convention on the Rights of the Child.

54. Documents adopted by the United Nations Security Council, the General Assembly, the Committee on the Rights of the Child, and the Parliamentary Assembly of the Council of Europe have emphasized not only the inadmissibility of the violations of the rights of the child during military operations, but also the need of the prevention of its consequences, which are necessary for the daily lives of the children, and the guaranteeing of their mental and physical development. The direct attacks and targeting of educational institutions, and institutions providing care and protection to children, have been condemned numerously by the above-mentioned international organizations.

55. It should also be noted that the rights of children not to take an active part in hostilities during armed conflict and military situations are also guaranteed by Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV) and the Protocol Additional I (June 8, 1977) of Geneva Conventions.

56. The Human Rights Defender records that the continuous aggressive behavior of the Azerbaijani Armed Forces in the direction of the border communities of Armenia directly disrupts the normal life of children, including the proper realization of their right to education, grossly violating fundamental rights guaranteed by international law.

#### **4. Problems related to the guaranteeing of employment and a source of livelihood for the residents**

57. The main source of livelihood and income of the residents of Tegh community is agricultural work, including raising cattle and farming.

58. The larger part of the land of the community has appeared under the control or direct vantage point of the Azerbaijani Armed Forces.





59. The Azerbaijani Armed Forces have been deployed in the lands, pastures and grass fields that are officially registered property of the residents; moreover, they have dug trenches in the arable lands of the villagers, have damaged the wheat and barley fields, and do not allow people to approach their lands<sup>8</sup>, and terrorize the residents by displaying their weapons and regularly conducting shootings.

60. As a result, people are faced with severe issues of earning their families' livelihood. Peaceful residents are unable to engage in cattle raising and agriculture, thus it has become difficult to provide their families with vital resources.

61. The residents stated to the fact-finding group that the pastures, which were used to graze their animals, are now under the control or direct vantage point of the Azerbaijani servicemen. This situation has forced the residents to reduce the number of their livestock, which, in many cases, is the only mean of livelihood. Along with that, residents are unable to engage in farming and cultivating their fields.

62. People reported that having lost their main source of income, they are facing social issues. Not only dozens of families are struggling to take care of the vital needs of their families, but also they are unable to pay their loans.

63. The local self-government bodies informed the Defender's fact-finding group that compensation is calculated and given to the residents for their lost lands (including arable lands).

64. It is vital to keep the issues related to people's rights under close attention and to find appropriate solutions. However, compensations that are paid to the residents for the loss of lands that are their officially registered property are of a one-time nature.

65. Taking into consideration that these lands are the only source of income for the people, providing a one-time compensation does not solve the issues they are facing, including problems related to employment. Therefore, it is important to find systematic approaches through intensive discussions, to solve the mentioned problem.

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<sup>8</sup> <https://www.azatutyun.am/a/32344009.htm>

66. The analysis of the mentioned facts confirms that the acts and operations conducted by the Azerbaijani Armed Forces violate the right to an adequate standard of living of the peaceful population of Togh community.

67. In this context, it is important to recall Article 11 of the International Covenant on Economic, Social and Cultural Rights, which provides that state parties recognize **the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions.**

68. According to Article 25(1) of the Universal Declaration of Human Rights, everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

69. Moreover, in its General Comment No. 3<sup>9</sup>, the UN Committee on Economic, Social and Cultural Rights stated that state parties have a core obligation to provide the minimum essential levels of fulfillment of each of the rights provided for by the Covenant.

70. According to the Report “Protection of Economic, Social and Cultural Rights in Conflict” by the United Nations High Commissioner of Human Rights, the positive obligations of states, in relation to the rights to health, food, housing, access to water and education, remain in effect, even during emergency situations and armed conflict.<sup>10</sup>

71. Thus, it should be noted that the states recognize that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, which in turn implies that **the state parties have a positive obligation to take the necessary measures directed at ensuring the mentioned rights.**

72. The facts presented in the report clearly demonstrate that as a result of the current situation, the civilian population of Togh community is deprived of the opportunity to realize their right to have an adequate standard of living, considering the behavior displayed by the Azerbaijani Armed Forces.

