



**PROTECTION OF RIGHTS WITHOUT BORDERS NGO**

**ALTERNATIVE REPORT TO THE COMMITTEE ON  
THE ELIMINATION OF RACIAL DISCRIMINATION (CERD)**

**FOR REVIEW OF THE PERIODIC REPORT OF AZERBAIJAN**

**102<sup>th</sup> session of CERD**

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***“Protection of Rights without Borders”*** *NGO*, established in 2009, is aiming to promote the protection of human rights, to foster the principles of the rule of law and good governance in Armenia. The Organization is specialized in judicial and human rights monitoring, legal research and evaluation, strategic litigation and advocacy in international and national levels. The activities of the PRWB include protection of human rights of persons violated in the context of the armed conflict in the Artsakh Republic (Nagorno-Karabakh Republic).

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## **I. INTRODUCTION**

1. This report is submitted by the “Protection of Rights without Borders” NGO (Armenia) in advance of the review of the periodic report of Azerbaijan by the Committee on the Elimination of Racial Discrimination (CERD) at its 102th session.
2. This report focuses on Azerbaijan’s policy of racial discrimination and ethnic hatred against ethnic Armenians. Having been brought to the attention of international human rights organisations and confirmed as concerning by the latter on numerous occasions, including by the Committee, it not only persists as of today but have especially exacerbated in the context of the armed conflict that broke out on 27 September 2020 against the predominantly Armenian-populated the Artsakh Republic (Nagorno-Karabakh Republic).
3. The report points out facts regarding the policies of racial/ethnic hatred and discrimination against ethnic Armenians which demonstrate that the problems highlighted in the Committee’s Concluding Observations of 2016 have not been eliminated by Azerbaijan, that the recommendations have not been implemented, thus resulting in more profound and severe expressions of Armenophobia in Azerbaijan.

## **II. INFLAMMATORY SPEECHES BY POLITICIANS AGAINST ARMENIANS**

4. In its concluding observations on Azerbaijan of 2016, the Committee expresses concern at the repeated and unpunished use of inflammatory language by politicians speaking about the Nagorno-Karabakh conflict and at its adverse impact on the public’s view of ethnic Armenians in the State party (arts. 4, 5 and 7).<sup>1</sup>
5. The situation has deteriorated during the reporting period and reached its peak following attack of Azerbaijani armed forces on Nagorno-Karabakh and its population on 27 September 2020. Despite the recommendations by the Committee, the Azerbaijani authorities not only failed to condemn and investigate instances of inflammatory speech, but actually engaged in such conduct at the highest level.
6. There is a wide range state sponsored practice and common scheme of racial discrimination employed by Azerbaijani authorities against ethnic Armenians. The racial discrimination policy against ethnic Armenians is being continuously and consistently fueled by hate speeches by public officials.
7. Particularly, Members of the Parliament, functionaries of various levels, including the country’s President have set the tone for hatred against Armenians developing Armenophobia through their statements that are translated into the public consciousness and their daily conduct. For example, the President in his speeches often makes references to “Armenian barbarians”, “Armenian vandals” and “Armenian fascists”.<sup>2</sup>
8. Monitoring of mass media and especially social networks since the start of the armed conflict on 27 September 2020 has revealed hatred and incitement to hatred and calls for violence against Armenians, including calls for killings, spread from Turkish and Azerbaijani sources. At the same time, extensive number of social network individual and group pages spread videos and texts containing hatred towards Armenians; scenes of violence and calls for killing and destruction.

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<sup>1</sup>CERD, Concluding observations on the combined seventh to ninth periodic reports of Azerbaijan, CERD/C/AZE/CO/7-9, 10 June 2016

<sup>2</sup>Armenophobia in Azerbaijan, Authors: Armine Adibekyan, AnzhelaElibegova, [https://www.academia.edu/19420142/ARMENOPHOBIA\\_IN\\_AZERBAIJAN](https://www.academia.edu/19420142/ARMENOPHOBIA_IN_AZERBAIJAN)

Significant number of fake profiles is with Armenian names and surnames, which also send messages to real Armenian accounts with threats and intimidation.<sup>3</sup>

