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Seventy-fifth year****Prevention of armed conflict****Right of peoples to self-determination****The responsibility to protect and the prevention of
genocide, war crimes, ethnic cleansing and crimes
against humanity****Letter dated 3 October 2020 from the Permanent Representative of
Armenia to the United Nations addressed to the Secretary-General**

I have the honour to enclose herewith the interim report of the Human Rights Ombudsman of the Republic of Artsakh (Nagorno-Karabakh Republic), dated 1 October 2020, documenting the atrocities and other gross violations of human rights of the people of Artsakh, committed by Azerbaijan with direct involvement of the Turkish armed forces and foreign terrorist fighters in the course of the military aggression, launched on 27 September (see annex).

I kindly request that the present letter and its annex be circulated as a document of the General Assembly, under agenda items 34, 71 and 135, and of the Security Council.

(Signed) Mher **Margaryan**
Ambassador
Permanent Representative



Annex to the letter dated 3 October 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

**INTERIM REPORT
ON THE AZERBAIJANI ATROCITIES AGAINST
ARTSAKH POPULATION IN SEPTEMBER 2020***

STEPANAKERT, OCTOBER 1, 2020

* The full report with images and infographics is available at <https://artsakhombuds.am/en/document/722>

This report is an urgent alarm to the international community and especially international human rights organizations on ongoing humanitarian crisis in the Republic of Artsakh made by the Azerbaijani armed forces. Given the extensive, severe, systematic and indiscriminate cases of human rights violations among civilian population, the report aims at professionally presenting the situation and calling upon the international human rights community to observe it and react properly within its important and ignored responsibilities.

Contents

Introduction.....	4
Section 1. Violations against humans.....	5
1.1. Deaths Among the Civilian Population.....	5
1.2. Civilian Injuries	5
1.3. Weapons and Methods Used Against the Civilian Population	7
1.4. The Risk of Violations Against the Servicemen.....	8
Section 2. Targeting Civilian Objects	9
2.1. Targeting Objects of Public Importance and Private Property	9
2.2. Infrastructure Targeting.....	9
Section 3. The Main Conclusions Made by the Human Rights Ombudsman	10
Annotation.....	12

Introduction

On September 27, 2020, at about 7:10 AM, the armed forces of the Republic of Azerbaijan making full use of air force, missiles, artillery and striking UAVs, launched an attack along the entire state border between Artsakh (Nagorno-Karabakh) and Azerbaijan targeting deep-seated civilian settlements including the capital Stepanakert.

The air and artillery strikes of the armed forces of Azerbaijan have intentionally and indiscriminately targeted the civilian population of the Republic of Artsakh, civilian objects which resulted in loss of life and wounded among civilians as well as large-scale damage to public and private property. As of the time of publication of the report, 11 deaths and more than 60 wounded have been recorded among civilians.

To find out the consequences of the wide scale attack of Azerbaijani armed forces launched on September 27, 2020, the Human Rights Ombudsman of the Republic of Artsakh Artak Beglaryan initiated a fact-finding mission, the preliminary results of which (September 27-30) are presented in this interim report. On October 1, directly before the publication of the report, the Human Rights Ombudsman was informed that the Azerbaijani artillery once again intentionally targeted civilian objects in downtown Martuni, as a result of which 4 civilians were killed and 11 wounded. Among the wounded ones, there are several journalists, including 2 reporters from “Le Monde”, France. The consequences of the above-mentioned shelling are not included in the statistics presented in the first section of the report because of the lack of data and time.

The following served as basis for the data presented:

1. Facts discovered by the staff of the Human Rights Ombudsman of the Republic of Artsakh during visits to medical institutions,
2. Information obtained by the staff of the Human Rights Ombudsman of the Republic of Artsakh on human and material losses between suffered by the civilian population as a result of shelling,
3. Data registered in trustworthy open sources including media publications

Section 1. Violations against humans

1.1. Deaths Among the Civilian Population

The armed forces of the Republic of Azerbaijan with the use of artillery, missiles and aviation have shelled more than 50 large and small towns of the Republic of Artsakh, including the following cities: Stepanakert, Askeran, Martakert, Martuni, Hadrut, Shushi, Berdzor, Karvachar. Furthermore, several villages including Mataghis and Talish were attacked by the ground troops of Azerbaijan. As a result of targeting the civilian settlements, many civilians were forced to leave their own houses and move to safer places. In particular, there are now tens of thousands internally displaced people and refugees.