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<sup>9</sup> Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties obligations, (Article 2(1) of the Covenant), para. 10; see <https://www.refworld.org/pdfid/4538838e10.pdf>

<sup>10</sup> Report published by the United Nations High Commissioner for Human Rights ““Protection of economic, social and cultural rights in conflict”, point 15. See: <https://www.ohchr.org/sites/default/files/Documents/Issues/ESCR/E-2015-59.pdf>

#### **IV. THE TERRORIZING OF THE CIVILIAN POPULATION OF TEGH COMMUNITY AS A MANIFESTATION OF THE POLICY OF ARMENOPHOBIA**

73. Another consequence of the policy of Armenophobia and ethnic hatred of the Azerbaijan authorities, as well as public propaganda of hostility towards Armenians, was registered immediately after the deployment of Azerbaijani Armed Forces in the direction of Togh community.

74. Their presence in the direction of the border communities and the operations carried out by them, which have the purpose of terrorizing the civilian population, and keeping them in a constant state of tension and stress, have always been encouraged by the highest authorities of Azerbaijan<sup>11</sup>, and has been widespread the Azerbaijani society, and is reflected in the Azerbaijani social networks, including "Telegram", "TikTok", "Facebook", etc.

75. The Human Rights Defender of Armenia has published several reports<sup>12</sup> addressing the policy of Armenophobia and ethnic hatred implemented by Azerbaijan at the state level; these reports have also been sent to international organizations with a mandate to protect human rights.

76. The monitoring and analysis of the media domain by the Defender's Office reconfirm the fact that the comments of Azerbaijani users on social networks continue to reflect blatant hostility and Armenophobia.

77. For example, immediately after the military aggression of Azerbaijani Armed Forces in the immediate vicinity of Togh community on April 11, 2023, calls for violence against Armenians, and propaganda of hatred and enmity gained impetus in the Azerbaijani media domain; these were directed against the peaceful residents of Togh community.

78. In particular, the pictures of the killed Armenian servicemen were posted and disseminated on Telegram, accompanied by a caption containing hate speech/Armenophobic speech (presented below).

79. Presented are some of the many other examples of hateful and hostile comments disseminated on Azerbaijani social media platforms.

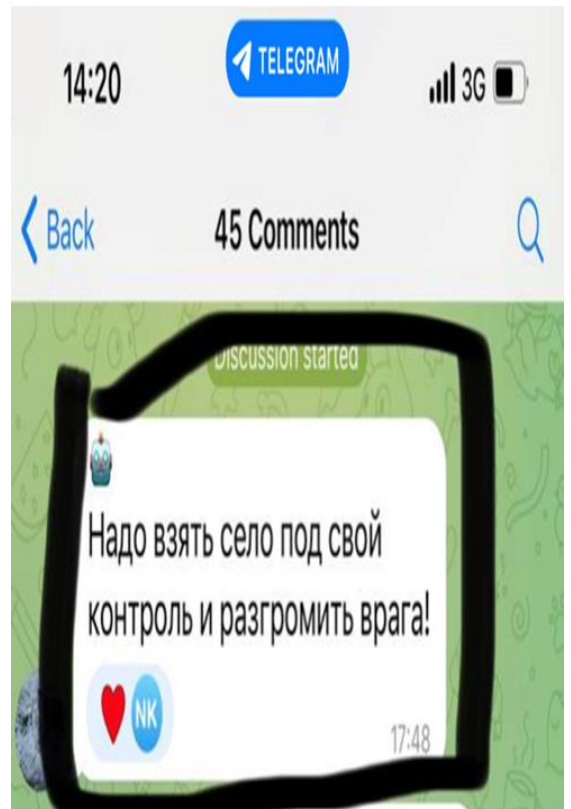
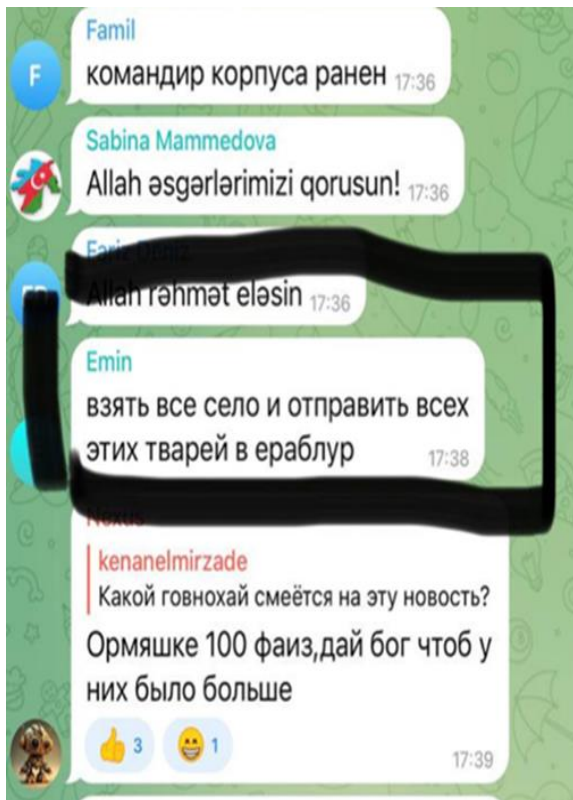
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<sup>11</sup> See <http://ask.org.az/en/2020/09/28/appeal-of-president-ilham-aliyev-to-the-people/>  
<https://www.voltairenet.org/article211050.html>  
<https://telegraf.com/news/siyaset/340649.html>  
<https://www.xalqcebhesi.az/news/politics/110634.html>  
<https://bit.ly/43chk8S>  
<https://bit.ly/3Iljaws>

