

Inputs by Azerbaijan to the report of the Secretary-General on the “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”

— As a member of the international community adhering to the rules and principles of international law, Azerbaijan has always been and remains committed to upholding its obligations under international humanitarian law. Although Azerbaijan is not a party to Additional Protocol I to the 1949 Geneva Conventions, it has always taken necessary measures to effectively implement its applicable obligations arising from the customary IHL provisions that have been codified through Additional Protocol I.

— The three-decade long armed conflict and occupation of the territories of Azerbaijan by Armenia inflicted the immense suffering on Azerbaijani civilians and deprived them of their basic human rights. In the past thirty years, Azerbaijan has hosted one of the highest number of refugees and displaced persons in the world. The ethnic cleansing of the formerly occupied territories of hundreds of thousands of Azerbaijanis, the unlawful targeting of Azerbaijani civilians and peaceful settlements, the taking and holding of hostages, the mistreatment and summary execution of prisoners of war and civilian detainees, the extensive destruction of inhabited areas and civilian infrastructure and the desecration and eradication of Azerbaijani cultural heritage are all vivid and grim examples of flagrant violations of international humanitarian law committed by Armenia during the conflict.

— There are abundant sources, consisting of the investigations conducted by Azerbaijan, witness accounts, the documents of international organizations and the findings of independent researchers, legal experts, foreign journalists, human rights activists and international non-governmental organizations, which reported on the extreme gravity of these crimes.¹

— It is notable that, to date, Armenia has taken no steps to investigate and prosecute war crimes, crimes against humanity and other serious violations of international humanitarian and human rights law committed by its armed forces in the formerly occupied territories of Azerbaijan. Instead, it venerated and glorified the perpetrators as national heroes and promoted them to the highest political and military positions in Armenia.

Attacks against civilians and civilian infrastructure

— In the course of the 44-day war in the fall of 2020, Armenia resorted to deliberate and indiscriminate bombardment of civilian areas of Azerbaijan situated far from the combat zone, including with the use of prohibited weapons and the weapons of high destructive capacity. These attacks against the civilian population of Azerbaijan, in gross violation of international humanitarian law, resulted in the deaths of more than 100 and wounding of close to 500 Azerbaijani civilians, as well as in widespread destructions of the civilian infrastructure. One of the attacks against civilians and the civilian objects in the city of Barda on 28 October 2020, which is located 30 km from the area of active hostilities, was described by the United Nations High Commissioner for Human Rights as “[t]he biggest single loss of life”.

— During the 44-day war, unlike Armenia, Azerbaijan took all necessary measures to ensure that its armed forces discharge their duties in full compliance with international humanitarian law. This included proper instructions on compliance with the provisions of international humanitarian law, in particular those relating to distinction between civilians and combatants and military targets and civilian objects, which Armenia in its turn failed to honour.

¹ See, for example, A/74/676-S/2020/90; A/75/357-S/2020/948; A/75/379-S/2020/965; A/75/486-S/2020/969; A/75/487-S/2020/973; A/75/492-S/2020/977; A/75/508-S/2020/1001; A/75/512-S/2020/1010; A/75/529-S/2020/1027; A/75/555-S/2020/1047; A/75/558-S/2020/1051; A/75/574-S/2020/1083; A/75/660-S/2020/1267; A/75/864-S/2021/412; A/75/875-S/2021/433; A/76/736-S/2022/176 and A/77/695-S/2023/34.

Landmines

— During almost three decades of occupation of the territories of Azerbaijan, Armenia, in blatant violation of international humanitarian law, deliberately planted mines on a massive scale in these territories with a view to causing casualties to civilians, inflicting damage, creating additional obstacles for the safe return of internally displaced persons to their homes in the liberated territories and delaying the essential reconstruction and development works there.