9. Such incitement of hatred and calls for violence are incited and sparked by the statements of high-ranking officials of Azerbaijan, including the president of the country. On 9 July 2018, during the Cabinet of Ministers meeting Ilham Aliyev, the President of Azerbaijan, targeted Armenians and Armenia in his opening speech. “Armenia is a loser state”. “Armenian statehood has suffered a fiasco”. “Their heroes, their generals are thieves, their army is any army of thieves”.<sup>4</sup>
10. One of the most disturbing of such statements has been that of President Aliyev, who in his address to the nation on 4 October 2020, referring to Armenians, said: “*They thought we were going to put up with the occupation? Now we are going to kick them out like dogs*”.<sup>5</sup> In this context it should also be mentioned that on 22 October 2020 Azerbaijan announced production of new UAVs named “ItiQovan”,<sup>6</sup> which in Azerbaijani means dog chaser.
11. Hate speech by public officials reached such wide spread dimensions in Azerbaijan that in its most recent report of 2016 the European Commission against Racism and Intolerance (ECRI) issued a distinct recommendation to authorities of Azerbaijan to “ensure that public officials at all levels refrain from hate speech towards Armenians”.<sup>7</sup>
12. We would like to bring to the attention of the Committee that the policy of ethnic hatred has been consistently tackled by the ECRI in its previous reports on Azerbaijan. For example, in its second report of 2006 on Azerbaijan the ECRI recommended that the Azerbaijani authorities ensure an adequate response to all instances of discrimination and hate-speech against Armenians, including through the use of the relevant legal provisions. It also encouraged the Azerbaijani authorities to contribute more actively to generating a climate where Armenians do not feel threatened when exposing their identity publicly.<sup>8</sup>
13. ECRI stated that the situation towards Armenians has not changed. As mentioned in the report “ECRI deeply regrets that since the adoption of its first report in 2002, the situation as concerns ethnic Armenians living in Azerbaijan has not improved at all. While ECRI continues to receive alarming information concerning racism and racial discrimination against this group of persons, the Azerbaijani authorities have not demonstrated their will to tackle this problem. On the contrary, the general attitude among national and local authorities is rather to purely and simply deny that Armenians are confronted with problems in Azerbaijan. ECRI is surprised by this position which comes in stark contrast to information from numerous national and international non-governmental sources. Armenians are often referred to as the most vulnerable group in Azerbaijan in the field of racism and racial discrimination. The issue is sufficiently serious for Armenians to sometimes be described as “second-class citizens” in Azerbaijan. This situation is generally said to be “a consequence of the

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<sup>3</sup> The Republic of Artsakh Human Rights Ombudsman, Second updated report, on the Azerbaijani atrocities against the Artsakh population during September-October 2020, available at <https://artsakhombuds.am/en/document/735>

<sup>4</sup> European Friends of Armenia, Collection of war threat statements by the President Ilham Aliyev and other Azerbaijani officials, [https://eufoa.org/wp-content/uploads/2018/04/AliyevWarThreats\\_update\\_31.07.2018.pdf](https://eufoa.org/wp-content/uploads/2018/04/AliyevWarThreats_update_31.07.2018.pdf)

<sup>5</sup> Quotes available here <https://www.mk.ru/politics/2020/10/04/aliev-vystupil-s-obrasheniem-k-nacii-vygonyaem-ikh-kak-sobak.html>; <https://haqqin.az/oldage/190899>

<sup>6</sup> Information on the issue at <https://twitter.com/abdullahciftcib/status/1319367163417972737?s=21>; <https://twitter.com/cavidaga/status/1319158918908698625?s=21>

<sup>7</sup> ECRI, Report on Azerbaijan (fifth monitoring cycle) Adopted on 17 March 2016. See, in particular, the paragraphs 25 and 29 of the report. The full text is available at <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-V-2016-017-ENG.pdf>

<sup>8</sup> ECRI, Report on Azerbaijan, Adopted on 28 June 2002, available at <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-II-2003-003-ENG.pdf>

overall”.<sup>9</sup> It was confirmed that Azerbaijani authorities have not demonstrated their will to tackle the problem of racism and racial discrimination against Armenians.