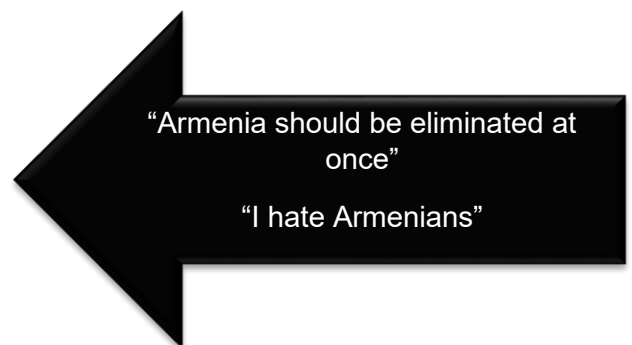
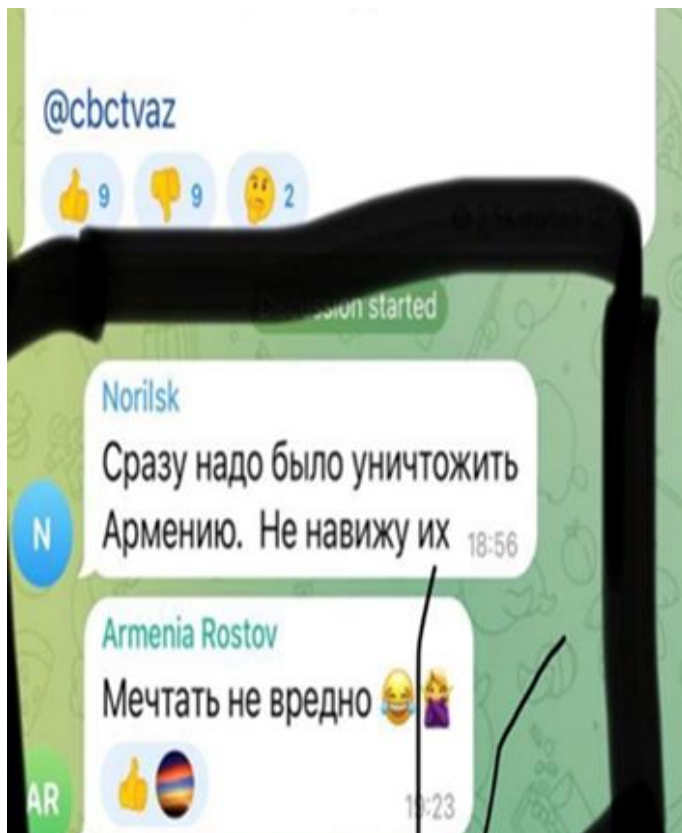
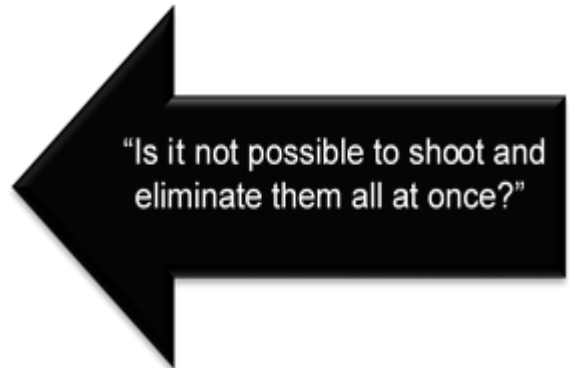
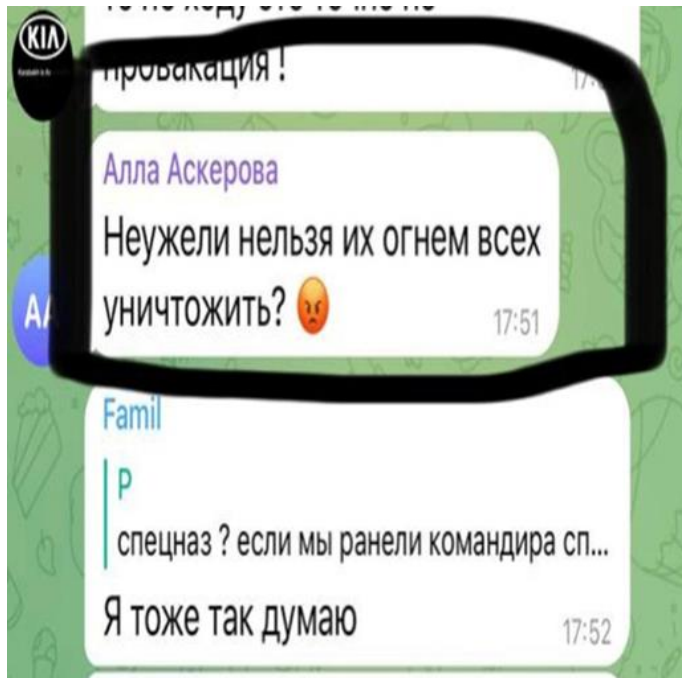
<sup>12</sup> See <https://ombuds.am/images/files/2032f021fe81176414a649d588ad0e86.pdf>  
<https://ombuds.am/images/files/3101f60c869b0f378dbc737b002e5054.pdf>  
<https://ombuds.am/images/files/d29fef274a384cab5fb0e3d14f16e6e4.pdf>