— The Council of Europe and the World Health Organization use an expanded understanding of violence which includes not only *direct/behavioral* violence, but also structural violence, which results from unjust and inequitable social structures and manifests itself in *deprivation of all kinds*. Thus, the unprecedented magnitude of devastation and destruction of public and private property, critical civilian infrastructure, including educational and medical facilities, as well as historical and cultural heritage and environment in the conflict-affected territories, impede hundreds of thousands IDPs to exercise their inalienable right to return to their homes and traditional way of life. This clearly represents *structural violence*, which manifests itself in the deprivation of IDPs from their basic needs and exercising their fundamental human rights.

— Armenia continued indiscriminate planting of mines in the territories of Azerbaijan even after the end of the conflict, in gross violation of the trilateral statement of 10 November 2020 and its other international obligations. It was established that chunk of discovered mines were produced in Armenia in 2021 and transferred to the territory of Azerbaijan through the Lachin road, which under the trilateral statement was envisaged to be used only for humanitarian purposes.

— Presently, Azerbaijan is among the most heavily mine-contaminated countries in the world. Only after the signing of the trilateral statement, 361 persons have become mine victims, of whom 68 lost their lives and 293 suffered horrific injuries. More than half of them are civilians, including children and women. In total, over the past 30 years, the number of mine victims in Azerbaijan has reached 3,440.

— In violation of its obligations under customary international law, Armenia still refuses to provide Azerbaijan with accurate mine maps of all liberated territories. In accordance with its obligations under customary international humanitarian law, Armenia has to provide necessary assistance, including accurate information regarding the location of mines in these territories. This is essential for the return to normal life and post-conflict normalization process between the two countries.

Destruction of cultural heritage

— Over more than 30 years of conflict and occupation, Armenia subjected Azerbaijani cultural heritage in the formerly occupied territories to large-scale plunder, destruction and vandalism. The purpose was to alter the historical and cultural features of these territories and remove any signs of their Azerbaijani cultural and historical roots. As a result, no single Azerbaijani historic and cultural monument left undamaged and no sacred site escaped desecration in the occupied territories. This was also confirmed after the liberation of these territories from occupation.

— Moreover, there are numerous irrefutable proofs of Armenia's deliberate attempts to conceal and falsify cultural, historical or scientific evidence. Thus, the authentic architectural features of many cultural sites in the formerly occupied territories were deliberately and purposefully altered to relabel heritage, deny its link to Azerbaijani identity and present Azerbaijani culture as its own.

— As of today, the Ministry of Culture of Azerbaijan has identified more than 400 monuments and 22 museums and museum branches with over 100,000 artefacts that have been destroyed in the territories

of Azerbaijan during the occupation. Artefacts and ancient manuscripts of the 13th century Khudavang monastery in the Kalbajar district, as well as precious artefacts found as a result of unlawful archaeological excavations near the Shahbulag fortress in the Aghdam district during the occupation, were illegally transferred to Armenia. Unlawful excavations have been conducted also in the Azikh cave in the Azikh village of the Khojavand district.

— All these actions constitute a gross violation of international humanitarian law and the UNESCO standard setting instruments, such as the 1954 Hague Convention for the Protection of Cultural Property on the Event of Armed Conflict and its two protocols, as well as the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

— Regretfully, numerous appeals to the relevant international organizations to investigate war crimes, including the deliberate destruction, misappropriation and alteration of our cultural heritage, as well as illicit removal of our cultural properties by Armenia, have been ignored throughout the 30 years of occupation.

— The cultural heritage in Azerbaijan, regardless of its origin, whether secular or religious, reflects the cultural diversity of the people of Azerbaijan, which Azerbaijan values and protects.

Missing persons

— In the course of its aggression against Azerbaijan since the early 1990s, Armenia, its agents, officials and those for whom it is directly responsible committed numerous violations of international humanitarian law, including the wilful killing of civilians, hostage-taking and the mistreatment of prisoners of war and civilian detainees. One of the tragic consequences of the war demanding close attention and action is the fate of persons who went missing in connection with the conflict.

