



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



**ԵՐԱՍԽ
YERASKH**

AD HOC REPORT

**VIOLATIONS OF THE ARMENIA'S YERASKH
COMMUNITY RESIDENTS' RIGHTS BY SHOOTINGS
OF THE AZERBAIJANI ARMED FORCES:
THE RESULTS OF THE FACT-FINDING ACTIVITIES
JULY 14-21 2021**

YEREVAN 2021



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INTRODUCTION

According to the alarming-calls submitted to the Human Rights Defender, the statements of the Ministry of Defense of Republic of Armenia, as well as to the reports available in media publications and social networks, since 14 July 2021, the Azerbaijani armed forces initiated shootings using different calibers of weapons on the Armenian positions, and towards the Yeraskh community.

As a result of the shootings, a serviceman of the RA Armed Forces was killed in the Yeraskh part. Moreover, fires broke out every day in the immediate vicinity of the community and the Head of Yeraskh, who was extinguishing the fire, was targeted and wounded by the Azerbaijani armed servicemen.

This *ad hoc* public report illustrates the results of the fact-finding activities in Yeraskh community of Ararat Province of the Republic of Armenia conducted by the Human Rights Defender's Office on 14-21 July, 2021. The report encompasses actions undertaken by the Human Rights Defender's Office during the missions, key findings and conclusions of the fact-finding activities, based on the complaints received by the residents, statements of the Ministry of Defense and reports published in media.

I. THE LEGAL MANDATES OF THE HUMAN RIGHTS DEFENDER

The Human Rights Defender is an independent official who observes the maintenance of human rights and freedoms on the part of state and local self-government bodies and officials, whereas in the cases prescribed by the Law on the Human Rights Defender - also on the part of organizations, as well as contributes to the restoration of violated rights and freedoms and improvement of the regulatory legal acts related to human rights and freedoms.

As a National Human Rights Institution, the Defender has the competence and responsibility to prepare reports on human rights situation in general and on more specific matters, according to the Principles relating to the Status of National Institutions (The Paris Principles).¹

These competences might be exercised through conducting fact-finding activities, observing, collecting and analyzing complaints, interviews, and other data that are of increasing importance from the perspective of human rights protection.

This Report is prepared based on Article 31 (3) of the RA Constitutional Law on the Human Rights Defender² authorizing the Defender to prepare *ad hoc* public reports regarding specific issues of public resonance or cases of gross violations of human rights.

¹ See § 3(a)(iii) of the Principles relating to the Status of National Institutions (The Paris Principles), adopted by General Assembly resolution 48/134 of December 1993 // <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

² Hereinafter: The Law

II. THE METHODOLOGY USED DURING THE FACT-FINDING ACTIVITIES

Based on the reports on shootings, the Defender composed delegations from the Defender's staff members and dispatched fact-finding missions to Yeraskh community. The delegations were tasked to interview residents, the community bodies, the respective representatives of the Armenian Armed Forces and all others who could have relevant information about the shootings, to carry out on-site examinations of the circumstances under which human rights are allegedly being violated, to comprehensively and carefully analyze all available information which is considered relevant and credible, as well as to document the findings.

The fact-finding missions were carried out in accordance with internationally accepted standards at all time, guided by the following principles:

- Confidentiality;
- Accuracy and precision;
- Professionalism;
- Objectivity and impartiality;
- Do no harm, avoid double victimization.

The fact-finding missions included:

- Scrupulous study of the locality where the events took place, verification of publicly available information and other necessary examination concerning the attacks, including reviews of relevant media publications. The delegations adopted an inclusive approach to gathering information and seeking views;
- Site visits to specific locations, where incidents might have occurred and the photographing of civilians' houses, kindergartens, schools and other buildings.

In establishing its findings, the delegations sought to rely primarily and whenever possible on information gathered first-hand, including through on-site observations, interviews and meetings with relevant persons.

The findings and final conclusions on the reliability of the information received were based on own assessment of the credibility and reliability of the witnesses the delegations met, verifying the sources and the methodology used in the media reviews, and assessing whether, in every circumstance, there was sufficient credible and reliable information to make conclusions.