As a result of Azerbaijani aggression, 11 civilians have been killed, including the 4 casualties recorded on October 1. In particular, as of 27 of September 07:15 am, as a result of shelling, two female civilians were fatally wounded in their homes V.G. (9 years old) and E.B. (59 years old). On the same day, in Hadrut a suicide drone killed L.S. (79-year-old woman), who was in her home at that time. Again on 27th of September, 24-year-old E.G. was killed in Mets Shen village of Martakert region.

On the 30th of September, three civilians were killed in Martakert town of Martakert region, all from the same family - 65-year-old H. KH., 63-year-old L.M. and 61-year-old L.M..

A wounded mother from Martuni, whose daughter was killed from shelling stated that Azerbaijani attacks with striking UAVs persisted even as they tried to move to safer place by bus. It is patently obvious that Azerbaijan had a clear aim to harm the civilian population of Artsakh.

1.2. Civilian Injuries

As a result of Azerbaijani artillery shelling, strikes by UAVs and aviation, more than 60 civilians have been wounded according to preliminary data, including the wounded ones on October 1. Among them, 42 have been severely wounded, including women, children and elderly.

The geographical breakdown of the wounded civilians is as follows: in Stepanakert and adjacent to it places 10 civilians were wounded, in town of Hadrut in Hadrut region – 1, in Taghaser village – 3, in Vardashat – 1, in Martuni regional center of Martuni region – 5, in Spitak Shen – 1, in Martakert town of Martakert region – 1, in Nerkin Horatagh – 2, in Mataghis – 1, in Shahumyan – 2 and 4 civilians were wounded in the vicinity of Maghavuz village.

After classifying the wounded civilians in age groups, we have the following pattern: up to 14-year-old - 3 people, 15-25 age group – 1 person, 26-35 age group – 4 people, 36-50 age group – 8 people and older than 50 – 15 people.

23 of the wounded were injured in the place of their residence, as a result of shelling at houses or adjacent areas (it is noteworthy that in two cases the projectiles exploded in the yards of multi-apartment buildings). 6 persons got injured when driving to relatively safe places as a result of targeting and shooting passenger cars. 2 were injured at other public places.

Among the 31 severely wounded people, 7 are females and 24 are males.

The injuries mostly involve upper and lower limb and facial fractures.

Notably, all of the wounded civilians were injured at greatly varying distances from the frontline, and the geographical distortion of the wounded people stretches from communities adjacent to the border to remote residential areas, and, moreover, from north to south. It once again establishes that civilian settlements located at considerable distance from the frontline were subject to targeted shelling (for example: Berdzor – 62 km, Stepanakert – 30 km, Hadrut – 20 km and so on). Moreover, our analysis shows that Azerbaijan specifically targeted those settlements, where the population density is relatively high. This is evidenced by artillery, missile and aviation shelling along the central streets of capital Stepanakert. It should also be mentioned that Azerbaijan used cluster missiles and projectiles, the usage of which is prohibited under the international law against both civilian and military objects. The application of these missiles is especially perilous in densely populated residential areas.

Below several cases will be presented:

On the 27th of September, a pregnant woman tried to move to the neighboring community after hiding herself in a shelter for several hours, however, she was wounded as a result of shelling the intercommunity road.

On the 27th of September, E.A. got shrapnel wounds while trying to reach his workplace on the Stepanakert-Askeran highway. He was wounded as a result of shelling along the highway.

On the 27th of September, in Vardashat community of Hadrut region A.A. got shrapnel wounds when in the morning he tried to go to the basement after hearing explosions, but he was wounded in the yard of his house.

On the 27th of September A.A. got shrapnel wounds while trying to reach his workplace. He was wounded at the time when Stepanakert was being shelled.

On the September 27, 2-year-old A.G. got shrapnel wounds. His parents tried to move him to a safer place and he was wounded on his way.

1.3. Weapons and Methods Used Against the Civilian Population

Remnants of numerous exploded and unexploded rockets and projectiles were found in the streets of Stepanakert and other settlements, in the yards of citizens' houses and in other public places. Among them, experts have specifically identified Israeli-made LAR-160 cluster missiles, and both exploded and unexploded remnants of Russian-made 'Smerch' multiple rocket launchers, in some settlements near Stepanakert.