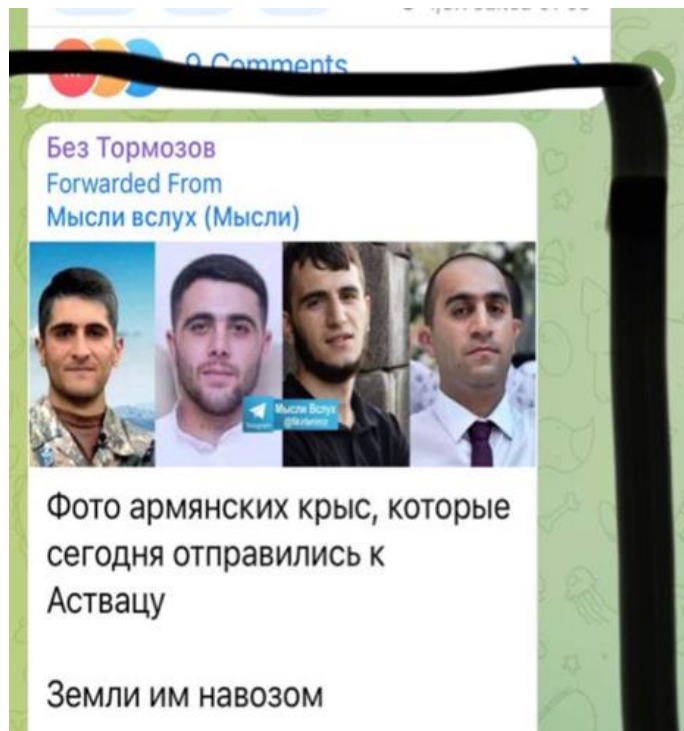
«Capture the entire community and send those animals to Yerablur»

“The village should be occupied by us, and the enemy should be eliminated”









**“The pictures of the Armenian rats, who went to be with their God today”. “Let there be manure instead of soil on them when they are buried”**

80. The reason of all the acts and operations carried out by the Azerbaijani Armed Forces is the policy of Armenophobia, which is implemented by the Azerbaijani state, is manifested in the educational system, and in all spheres of public life, and in the statements of the highest authorities of the country.