III. THE RESULTS OF THE FACT-FINDING ACTIVITIES AND CONCLUSIONS

Yeraskh community is located in the Ararat province of Armenia, on a distance of 66 kms from the center of Yerevan. The international M2 highway passes through it. The Armenian-Azerbaijani contact line is directly located in the community.

A part of the civilian houses of the community are located in front of the Azerbaijani military positions, on a distance of around 300-400 meters. The Azerbaijani military positions are located in the south-eastern section of the community, further away, on a distance of 1 km.

As confirmed by the statements of the Ministry of Defense of Armenia³ and the alarming-calls addressed to the Human Rights Defender, the Azerbaijani armed forces initiated shootings using different calibers of weapons on the Armenian positions and towards the community. It was as a result of the shootings that a serviceman of the Armenian Armed Forces was killed on July 14.

The Office of the Human Rights Defender has initiated a round-the-clock study since July 14. The Office of the Defender has received alarming-calls and complaints about the Azerbaijani shootings that were occurring both during the day and at night. As a result of the shootings, fires broke out every day in the immediate vicinity of the community, while on July 20 the Head of the Yeraskh community was injured as a result of the Azerbaijani shootings in the evening⁴.

Based on the alarming-calls and the complaints, the working group headed by the Human Rights Defender of Armenia Mr. Arman Tatoyan visited Yeraskh community, to register the evidences on the violations of human rights, and to take measures aimed at protecting the rights of the residents.

During the visit, discussions took place with the community bodies, the respective representatives of the Armenian Armed Forces, and the residents. The necessary studies were conducted on site.

It was confirmed that since July 14, the Azerbaijani servicemen have been firing on the Armenian positions located in the vicinity of the Yeraskh community of Ararat province of Armenia by using different calibers of weapons, including grenade launchers. These shootings are taking place within a distance of 1km from the residential houses of the village.

³ See the statements of the Ministry of Defense of Armenia <https://mil.am/hy/news/9643>; <https://mil.am/hy/news/9654>; <https://mil.am/hy/news/9668>.

⁴ See the statement of the Ministry of Defense of Armenia <https://cutt.ly/sm9ktrt>.

The residents informed that there were shootings both during the day and at night, often lasting several hours. The shootings were of a non-stop and regular nature, and were clearly audible in the village. There have been cases when the shootings lasted almost the entire night.

Alarming-calls were presented on site also about the fact that the Yeraskh community was under the Azerbaijani line of fire, and that the shootings disturbed the normal life and peace of the residents. Twenty-five residential houses in the community are located on a distance of up to 1 km away from Azerbaijani positions, from where the shots are fired. The behavior of the Azerbaijani armed forces is also dangerous in terms of using the community road.

The working group of the Human Rights Defender recorded that the military positions of the Azerbaijani armed forces were located on a distance of about 800 meters, directly in front of the community school and kindergarten. Both the school and the kindergarten are under direct Azerbaijani line of fire (no shots were fired from these positions on July 14 and after that).

These fact-finding activities confirm that the shootings of the Azerbaijani military servicemen grossly violate the rights to life, health, physical and mental integrity, the right to live in peace and strive for happiness, and a number of vital rights of the civilian population. These rights are internationally recognized and guaranteed by the Constitution of the Republic of Armenia.

The fact-finding activities of the Human Rights Defender have confirmed that the regular shootings initiated by the Azerbaijani armed forces since July 14 violate also property rights and the ability of the population to earn a family income. In particular, due to these shootings, they are not able to use their own hayfields and pastures, and there are obstacles to livestock farming. The issue is that the lands belonging to the residents of Yeraskh are located in the immediate vicinity of the Armenian positions are, the use of which is made impossible or seriously endangered by the Azerbaijani shootings.

It was recorded that due to the Azerbaijani shootings, the right to engage in entrepreneurial activity was violated. This refers to fish farming in the lakes near the Yeraskh community.