— To date, 3,890 citizens of Azerbaijan have been registered as missing, including 719 civilians. Among the civilians, 71 are children, 267 are women and 326 are older persons. A list of missing persons has been submitted to Armenia through the International Committee of the Red Cross (ICRC) and is regularly updated. Those reported missing disappeared in circumstances that raise serious concern as to their well-being, particularly given the atrocities widely practised by the Armenian armed forces during the conflict.

— Similar to other breaches of international humanitarian law, unlawful detention, torture and outrages on the personal dignity of detainees were part of a systematic policy of ethnic cleansing and collective punishment and discrimination against Azerbaijanis. Some of the offences committed by the Armenian armed forces, such as the brutal killing within a very few hours of hundreds of Azerbaijani civilians in the town of Khojaly in February 1992, constitute a crime against humanity and act of genocide, as ethnic Azerbaijanis were targeted because of their ethnicity, and the relevant intent was to destroy the group in part.

— It has been established that, among the missing persons, 872 citizens of Azerbaijan were taken either as prisoners of war or hostages in the early phase of the conflict, including 605 servicemen and 267 civilians, of whom 29 are children, 98 are women and 112 are older persons. It should be particularly noted that the ICRC visited 54 detainees in Armenian custody, but they were thereafter killed between 1993 and 1995. The bodies of only 17 of them were later returned to Azerbaijan, including 12 captives who were held and subsequently killed on the territory of Armenia, namely, in the capital city of Iravan (10 cases) and the country's Noyemberyan (Taush) district (2 cases). Another 33 detainees were reported dead, but their bodies were not returned, while the fate of 4 people remains unknown.

— The liberation of the territories of Azerbaijan from occupation gave hope that the fate of the missing would finally be clarified. However, Armenia refuses to provide information on the location of mass graves and on those Azerbaijanis whom it captured and later killed.

— The search for burial sites is also hampered by huge minefield areas. Even cemeteries in the formerly occupied territories were mined to inflict maximum possible casualties.

— After the end of the conflict in November 2020, mass graves were discovered throughout the liberated territories of Azerbaijan, including the Kalbajar and Aghdam districts, the city of Shusha, the town of Khojaly, the villages of Sarijaly, Dashalti, Bashlibel, Edilli, Farrukh and Yukhari Seyidahmadli and other settlements. Since then, the remains of about 100 Azerbaijani citizens with clear signs of torture and inhumane treatment have been discovered in mass graves.

— Armenia has never deplored such outrageous acts and, instead, stubbornly refrains from investigating and prosecuting numerous offences committed by its nationals and other persons and groups under its direction or control, which amount to war crimes, crimes against humanity and genocide, such as the massacre in the town of Khojaly and many other instances of brutal mass atrocities against civilians.

— Armenia is in violation of international law for the killing and mistreatment of civilians and prisoners of war and for failing to investigate these offences and clarify the whereabouts of the missing persons.

— Azerbaijan has initiated judicial proceedings to prosecute and punish the perpetrators of the atrocity crimes, which are not subject to any statutory limitations. While accountability and redress serve to ensure the rights and interests of the victims and must be an inevitable consequence of the offences committed, they are also an essential preventive tool and one of the key prerequisites on the path to genuine reconciliation.

Violation of the rights of Azerbaijanis expelled from nowadays Armenia (the Western Azerbaijan Community)

— The expulsion of Azerbaijanis from nowadays Armenia is a severe breach of international humanitarian law and human rights. The United Nations High Commissioner for Refugees (UNHCR) made it clear that “the Armenian authorities discriminated against ethnic Azerbaijanis and were unwilling to protect them against acts of violence perpetrated by the Armenian population” and that “nearly the entire Azerbaijani population was either expelled by the local authorities or fled, fearing for their lives and security”.² Further, according to the UNHCR, before their expulsion, ethnic Azerbaijanis were “systematically victims of harassment and acts of violence, such as physical and psychological violence, threats to life, abductions, deprivation of property and social benefits, marginalisation, etc.” and that “these acts were either perpetrated by the local authorities themselves or by certain circles of the society, encouraged and tolerated by the local authorities”.³

— Azerbaijani cultural and historical heritage, including mosques and graveyards in nowadays Armenia, were destroyed, toponyms were changed, and systematic racial discrimination against Azerbaijanis was carried out in this country.