14. Concerns were expressed also with regard to oral and written inflammatory speeches and statements, which target Armenia and Armenians in general (both living in Azerbaijan and outside). ECRI also points out that some media, and particularly certain TV channels, some members of the general public, some politicians and even authorities both at local and at national levels apparently fuel negative feelings among society towards Armenians in general, and ethnic Armenians living in Azerbaijan in particular.<sup>10</sup>
15. It should be noted that the same anti-Armenian problems and discriminatory environment has been raised in ECRI’s 2011 report on Azerbaijan. ECRI states that the negative climate against Armenians continues, and the Azerbaijani authorities have not taken any step to combat the racial discrimination against Armenians. ECRI is still deeply concerned about the fact that the constant negative official and media discourse concerning the Republic of Armenia helps to sustain a negative climate of opinion regarding people of Armenian origin coming under the Azerbaijani authorities' jurisdiction. This prejudice is so ingrained that describing someone as an Armenian in the media is considered by some people - including by certain Armenians themselves - to qualify as an insult that justifies initiating judicial proceedings against the persons making such statements. ECRI underlines the seriousness of this situation, where it seems that persons belonging to the group discriminated against in this way may themselves have interiorized this discriminatory attitude.
16. The fact of discriminatory policy and racism by Azerbaijan towards Armenians has been pointed out also by the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities. In its opinions on Azerbaijan, the Advisory Committee pointed out the incidents of “hostility and discrimination” against Armenians, existence of anti-Armenian sentiments in Azerbaijan and recommended Azerbaijan to take steps for eliminating the discriminatory attitude towards Armenians.<sup>11</sup>
17. Besides, the Advisory Committee mentioned that persons belonging to some national minorities, and especially those belonging to the Armenian minority, continue to face widespread discrimination in various fields and hostility, often triggered by the media. Access of these persons to effective remedies, including legal remedies, against discrimination is very limited as there seem to be very limited awareness on discrimination-related issues in the judiciary and in the police, but also in the population at large.<sup>12</sup>

### **III. VIOLENCE ON THE GROUND OF ETHNIC HATRED AND IMPUNITY**

18. Executions and torture of persons of Armenian origin by Azerbaijani authorities or armed forces is another evidence of Azerbaijani discriminatory policy against ethnic Armenians.

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<sup>9</sup>ECRI, Report on Azerbaijan, Adopted on 15 December 2006, available in <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-III-2007-22-ENG.pdf>

<sup>10</sup> Ibid.

<sup>11</sup><https://rm.coe.int/4th-acfc-opinion-on-azerbaijan-english-language-version/1680923201>

Advisory committee on the framework Convention for the protection of National Minorities, Fourth Opinion on Azerbaijan, 8 November 2017

<sup>12</sup>Ibid.

19. One of the latest cases the European Court of Human Rights (ECHR) dealt with related to the brutal murder of an Armenian Army officer, Lieutenant Gurgun Margaryan, by (*Makuchyan and Minasyan v. Azerbaijan*, Application no 17247/13) by an Azerbaijani army Lieutenant, Ramil Safarov, who was later extradited to Azerbaijan and given hero's welcome upon his return. In its judgment in May 2020, the ECHR did not question the fact that, as had been established by Hungarian authorities, the killing of the Armenian officer had an ethnic basis (para 212 of the judgment), which served as a ground for the Court finding a violation of Article 14 in conjunction with Article 2 of the European Convention on Human Rights. Additionally, the Court found it "*particularly disturbing*" that the ethnically driven acts of the Azerbaijani officer receive official glorification by the State of Azerbaijan, its high-ranking officials (paras 216-217 of the judgment), and eventually concluded that the measures taken by the Azerbaijani authorities in respect of the Azerbaijani army officer were racially motivated (para 218 of the judgment).
20. Numerous cases were also brought before the ECHR in the context of the 4-day war in April 2016 launched by Azerbaijan against Nagorno-Karabakh. The cases related to killings of peaceful civilians,<sup>13</sup> mutilation of corps of Armenian soldiers and beheadings of servicemen of Artsakh Defense Army.<sup>14</sup> The killing of peaceful civilians and the treatment of the bodies of Armenian soldiers unquestionably speak about the racial motivation of the acts of Azerbaijani soldiers. Videos and pictures depicting the cruel treatment were widely circulated on social media sites and the perpetrators were glorified. Failure of the Azerbaijani authorities to prevent, prosecute and condemn such behavior leads to impunity and new instances of hate crimes against Armenians.
21. Another case pending before the ECHR, namely the case of *Narayan and Boyajyan v Azerbaijan*, concerns peacetime killings of three Armenian soldiers, which were again driven by ethnic hatred. The perpetrator who killed the three Armenian soldiers in a situation when there were no military activities was praised by the Azerbaijani government and was posthumously given the title of national hero of Azerbaijan and a street was named after him.<sup>15</sup>
22. The hatred towards ethnic Armenians has been exacerbated in the context of the recent armed conflict launched by Azerbaijan against Artsakh Republic on 27 September 2020 and is still ongoing as of the time of writing this report. The events in Artsakh Republic are once again well demonstrating the hatred and aggression of Azerbaijan against ethnic Armenians.
23. Starting from the early morning of 27 September 2020, Azerbaijan began launching indiscriminate airstrikes (including UAV strikes) and artillery assaults against the Republic of Artsakh along the entire line of the border. The methods and means employed by the Azerbaijani armed forces against the civilian population of Nagorno Karabakh demonstrate state-sponsored hatred towards Armenians.