Labor rights are also being violated. In particular, during the visit, it was revealed that the Yeraskh winery is located at a distance of about 260 meters from the Azerbaijani positions and less than 1 km from those positions from where the shots were fired. Regular shootings and the tension cause concern among employees, which are 30 in number and includes women. Due to the shootings, the factory management had to stop the activities, send the employees home, which disrupted the normal functioning of the factory.

These facts were confirmed by the discussions the were held with the representatives of the local self-government bodies, factory and, the Armenian Armed Forces. These facts were also confirmed by the testimonies of residents, as well as objective evidences, including photographs, evidences of property rights of the residents, etc. (see the pictures incorporated in the report).

The fact-finding activities have confirmed that since July 14, the Azerbaijani armed forces have been shooting in a manner that has caused fires⁵. Moreover, these fires are in real danger of spreading. They are dangerous to the level that the representatives of the community bodies had to be involved in extinguishing them. For example, on July 20, the Head of Yeraskh, who was extinguishing the fire, was targeted and wounded by the Azerbaijani armed servicemen.

On the instructions of the Human Rights Defender, the representatives of the Office immediately visited the Head of Yeraskh Mr. Radik Oghikyan on July 21, 2021, who was wounded during the Azerbaijani shootings and taken to a medical center. During the private interview, the Head of the community informed that a fire broke out in the direction of Yeraskh on the night of July 20 due to the targeted and deliberate shootings and shelling of Azerbaijan. Given the danger posed by the fire to the community, he personally tried to organize the firefighting work. He visited the place of the fire and tried extinguish it. At that time, he received four shrapnel wounds from the Azerbaijani shootings.

The discussions with the doctors revealed that the health situation of the Head of the community was in a moderate condition.

The fact-finding activities of the Human Rights Defender continuously confirm that the Azerbaijani armed servicemen are committing acts of gross violation of the rights of the border residents of Armenia; acts which have a criminal nature.

These actions of the Azerbaijani Armed Forces should be considered as a common intention, taking into consideration that they also commit the same actions against the residents of the border villages of Syunik and Gegharkunik provinces of Armenia.

Below are evidence establishing facts of violation of rights of Yeraskh border community residents' rights.

⁵ The video is available at https://www.youtube.com/watch?v=KnOtiyrcJ-U&ab_channel=5TVChannel.

IV. FACTS CONFIRMING SIMILARITY OF AZERBAIJANI SHOOTINGS AND HUMAN RIGHTS VIOLATIONS AT OTHER BORDER COMMUNITIES OF ARMENIA

The apparently illegal presence of the Azerbaijani armed servicemen in the immediate vicinity of the Armenian border communities seriously threatens lives and health of border residents of Armenia. Moreover, the Armenian border communities are regularly subject to fire by Azerbaijani armed forces which disrupt the normal life and mental integrity of border residents, violate their rights.

The results of the fact-finding activities of the Human Rights Defender prove the Azerbaijani armed servicemen regularly violate rights of residents of other border communities of Armenia (threatening Armenian citizens (including shepherds) by displaying their weapons to them⁶, pelting an Armenian civilian car with stones on the road from Goris to Kapan⁷, dragging the shepherd of Aravus and punching him in the eye⁸, people are deprived of access to their lands, pastures, periodic shootings near the border villages of Armenia⁹, etc.).

For example, on July 19, 2021 the Azerbaijani armed servicemen threatened the resident of Tegh village with a weapon, they shouted and dragged the villager, and tried to transfer him and the combine harvester to their positions. The fact-finding activities of the Human Rights Defender confirm that the servicemen of the Azerbaijani armed forces have in fact illegally deprived of his liberty the resident of the Tegh village who was harvesting wheat on the land that is his private property, and temporarily hindered the implementation of agricultural activities. In addition to the mentioned incident, the Azerbaijani armed forces initiated shootings in the immediate vicinity of the villages of Khnatsakh and Aravus in Tegh community on the night of July 19-20, 2021, disrupting the peace and quiet of the villagers¹⁰.

⁶ See the statement of the Human Rights Defender https://ombuds.am/en_us/site/ViewNews/1694.