81. It should be emphasized in this context, that the Committee on the Elimination of Racial Discrimination, in its concluding observations on the combined tenth to twelfth reports of Azerbaijan expressed its concern regarding the incitement to racial hatred and the propagation of racist stereotypes against ethnic Armenians on social media platforms, as well as by public figures and government officials (Para. 4(c)), and recommended the Azerbaijani authorities to adopt measures to monitor and combat hate speech and the incitement of racial hatred and discrimination, including on the Internet and social media, as well as by its officials and public institutions which are aimed at ethnic Armenians (Para. 5(d)).<sup>13</sup>

82. It is important to note that on December 7, 2021, the International Court of Justice of the United Nations indicated provisional measures against Azerbaijan<sup>14</sup>, within the framework of the application of the International Convention on the Elimination of All Forms of Racial Discrimination, where the Court found that there was immediate danger of causing “irreparable” harm to the rights of Armenians within the framework of the Convention.

83. The Court indicated to Azerbaijan:

*a. To 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;*

<sup>13</sup> See: [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/AZE/CERD\\_C\\_AZE\\_CO\\_10-12\\_49770\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/AZE/CERD_C_AZE_CO_10-12_49770_E.pdf); accessed on 16.09.2022.

<sup>14</sup> See: <https://www.icj-cij.org/public/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>

*b. 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.*

84. It is noteworthy the Court obliged Azerbaijan to **take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and other public institutions.**

## **V. THE ISSUES RELATED TO HUMAN RIGHTS THAT HAVE ARISED IN THE BORDER COMMUNITIES OF GEGHARKUNIK PROVINCE AS A RESULT OF THE AZERBAIJANI INCURSIONS (FACT-FINDING ACTIVITIES IN VERIN AND NERKIN SHORZHA, KUT, SOTK, NORABAK, AND KUTAKAN COMMUNITIES)**

85. On May 2, 2023, the fact-finding group of the Human Rights Defender visited the border communities of Gegharkunik region. In particular, visits were made to Verin and Nerkin Shorzha, Kut, Sotk, Norabak and Kutakan communities.<sup>15</sup>

86. The purpose of the visit was to carry out in situ fact-finding activities on the human rights violations, collecting facts and evidence confirming those violations, and acquainting with the problems of the civilian population.

87. The Human Rights Defender has referred to the situation of human rights in the border communities of Gegharkunik province both in her Ad Hoc<sup>16</sup> and Annual Reports.<sup>17</sup> Moreover, the Reports analyzed and presented in detail (of each community) from a human rights perspective the existing problems, their causes, as well as the international legal regulations related to the protection of human rights. In this section of the Report, reference to international legal regulation has not been made in each, since international legal standards have been discussed in cases of similar human rights violations in the previous section.

88. It should be noted that in comparison to the Defender's visits to the border communities of Gegharkunik province in previous years (2020-2022), no positive trends in the elimination of the violations of human rights were registered during the visit on May 2, 2023. Moreover, as a direct result of the deployment of the Azerbaijani Armed Forces and aggressive behavior, human rights violations are ongoing.

89. In particular, the residents have expressed concerns in relation to the proper realization and guaranteeing of their rights to life and security, physical and mental integrity, property, education, and other fundamental rights. The residents have raised issues related to the use of pastures, grass fields, and arable lands, to engage in cattle raising, and to the provision of the vital needs of their families.

90. In the mentioned section of the report, the activities conducted by the fact-finding groups of the Human Rights Defender in the border communities, and the issues that were registered as a result are addressed separately.