#### IV. RACIAL HATRED IN THE CONTEXT OF THE ARMED CONFLICT

##### Targeting civilians with weapons that are indiscriminate in nature, including internationally prohibited cluster munitions

24. On 27 September 2020, the Azerbaijani armed forces launched a widespread and heavy artillery and rocket fire against the civilian population in Artsakh. The Azerbaijani armed forces targeted densely populated communities in Martuni, Martakert, Hadrut, Shushi and the capital of Stepanakert. The

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<sup>13</sup>*Khalapyan v Azerbaijan*, app no 54856/16 (communicated on 25 November 2016, <http://hudoc.echr.coe.int/eng?i=001-169756>).

<sup>14</sup>*K.S. AND N.A. v. AZERBAIJAN and 21 other applications* (communicated on 25 November 2011, <http://hudoc.echr.coe.int/eng?i=001-169755>).

<sup>15</sup>*Narayan and Boyajyan v Azerbaijan*, app nos 54363/17 54364/17 54365/17 (communicated on March 15, 2018, <http://hudoc.echr.coe.int/eng?i=001-182155>)

Ombudspersons of the Republic of Armenia and Artsakh<sup>16</sup> have independently documented and published the photo and video evidence and numerous footages of the use of cluster munitions deliberately targeting civilians in residential areas in Stepanakert, the capital of Artsakh Republic.

25. On 5 October, Amnesty International has independently verified, reported and publicly condemned the use of cluster munitions targeting civilians in Stepanakert that appeared to have been fired by Azerbaijani forces.<sup>17</sup> The use of cluster munitions in Artsakh has been confirmed also by the Human Rights Watch. After the on-site investigation in Stepanakert, it has been reported that “Human Rights Watch was not able to identify any military equipment or bases in the three neighborhoods where the attacks took place. Even if there had been, given the indiscriminate effects of cluster munitions, there use in a residential civilian setting is not permitted under the law of war”.<sup>18</sup>
26. Numerous international and national media outlets have also published photo and video footages of targeting the civilian objects and population by weapons that are by nature indiscriminate. In addition, wide-spread use of unmanned aerial vehicles (UAV), with a view to kill and/or cause life-changing injuries, is aimed at spreading terror and psychological suffering among the civilian population. The use of these prohibited under IHL weapons has contaminated large residential areas of city of Stepanakert with unexploded ordnance posing additional risks for the civilians including children.<sup>19</sup> As of 12 October 2020, more than 670 unexploded ordnance, including bomblets from cluster munitions were found only in Stepanakert and surrounding territories.<sup>20</sup>
27. Systematic and indiscriminate shelling and direct strikes from UAVs resulted in significant human loss and people suffering life-changing injuries. As of 24 October 2020, 41 civilian persons were killed in Artsakh by the Azerbaijani armed forces, at least 120 civilians were wounded, including 95 with serious injuries.<sup>21</sup> Majority of civilians were killed and injured in the places of their residence. About one-third of civilians were injured in public place, 12 civilians received serious injuries at their workplaces, and 6 civilians – while moving to a safer place.<sup>22</sup> Moreover, civilian harm caused by indiscriminate and direct strikes extends far beyond killings and injuries as it causes significant