⁷ See the statement of the Human Rights Defender https://ombuds.am/en_us/site/ViewNews/1700.

⁸ See the statement of the Human Rights Defender https://ombuds.am/en_us/site/ViewNews/1653.

⁹ See the statement of the Human Rights Defender https://ombuds.am/en_us/site/ViewNews/1806.

¹⁰ See the statement of the Human Rights Defender https://ombuds.am/en_us/site/ViewNews/1810.

In another case, on June 3, 2021 alarming-calls were received about the fact that several to several dozens of Azerbaijani armed servicemen with vehicles are regularly descending in the direction of the pastures of Verin Shorja village of Vardenis community, to the place where the barns are located and where the villagers graze their animals. Over the past week, they have set up positions closer to the Verin Shroja plateau, making the use of the pastures almost impossible.

Moreover, one of the Azerbaijani positions, which is closer to the plateaus, the Azerbaijani armed servicemen are illegally stopping villagers, and demanding explanations from them, as regard to which direction are they moving and for what purpose, and what are they transporting, and they are conducting illegal searches of their cars. This statement is in reference to the dangers and violations of the rights of border residents of Verin Shorja, Nergin Shorja, Norapak, and Kut villages of the Gegharkunik province, as a result of the illegal presence of the Azerbaijani armed servicemen in the sovereign territory of the Republic of Armenia¹¹.

It has been also recorded that in the territory of the Republic of Armenia, on the pasture of the village of Aravus of Tegh community, several Azerbaijani armed servicemen approached the two shepherds of the village who grazing their cattle on May 23, between 10 and 11 in the morning. At first, one of the shepherds was hit (by hands) and thrown down from the horse, and his cell phone was stolen.

Afterwards, sexual slurs were made against the other, 65 years old shepherd, and the Azerbaijani servicemen demanded that they no longer graze their animals in that pasture. Moreover, the Azerbaijani servicemen threatened the lives of the shepherds with a show of weapons; one of them grabbed the 65 years old shepherd from the ears, and tried to hit him with his head. Afterwards, they took with them 42 heads of cattle, 2 horses, the cell phone of one of the shepherds, and left¹².

It is obvious that such obvious criminal acts of the Azerbaijani servicemen clearly testify to the real threat to the internationally recognized rights of the citizens of the Republic of Armenia enshrined in the Constitution. All this should be viewed on an ongoing basis, as they regularly commit similar acts against residents of communities of both Gegharkunik and Syunik Provinces.

These incidents once again prove that the protection of Armenia's population from criminal actions of the Azerbaijani armed forces urgently require creation of a security zone.

¹¹See the statement of the Human Rights Defender https://ombuds.am/en_us/site/ViewNews/1728.

¹² See the statement of the Human Rights Defender https://www.ombuds.am/en_us/site/ViewNews/1724.

V. OBJECTIVE EVIDENCE ON VIOLATIONS OF YERASKH COMMUNITY RESIDENTS' RIGHTS

Picture 1: The Azerbaijani military positions are located at the peak of the mountain situated behind the sign.



Picture 2: The Azerbaijani military positions, which are also visible the naked eye, are located on the mountain in front of Yeraskh village.



Picture 3: The Armenian-Azerbaijani positions are located very close to each other on the hill in front of the village in 200-300 meters from civilian houses.



Picture 4: A raised mound has been constructed by local administration in the immediate vicinity of the residential houses, to be protected from the Azerbaijani shootings.



Pictures 5-6: Fires as result of Azerbaijani shootings, in the immediate vicinity of Yeraskh.