91. Therefore, the fact-finding group first visited the Verin and Nerkin Shorzha communities of the enlarged community of Vardenis on the border, as well as the mountain range of Verin Shorzha.

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<sup>15</sup> See: <https://ombuds.am/am/site/ViewNews/2512>

<sup>16</sup> See, for example, <https://ombuds.am/images/files/fd29830766027e9c10fcfaec2effee4f.pdf>  
<https://ombuds.am/images/files/88015d8ec9e48d869bd8b706233613dd.pdf>  
<https://ombuds.am/images/files/ff7396ae7e860c201bbfd6f410fef5a4.pdf>

<sup>17</sup> See, for example, see the annual report of the Human rights Defender 2020-2021, and the summary of the activities of the Human Rights Defender 2022.



92. The residents stated that Azerbaijani servicemen conduct regular shootings in the immediate vicinity of the community, including through the use of weapons of large caliber, causing anxiety, panic, and tensions.<sup>18</sup> Moreover, the residents noted that as a result of the deployment of the Azerbaijani Armed Forces, they are unable to use their arable lands, pastures, and grass fields, as they are located under the control or vantage point of the Azerbaijani side.

93. It should be noted that people have property rights certificates for land issued by the competent authority of the Republic of Armenia. Meanwhile, they are in fact deprived of the opportunity to realize their right to property.

94. As a result of the studies carried out in Verin and Nerkin Shorzha communities, it was registered that access to water, as a public good of fundamental importance for human life and health, remains a serious problem. The residents reported that this problem arose after Azerbaijani servicemen took control of the water resources of the community; this is also problematic from the perspective of providing safe and quality water for issues related to health and healthcare.

95. Access to water is fundamental for the realization of human rights. Water is a public good of vital importance for human life and health.<sup>19</sup>

96. Thus, the Human Rights Defender notes that the Azerbaijani servicemen, through their blatant criminal acts, have endangered the lives and health of the peaceful residents, and their normal life and mental integrity have been completely disrupted. The Azerbaijani Armed Forces continue to implement their clear policy of maintaining psychological pressure on the residents.

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<sup>18</sup> See: <http://surl.li/gveeu>; <https://bit.ly/3I5Sujc>

<sup>19</sup> <http://surl.li/gvdsd>

97. During fact-finding activities conducted in **Kut** community, the villagers informed that the Azerbaijani servicemen are deployed very close to the community, as a result of which they are also unable to use the arable lands, pastures, and grasslands that are their officially registered properties.

98. People have noted that they are unable to engage in agricultural work, which is their primary source of livelihood. According to the villagers, since they are unable to access the grasslands, they have been obliged to sell their animals, as a result of which there has been a significant decrease in the number of livestock.

99. The residents have relayed their concerns regarding security issues. They noted that shots are regularly fired from Azerbaijani combat positions in the direction of the village, and the sounds of the shootings are plainly heard, creating tension among the people.<sup>20</sup>



100. A number of problems were also recorded in the **Sotk** community on the border of Vardenis. The residents informed the fact-finding group that the village is under the direct vantage point of the Azerbaijani Armed Forces, and due to their deployment, they were deprived of most of the pastures.

101. The villagers added that, they regularly hear the sound of shootings, and that the Azerbaijani Armed Forces terrorize them through the use of UAVs, especially at night.

102. The residents recounted to the fact-finding group of the Human Rights Defender that as a result of the terrorizing by the Azerbaijani Armed Forces, they are unable to engage in agricultural activities in their community, including cattle raising.

103. According to the residents, the issues related to potable and irrigation water in the community has remained unresolved, as the water reservoir is under the control of the Azerbaijani Armed Forces.

104. The construction works of the drinking water pipeline have not been finished since 2020, as the water reservoir has appeared under the direct vantage point of the Azerbaijani side, hindering the implementation of construction works.

105. The residents have expressed serious concerns regarding the obstacles to ensuring the normal operation of the gold mine in Sotk community.

<sup>20</sup> <https://bit.ly/3MoZZUY>



106. In particular, after the end of the combat operations of the 44-day war of 2020, most of the territory of the gold mine of Sotk operated by the GeoProMining Gold LLC company came under the control of Azerbaijan, causing problems to the normal operation of the mine.