The use of cluster munitions against civilian objects is a gross violation of international humanitarian law, especially taking into account the extent of their potential impact. A serious humanitarian problem is likewise presented by the massive presence of unexploded weapons in various settlements, including Stepanakert, which may lead to further civilian casualties. After the war of 1990s, the settlements of the Republic of Artsakh were cleaned of unexploded ammunition and weapons, though hundreds of deaths and casualties were recorded. Personally the Human Rights Ombudsman Artak Beglaryan also was heavily injured and lost the vision by a landmine explosion at his yard back in 1995 when he was 6- years-old. Though the Republic had been mostly cleared from unexploded ordnance so far, however, after the ongoing Azerbaijani aggression there is a great risk that the civilian population will be at a significant threat for a very long time, given the size, scope and type of weapons used.

Another method prohibited by international humanitarian law is the targeted and regular intimidation of civilians using unmanned aerial vehicles. Striking UAVs are weapons with very high accuracy, therefore their usage in the residential areas once again proves that Azerbaijan purposefully targeted the civilian population. Some of the civilian casualties and injuries were recorded as a result of strikes by drones (both missile-armed and suicide). In particular, in various settlements and especially in the capital Stepanakert, Azerbaijani UAVs (both combat and reconnaissance), and despite being shot down by the armed forces of Artsakh in the majority of cases, managed to harm the civilian population in several cases. Our analysis shows that this methods also seek to wreak panic among the civilian population.

In terms of the methods of warfare used by Azerbaijan, the involvement of Syrian mercenaries (terrorists) by Azerbaijan with the support of Turkey, which is documented by a number of leading international media outlets, is strictly disturbing and condemnable. ¹ According to the publications and the information of the official circles of the Republic of Artsakh and republic of Armenia, their number may reach up to 4,000. Taking into account the extremely dangerous experience of these mercenaries in terms of human rights and International Humanitarian Law and their methods of warfare, their involvement in the military actions poses a serious threat to the population of Artsakh and the entire region.

1.4. The Risk of Violations Against the Servicemen

There is clear information from both open and closed sources that a certain number of servicemen of the Republic of Artsakh or the bodies thereof are under the control of the Azerbaijani armed forces. Taking into account that during the April war of 2016 about 90% of soldiers and/or their bodies that were under Azerbaijani control underwent war crimes and the perpetrators were decorated and encouraged by the authorities of Azerbaijan², the likelihood is very high that the soldiers and/or their bodies might be abused by Azerbaijan again.

The representatives of the Human Rights Ombudsman also visited the morgue of Artsakh and check whether the bodies of the Azerbaijani military servicemen keeping there have any signs of mutilation. They recorded no mutilations made on the bodies.

¹ Reuters, "Turkey deploying Syrian fighters to help ally Azerbaijan, two fighters say," September 28, 2020, https://www.reuters.com/article/us-armenia-azerbaijan-turkey-syria-idUSKBN26J25A?fbclid=IwAR3hlpCRdx2Tu6ywQbeBHA_gI-IcWcxW6s0xwhS6Z1m-YUoUJp4kLEqj4Q (access: 30 September, 2020);

ВВС, ""Я не знал, что придется воевать". Би-би-си нашла наемника из Сирии в Карабахе," September 30, 2020, https://www.bbc.com/russian/features-54348623?fbclid=IwAR3_aHITfecLAiHzFqVXLxyqfNqkteKs92dHikQDHIH7RjP24dbE3wJzMiA (Access: 30 September, 2020).

² Human Rights Ombudsman of the Republic of Artsakh, "Report on Atrocities Committed by Azerbaijan During the 2016 April War," December 9, 2016, <https://artsakhombuds.am/en/document/568>

Section 2. Targeting Civilian Objects

2.1. Targeting Objects of Public Importance and Private Property

More than 50 settlements, houses, civilian infrastructures have been targeted by the armed forces of Azerbaijan. As a result of shelling and UAV strikes, material damage has been caused to citizens' houses and apartments, moveable property, buildings of public importance and educational institutions.

Densely populated areas of settlements as well as schools were indiscriminately targeted. This proves that the armed forces of Azerbaijan have been acting with clear intention to damage the lives and health of civilian population. Some schools, such as Stepanakert Schools No. 4 and No. 10, have suffered material damage.

As a result of the shelling of the settlements and the attacks from the UAVs, damage of various scales has been caused to the property of the residents, including apartments, houses and movable property. The extent of the damage is being clarified, but according to preliminary data, the number of damaged property and infrastructure reaches several thousands.

2.2. Infrastructure Targeting

Infrastructures vital to the civilian population have been also targeted: electricity, gas, communication stations and means. It is noteworthy that the main roads of Artsakh Republic, all highways of national significance, roads connecting Stepanakert with neighboring villages, interregional and intercommunity roads have been also targeted. As a result of targeted shelling of roads and highways, some injuries have been recorded during the displacement of civilians to safer places.