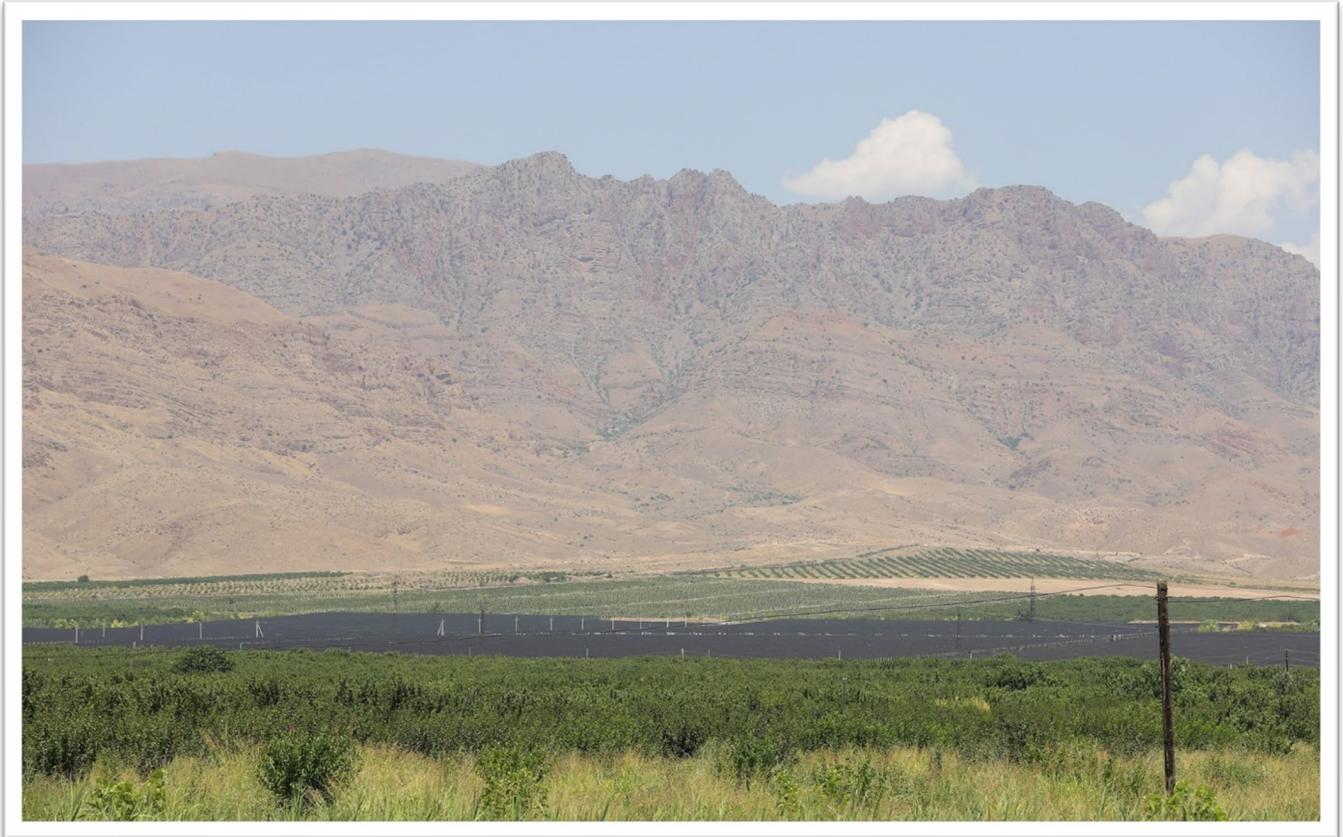
Picture 7: The kindergarten of Yeraskh is located under the direct target of the Azerbaijani military positions, on a distance of around 800 meters (there were no shootings from this position in the relevant period). The Azerbaijani positions are on the mountain depicted behind the kindergarten in the picture.



Picture 8: The school of Yeraskh is also located under the direct line of fire of the Azerbaijani military positions, on a distance of 800 meters. The Azerbaijani positions are on the mountain depicted behind the school in the picture.



Picture 9: The lakes located in the vicinity of Yeraskh, where the residents farm fish, are depicted in the picture. Fish farming has become impossible as a result of the Azerbaijani shootings.



Picture 10. The Yeraskh winery is located in a distance of 200-300 meters from the Azerbaijani positions.



Pictures 11-12: Examples of land private property right certificates belonging to Yeraskh residents. Because of shootings people are not able to use their lands.