— These offences remain unaddressed, the perpetrators continue to enjoy impunity and the expelled Azerbaijanis are prevented from returning to their homes, along with the continuation of the policy of

² United Nations High Commissioner for Refugees, “International protection considerations regarding Armenian asylum-seekers and refugees”, September 2003, para. 116.

³ Ibid., para. 117.

mono-ethnic statehood, ethnic cleansing and racial discrimination in Armenia, which represents an immense injustice and violation of international law and poses a threat to lasting peace in the region.

— Based on the right to return enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Relating to the Status of Refugees and other important international documents, the Western Azerbaijan Community aspires towards ensuring the return of Azerbaijanis expelled from nowadays Armenia to their homes in safety and dignity, and realization of their individual and collective rights after the return. The Government of Armenia must enable their return and the realization of their rights within an international process.

Torture

— Armenia's violations of international law also include the killing and mistreatment of civilians and prisoners of war. 554 Azerbaijanis died in Armenian captivity. Armenia pursued a policy of genocide against Azerbaijani captives and hostages. Hundreds of Azerbaijani citizens, including women, children and the elderly, suffered unbearable torture in Armenian captivity. They were severely beaten, intentionally crippled, and branded on the chest. They had their nails and teeth removed, wounds filled with salt, and benzene injected into their veins.

— During the occupation of the territories of Azerbaijan, Armenia committed ethnic cleansing against Azerbaijanis, including massacre in the town of Khojaly, where 613 people were killed in just one night, as well as massacres in the villages of Balligaya, Bashlibel, Garadaghli, Agdaban, Edilli, Erekul, to name a few.

— In July 2014, two Azerbaijani civilians Dilgam Askarov and Shahbaz Guliyev, when attempting to visit the graveyards of their natives, were illegally captured and taken hostage in the formerly occupied Kalbajar district of Azerbaijan. Armenia had made a notorious attempt to use the captured persons to propagate the illegal regime it installed in the formerly occupied territories, fabricated claims against them and designed a so-called "court" over these hostages. They were brutally beaten and were subject to torture and other degrading behavior during the six years of captivity.

— The armed provocation of Armenia in April 2016 caused casualties and injuries among civilians and the servicemen of the armed forces of Azerbaijan. The ICRC facilitated the handover, between the sides, of the bodies of the deceased servicemen. Subsequently performed forensic medical examination registered numerous signs of post-mortem mutilation of the bodies of Azerbaijani servicemen by the Armenian armed forces. The photos and videos of the Azerbaijani servicemen subjected to torture (post-mortal mutilation) and other inhumane and degrading behavior were published in the Armenian social networks, as well as media outlets.

— During the 44-day war, as well as the hostilities provoked by Armenia in September 2022, the armed forces of Armenia and the illegal Armenian armed formations committed numerous crimes against the servicemen of the armed forces of Azerbaijan, including the skinning of faces, removing of eyes, cutting off auricles, burning corpses and beheading the wounded servicemen.

— Event after the end of the conflict, Armenia continued to mistreat and torture Azerbaijanis who fell into its hands. For example, on 10 April 2023, Agshin Babirov and Huseyn Akhundov, two servicemen of the armed forces of Azerbaijan, went missing near the unlimited border of Azerbaijan and Armenia under the inclement weather conditions. On 13 April 2023, Armenian media outlets released gruesome footages of one of the missing Azerbaijani servicemen who was handcuffed, severely tortured, subjected to inhuman and degrading treatment.

— Such cruel treatment against captives represents a blatant violation of international humanitarian law, particularly the 1949 Geneva Conventions and their Additional Protocols, the International Convention on the Elimination of All Forms of Racial Discrimination, the European Convention on Human Rights and other relevant international instruments, as well as of the prohibition on torture and other inhumane behaviour.