In the whole territory of the Republic, large scale damage has been caused to the objects of economic importance, including factories, hydroelectric power plants, service facilities, etc. As a result, not only businesses but also their employees and customers have suffered. Within the framework of the fact-finding mission of the Human Rights Ombudsman, the amount and type of damages is being clarified and documented.

Section 3. The Main Conclusions Made by the Human Rights Ombudsman

The ongoing Azerbaijani aggression unleashed in the early morning of September 27, 2020, has already led to and, if not immediately halted, will certainly further large-scale violations of human rights. Under continuing military operations, the staff of the Human Rights Ombudsman has collected factual circumstances that evidence gross violations of human rights in several important directions. Thus:

1. The Republic of Azerbaijan has been making use of missile and artillery weapons and air forces to target the civilian settlements and objects as well as infrastructures of vital importance. It has been doing so intentionally, systematically and in an indiscriminate manner which is a gross violation of International Humanitarian Law and contains elements of war crime.
2. The Republic of Azerbaijan has been violating the right to life of the peaceful population of the Republic of Artsakh (Art 2 of ECHR). 11 fatality and 42 severe injury cases have already been recorded, including the Martuni casualties on October 1.
3. As a result of massive attacks by the Republic of Azerbaijan, the latter took possession of bodies of servicemen of the Defense Army of the Republic of Artsakh. It rises the imminent danger of mutilation of corpses since during the April War of 2016 90% of the corpses in Azerbaijani possession were abused while the criminal abusers were publicly appraised and awarded by the highest authorities of Azerbaijan.
4. One of the main reasons for Azerbaijani aggression and atrocities in both 2016 and in the present attacks is the state-supported policy of Armenophobia which manifests itself more vividly during military operations³. The violations of the last days are based on discrimination based on the nationality and ethnicity of Armenians and have been accompanied by widespread and escalating anti-Armenian propaganda which is a clear violation of Art 14 of ECHR.
5. During military operations, Azerbaijan has intensively used weapons and methods prohibited by the international humanitarian law the consequences of which are better manifested in the context of targeting civilian settlements. Among them, use of cluster weaponry and Syrian mercenaries (terrorists) remain of particularly high concern.
6. Azerbaijan is conducting its military aggression amid global crisis caused by COVID-19 pandemic, despite that fact that a number of international organizations including UN have made global appeals to halt all military operations in the time of pandemic.
7. The continuing military aggression of the Republic of Azerbaijan forced a number of civilians - especially women, children and the elderly - to leave their homes. This is a gross violation of the right to their private and family life under Art. 8 of ECHR.

³ Human Rights Ombudsman of the Republic of Artsakh, "Armenophobia in Azerbaijan: Organized Hate Speech and Animosity Towards Armenians," September 25, 2018, <https://artsakhombuds.am/en/document/570>

8. As a result of the military aggression unleashed by the Republic of Azerbaijan, houses, objects of economic significance, livestock, movable property belonging to civilians have been destroyed and damaged. The population of the settlements that have been shelled have left their places of residence and are temporarily deprived of the opportunity to restore and use their property. This is a violation of the citizens' right to property (Art. 1 of Protocol 1 of ECHR).
9. Tens of thousands of civilians were forced to leave their homes and are facing humanitarian crisis, while there is no substantial international support.
10. All the dangers mentioned at the time publication of this report continue to threaten the fundamental rights of the people of the Republic of Artsakh, as Azerbaijan continues active military operations and indiscriminate and intentional targeting of the civilian population.
11. The international community and human rights organizations in particular must not only record and assess the wide-scale and gross violations of the rights of the people of the Republic of Artsakh, but it must also take immediate measures to prevent further violations and provide with proper humanitarian support to the civilian population. It is highly unacceptable for international organizations to turn a blind eye to such war crimes under the guise of baseless political arguments, especially when human rights under the well-known norms of international law are universal and do not depend on the status of the territory. Human rights shall never be compromised.

Annotation

The institution of the Human Rights Ombudsman of the Republic of Artsakh was established in 2008, according to the Constitution and the Law on Human Rights Ombudsman.

The first Human Rights Ombudsman was Yuri Hayrapetyan, who served in 2008-2016. The second Human Rights Ombudsman was Ruben Melikyan, who served in 2016-2018.

The incumbent Ombudsman is Artak Beglaryan, who has been elected on October 31, 2018.

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