107. The Head of the community revealed that the operational capacities of the mine have decreased since 2020, which led to a significant reduction in the number of workers. The main cause for this issue is the regular shootings conducted by Azerbaijani servicemen in the direction of the mine.

108. People noted that as a result of the shootings, the work of the mine is regularly and forcibly stopped, and the employees are evacuated. Those shootings are usually targeted and are directed also at the equipment and the machinery used at the mine.<sup>21</sup>

109. Recently, the management of the mine took the decision to stop the work of the mine due to the regular shootings of the Azerbaijani Armed Forces, taking into consideration the safety of the workers, and the workers were sent to forced downtime/idle time.

110. Moreover, GeoProMining Gold LLC also officially confirmed that as a result of the targeted Azerbaijani shootings, the works in the mine were stopped.<sup>22</sup>

111. It should be noted that the majority of the population of Sotk earns their income by working in the mine. Therefore, as the residents mentioned, they have become unemployed as a result of the termination of the operation of the mine, and are also facing serious problems in providing for their and their families' livelihood.

112. Thus, the collected facts on the current situation as a result of the acts and operations of the Azerbaijani side prove that the property and labor rights of the residents are violated, their life, physical and mental integrity are threatened, and the residents are deprived of the opportunity to engage in agricultural activities and cattle raising.

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<sup>21</sup> <https://www.youtube.com/watch?v=c0ifsBF29Ak&t=216s>

<sup>22</sup> <https://www.azatutyun.am/a/32367260.html>



113. As a result of the fact-finding activities carried out in Norabak community, it was revealed that the Azerbaijani servicemen were deployed very close to the community, due to which most of the pastures, grass fields, and the arable land that belong to the villagers under ownership rights have appeared under the control or vantage point of the Azerbaijani Armed Forces.

114. Moreover, the villagers reported that due to the lack of grass fields, they are unable to provide animal feed (forage) for small and large cattle.

Therefore, they were obliged to slaughter the animals, depriving them of their only source of income; the number of livestock in the community has significantly decreased.

115. The water resources of the community have come under the control of the Azerbaijani Armed Forces. 5 out of 6 of the natural springs of the village are under Azerbaijani control. People do not have water in their houses, thus, they have to carry water in buckets from the other parts of the village to their houses to have potable water and water for their daily and household needs.

116. The residents are facing serious concerns regarding security issues. The Azerbaijani servicemen shoot in the direction of the village, terrorizing the residents, and hindering agricultural work, aiming to maintain a state of fear and hard living conditions in the community.

117. With the intent to create psychological tensions, searchlights and lasers are aimed at the direction of the houses and regularly monitor the community through the use of UAVs.

118. The above-mentioned facts impact the realization of the human rights of the residents since they directly threaten the rights to security and an adequate standard of living.

119. The fact-finding groups of the Human Rights Defender also visited **Kutakan** community. The Azerbaijani servicemen have deployed on the hill located in the immediate vicinity of the community, and the entire village is under their vantage point.







120. The regular shootings conducted by the Azerbaijani Armed Forces have caused tensions and anxiety among the population of the community.

121. The grass fields, pastures, and the lands of the residents have come under the control or vantage point of the Azerbaijani servicemen. Taking into consideration the security situation, people are not engaging in agricultural activities.

122. Therefore, the Human Rights Defender registers that in all the communities where the working groups visited, the residents mentioned the acts and operations of the Azerbaijani Armed Forces which are violating their fundamental rights; moreover, these acts and operations are coordinated, and implemented in a systemic and uniform method. In particular, the Azerbaijani Armed Forces conduct shootings in the immediate vicinity of communities, use weapons of large caliber near peaceful communities, including artillery and mortars, intimidate the residents by displaying their weapons, direct searchlights to the windows of the houses at night, use UAVs in the airspace of communities, and etc.

123. Taking into consideration the above-mentioned, the Human Rights Defender registers that the Azerbaijani servicemen, through their blatantly criminal acts and operations, have threatened the life and health of the peaceful residents of the border communities of Gegharkunik province, and have completely disrupted their normal life and mental integrity. The Azerbaijani Armed Forces continue to implement their blatant and coordinated policy of keeping the residents under psychological pressure.

