



**The Human Rights Defender of the
Republic of Armenia**



Communiqué by the Human Rights Defender of Armenia

September 13, 2022 (14:00, Yerevan time)

Yerevan, Republic of Armenia

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FACTS:

1. According to HRD's hotline call information, some local and other sources the Azerbaijani military forces are intensively and deliberately shelling from different types of weapons including heavy artillery, mortars of different calibers, UAVs, large-caliber guns, and Grad multiple rocket launchers (MRL) at the borderline communities of the Republic of Armenia, namely provinces Gegharkunik, Syunik, Vayots Dzor - Kapan, Goris, Qarashen, Vernishen, Khnatsakh, Kornidzor, Khoznavar, Ishkhanasar, Tchakaten, Nerqin Hand, Tsav, Davit Bek, Artanish, Srashen, Jermuk, Vardenis, Sotk, Norabak, Kut, Geghamasar and other borderline communities of the Republic of Armenia.
2. Based on HRD's information the Azerbaijani Armed forces are targeting both military and civilian infrastructures.
3. According to the current reports, as a result of artillery strikes, two civilians were wounded in Sotk.
4. Based on information shared through an individual application to the HRD office as well as video materials shared by the representative of Azerbaijani media outlets there is evidence of the captivity of 1 serviceman (born in 2002)¹.

BACKGROUND:

5. Starting from September 2, 2022, the Ministry of Defense of Azerbaijan has issued daily statements claiming that the Armenian Armed Forces have breached the ceasefire agreement by firing at the positions of the Azerbaijani Army.² In its turn, the Armenian MoD has refuted each of these claims stating that the MoD of Azerbaijan is spreading disinformation.³
6. Notably, during this period, several Azerbaijani high-ranking officials continued calling for acts of aggression both towards the Republic of Armenia and the Armenian population of Nagorno-Karabakh, using degrading, racist rhetoric.^{4 5}
7. Once again, this policy has materialized on the battlefield; according to the information received from residents of borderline communities, on September 13, the first shots were fired by Azerbaijani Armed Forces. This was further confirmed by the video published by Armenian MoD containing scenes of ground advancements of Azerbaijani troops⁶.

¹ <https://www.youtube.com/watch?v=LvUwOn0NrCo>

² <https://twitter.com/wwwmodgovaz/status/1569211880241270787> <https://twitter.com/wwwmodgovaz/status/1568898731931537408>
<https://twitter.com/wwwmodgovaz/status/1568495651205300225> <https://twitter.com/wwwmodgovaz/status/1568124783925116929>
<https://twitter.com/wwwmodgovaz/status/1567750360093130752> <https://twitter.com/wwwmodgovaz/status/1567379580352069632>
<https://twitter.com/wwwmodgovaz/status/1567037270519156737> <https://twitter.com/wwwmodgovaz/status/1566754387988545538>
<https://twitter.com/wwwmodgovaz/status/1566451860990459904> <https://twitter.com/wwwmodgovaz/status/1566021543599144961>
<https://twitter.com/wwwmodgovaz/status/1565747705707741186>

³ <https://twitter.com/ArmeniaMODTeam/status/1569232839073300480>
<https://twitter.com/ArmeniaMODTeam/status/1568881192732348417>
<https://twitter.com/ArmeniaMODTeam/status/1568498092244082692>
<https://twitter.com/ArmeniaMODTeam/status/1568351321664757760>
<https://twitter.com/ArmeniaMODTeam/status/1567401988828139521>
<https://twitter.com/ArmeniaMODTeam/status/1566786215331897344>
<https://twitter.com/ArmeniaMODTeam/status/1566710096373190658>
<https://twitter.com/ArmeniaMODTeam/status/1566452978596433925>
<https://twitter.com/ArmeniaMODTeam/status/1566057468710486016>
<https://twitter.com/ArmeniaMODTeam/status/1565798808558108674>

⁴ <https://science.gov.az/en/forms/doktora-filosofii-institutu-yurisprudentsiya-i-prav-cheloveka/2861>

⁵ <https://demokrat.az/az/news/122223/ermeniler-yuz-iller-boyu-insanlarin-qebirlerini-goresenler-kimi-esibler-deputat>

⁶ <https://drive.google.com/file/d/1azZIFrqrCz36IK9wfMzMv4RsfJGu6obC/view>

TARGETING CIVILIAN INFRASTRUCTURES:

8. Based on the verified local and other primary sources of the HRD, peaceful civilians and the civilian infrastructure of the bordering communities are under continuous attack by Azerbaijani AFs starting from 00:05 September 13, 2022. The military units of Azerbaijan are deliberately targeting civilian settlements (houses, public hall facilities etc.), infrastructures, and peaceful populations in grave breach of International Humanitarian Law. The indiscriminate attacks pose a real danger to the civilian population, their health, and life, as well as their property. This is being proved by the videos and photos attached to this communique in the Annex 1.
9. According to the fact-finding activities of the HRDO launched immediately, in the Syunik region, in the direction of Tchakaten village, the Azerbaijani armed forces targeted the emergency medical vehicle which was shot first then broken down by the Azerbaijani armed forces near Tchakaten was abandoned on the same spot, and the health care personnel were able to evacuate the vehicle on time. At this moment no single brigade of health care personnel is injured.⁷
10. Moreover, one of the shells fired in the direction of Karashen village of Syunik fell on the ceremonial hall in the center of the village. According to preliminary information, there were no casualties (See in the Annex 1.4).
11. Verishen village in the Syunik region was also attacked: a civilian house of Mr. Gurgen Harutyunyan was damaged (please see Annex 1, picture 10-13)
12. According to the official data 3 civilians were injured. But according to our information only in one hospital, as a result of the shelling of the Azerbaijani armed forces in Gegharkunik, 10 persons, most of them including women and elderly persons, received various injuries, including shrapnel wounds, and were transported to medical institutions. The information is being updated regularly. The representatives of the HRD office are visiting the wounded persons in different hospitals of RA including in the affected regions.
13. In addition, according to the relevant data, a garage was burnt in Kut village, Gegharkunik marz.
14. The Sotk community is still under heavy attack by Azerbaijani military forces. As a result, among other heavy consequences, civilian houses are burning. As a result of the shellings, the Municipality building was damaged and one resident was injured in Sotk community. (Please see Annex I, Pictures 1-10)

International instruments:

Attacks against civilian objects violate the very essence and core principles of international humanitarian law:

Additional Protocol I

⁷<https://www.facebook.com/KristinneGrigoryan/posts/pfbid0xGmUtbLGPp4rhsycbYN5J8sCnxDhte6eWt1RfHxm5CPwiv58JEXchGoiD3A5LLqQI>

Article 51(2) of the 1977 Additional Protocol I states: “The civilian population as such, as well as individual civilians, shall not be the object of attack.”

Additional Protocol I

Article 85(3)(a) of the 1977 Additional Protocol I states that “making the civilian population or individual civilians the object of attack” is a grave breach of the Protocol.

Additional Protocol II

Article 13(2) of the 1977 Additional Protocol II provides: “The civilian population as such, as well as individual civilians, shall not be the object of attack.”

Protocol II to the Convention on Certain Conventional Weapons

Article 3(2) of the 1980 Protocol II to the Convention on Certain Conventional Weapons provides: “It is prohibited in all circumstances to direct [mines, booby-traps and other devices], either in offense, defense or by way of reprisals, against the civilian population as such or against individual civilians.”

Protocol III to the Convention on Certain Conventional Weapons

Article 2(1) of the 1980 Protocol III to the Convention on Certain Conventional Weapons states: “It is prohibited in all circumstances to make the civilian population as such [or] individual civilians ... the object of attack by incendiary weapons.”

Amended Protocol II to the Convention on Certain Conventional Weapons

Article 3(7) of the 1996 Amended Protocol II to the Convention on Certain Conventional Weapons provides: “It is prohibited in all circumstances to direct [mines, booby-traps and other devices], either in offense, defense or by way of reprisals, against the civilian population as such or against individual civilians.”

ASSESSMENT:

15. This latest aggression by the Azerbaijani authorities has targeted and violated the territorial integrity and sovereignty of the Republic of Armenia. This is a clear violation of Article 2(4) of the Charter of the United Nations which provides that “*All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.*”. Moreover, Article 51 of Chapter VII of the Charter of the United Nations provides that “*Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.*”
16. It is of particular concern that during the attack the Azerbaijani side is targeting the civilian infrastructure in gross violation of IHL and other international Human Rights and humanitarian commitments.

17. Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the UN Charter (Declaration 2625) recalled the *“duty of states to refrain from the military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any state”*.
18. Besides, the Azerbaijani attack and attempts of incursions into the sovereign territory of the Republic of Armenia are a violation of the trilateral ceasefire statement of November 9, which states that the parties to the agreement shall remain at their current positions (the positions they were occupying at the moment of the statement).
19. The representatives of the HRD office continue carrying out fact-finding activities the results thereof will be summarized and shared within the next communications.

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Annex 1:Photo and video evidence

1.1 Images from Sotk Village of Gegharkunik Marz:

Picture 1



Picture 2



Picture 3



Picture 4



Picture 5



Picture 6



Picture 7

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Picture 8



Picture 9



Picture 10



1.2 Images of the emergency medical vehicle targeted by the Azerbaijani armed forces:

Picture 11



Picture 12



1.3 Images from Vernishen village of Goris Community, Syunik Marz:

Picture 13



Picture 14



Picture 15



Picture 16

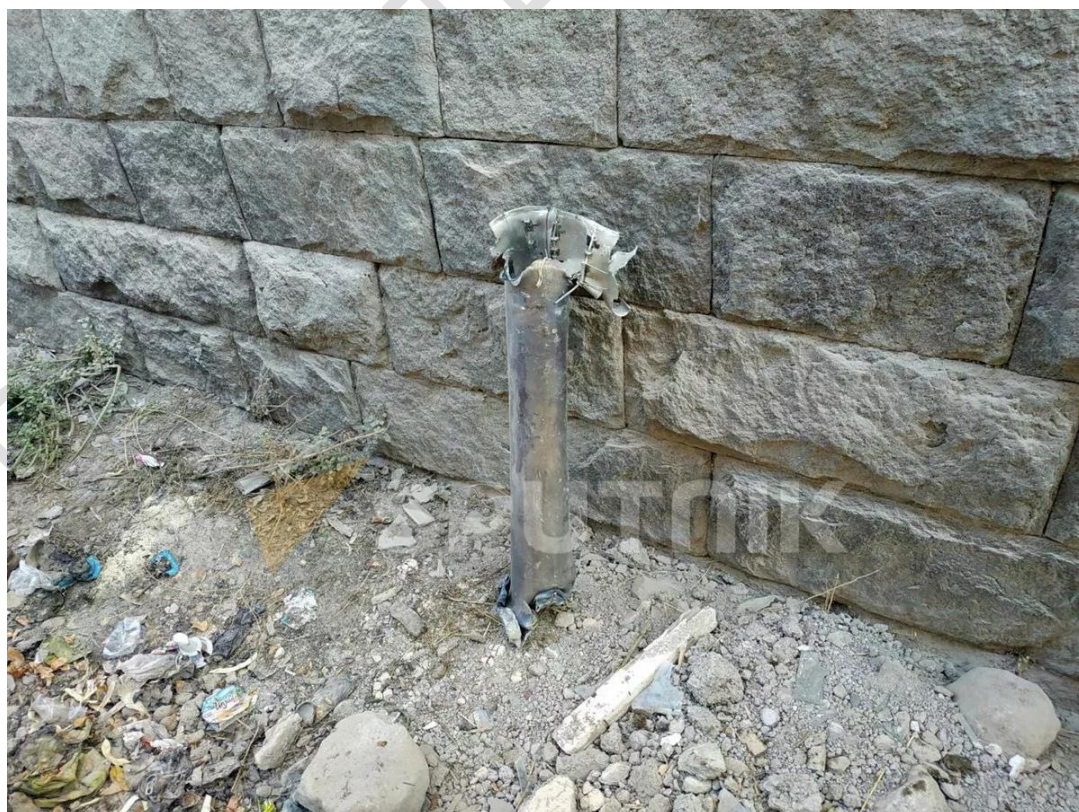


1.4 Images from Karashen village, Syunik marz:

Picture 17



Picture 18





Video from Sotk banket hall after being targeted by the Azerbaijani armed forces:

<https://drive.google.com/file/d/11PR-zBb73hgW-S7u1sWMe5TjeXgj139I/view?usp=sharing>

Video from the targeting of the Jermuk region:

<https://drive.google.com/file/d/1cobmn-wHPRJJ4VyniaifzDWPMEzbAnsd/view?usp=sharing>

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