## VI. RECOMMENDATIONS

Taking into consideration the priority of protection of the human rights of the population of the border communities, and the urgency to properly respond to the current issues, the Defender does not confine herself to just listing the existing problems but also presents recommendations aimed at solving them. Therefore:

Taking into consideration the results of the fact-finding activities, and their detailed and comprehensive analysis, the Human Rights Defender firstly notes the critical need to solve the security issues of the population which are caused by the aggressive behavior of the Azerbaijani Armed Forces. In particular, the unlawful presence of the Azerbaijani Armed Forces in the immediate vicinity of the border communities of Armenia has created serious security problems for the civilian population and infrastructure, which are located under the direct vantage point and line of fire of the Azerbaijani servicemen.

It is crucial to implement the works aimed at ensuring the right of mental integrity of the residents of the border communities and to take the necessary measures to prevent the development of an atmosphere of tension among the public. In this context, the provision of support and assistance based on the results of a needs assessment of the residents of border communities, as well as the development and implementation of an information policy, with the purpose of preventing the development of an atmosphere of uncertainty and tension among residents, is crucial. In all the communities which were monitored, the residents stated their concerns regarding defense, safety, and security issues. It is noteworthy to mention is spheres such as defense and security, the state must implement a clear and well-adjusted policy, supervising the flow of information proportionately and developing a clear policy aimed at eliminating disinformation.

In all the communities which were visited by the Defender's Office, the issues of ensuring an adequate standard of living and employment were a problem, as a result of serious security concerns. The lands of the residents are under the control or vantage point of the Azerbaijani Armed Forces, as a result of which the villagers are not able to engage in agricultural activities, including farming and cattle raising. The Defender underlines that solving the problems related to employment in the border communities is of critical importance from the perspective of guaranteeing the social rights of the residents and improving their living conditions. Therefore, it is vital to develop a concrete methodology aimed at ensuring employment for the residents, by implementing, without delay, a wide range of programs such as those aimed at the development of agriculture, and the creation of new jobs.

In this context, the property rights of residents of border settlements are also violated by the acts of the Azerbaijani servicemen.

The competent state bodies informed that a one-time compensation is calculated and given to the residents for their lost lands (including arable lands). In this regard, it should be noted that land is often the only source of income for the people, and providing a one-time compensation does not solve the issues they are facing. Therefore, it is important to find systematic approaches through intensive discussions to solve the mentioned problem, guaranteeing property and other fundamental rights to the greatest extent.

Along with the above-mentioned recommendations, the Human Rights Defender recommends to the *state administrative and local self-government bodies* to:

- provide for the residents of the border communities regular, clear, and accessible public communication on issues related to their rights and security. The provision of targeted information to people during regular

meetings is important, to ensure that the people do not find themselves in an information vacuum and a situation of uncertainty, alongside already existing security challenges;

- implement additional measures to guarantee the security of schools and kindergartens which are under the direct vantage point of the Azerbaijani Armed Forces, introducing security mechanisms appropriate to the situation, and conducting public awareness campaigns and training;
- review the action plans of martial law or emergency situations (crisis situations), making them compatible, more efficient, and flexible with the current situation;
- more regularly organize and implement civil defense measures for the residents of the communities. The implementation of such measures is also critical in educational institutions, including schools and kindergartens;
- take measures to solve the issues related to access to potable and irrigation water.

The Human Rights Defender of Armenia considers the adequate response and targeted legal assessment of international organizations, organizations, and actors with a mandate to protect human rights regarding the violations of the human rights of residents of border communities, and the implementation of active efforts to eliminate those violations, including the implementation of interim measures indicated by the European Court of Human Rights against Azerbaijan, as critical; In this context, the Human Rights Defender recommends:

- to continue the work of gathering and summarizing information on the acts and operations of the Azerbaijani servicemen, as well as on the constantly manifested aggressive behavior that threatens the security of residents of border communities, with the purpose of submitting the relevant gathered information to the European Court of Human Rights, the International Court of Justice, as well as other international actors which have the mandate to protect human rights;
- to regularly inform international instances about the implementation of the decisions of the European Court and the International Court of Justice which have set obligations for Azerbaijan, and their violations.