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<sup>16</sup> See more at Second Interim report on the Azerbaijani atrocities against the civilian population of Artsakh, 10 October 2020, pp. 25-26, available at <https://artsakhombuds.am/sites/default/files/2020-10/Artsakh-Ombudsman-second-interim-report-on-September-October.pdf>; also Statement of the Ombudsperson of the Republic of Armenia Mr. Arman Tatoyan, available at [https://www.facebook.com/permalink.php?story\\_fbid=723396871592854&id=100017676420633](https://www.facebook.com/permalink.php?story_fbid=723396871592854&id=100017676420633)

<sup>17</sup> See more at Armenia/Azerbaijan: Civilians must be protected from use of banned cluster bombs, 5 October 2020, available at [https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/?fbclid=IwAR0hXK3rDdWH51PovF21WszFXxTcinNvKrhVx7xG2f\\_oJ58BxImpmwM35\\_0](https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/?fbclid=IwAR0hXK3rDdWH51PovF21WszFXxTcinNvKrhVx7xG2f_oJ58BxImpmwM35_0)

<sup>18</sup> Human Rights Watch, Azerbaijan: Cluster Munitions used in Nagorno-Karabakh, 23 October 2020, <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh?fbclid=IwAR1izxbCrYsT8JyVNH3Nsfqv8M1idsFg01qAu8OnXWfi9g3uVTLKdyxgnl>

<sup>19</sup> Armenia/Azerbaijan: Civilians must be protected from use of banned cluster bombs, 5 October 2020, <https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/>; Human Rights Watch, Azerbaijan: Cluster Munitions used in Nagorno-Karabakh, 23 October 2020, <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh?fbclid=IwAR1izxbCrYsT8JyVNH3Nsfqv8M1idsFg01qAu8OnXWfi9g3uVTLKdyxgnl>

<sup>20</sup> Armenpress.am, 673 unexploded bombs of Turkish and Israeli production found in Artsakh's Stepanakert, 12 October 2020, <https://armenpress.am/eng/news/1031396.html>

<sup>21</sup> Information published by the Armenain Unified Information Center operating under the Office of the Prime Minister of Armenia, available at <https://www.facebook.com/ArmenianUnifiedInfoCente>; Artsakh Ombudsperson Mr. Artak Beglaryan's man Facebook account, <https://www.facebook.com/artak.beglaryan>

<sup>22</sup> Artsakh Ombudsperson, Updated edition of the second interim report on the Azerbaijani atrocities against the Artsakh population in September-October 2020, available at [https://artsakhombuds.am/en/document/735?fbclid=IwAR3Tg\\_nv4k48sGSWzbU7wQ8Fgrt9Nqc5TYpEr\\_sw6miPZTfkHwR8b2\\_SPAuQ](https://artsakhombuds.am/en/document/735?fbclid=IwAR3Tg_nv4k48sGSWzbU7wQ8Fgrt9Nqc5TYpEr_sw6miPZTfkHwR8b2_SPAuQ)

psychological harm to civilians, particularly to children,<sup>23</sup> cripple daily activities,<sup>24</sup> etc. Regular use of drones over the city of Stepanakert creates an atmosphere of terror and constant fears among the civilian population who have to spend days and nights in shelters not to be targeted. As pointed out by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, precision of drones and surgical strikes by them in terms of avoiding casualties among the civil population is a myth.<sup>25</sup> Such practice is aimed at forced displacement of the ethnic Armenian population of Nagorno Karabakh with a view of its de-population and ethnic cleansing.

28. By 25 October 2020, around 90 000 people (60 per cent) of the population of Nagorno Karabakh has been displaced because of systematic shelling of settlements.<sup>26</sup>

*On 27 September 2020, a 2-year-old boy was injured while his 9-year-old sister died as a result of drone strike in Martuni town. A pregnant woman was injured as a result of drone strike to a civilian car fleeing from Mataghis village.*

*On 08 October 2020, the Azerbaijani armed forces deliberately targeted the Holy Savior Ghazanchetsots Cathedral twice. At the moment of the first targeted strike children, women and elderly persons were sheltered in the basement of the Cathedral. Fortunately, no deaths or injuries were reported.<sup>27</sup> Shortly after the first strike the Azerbaijani armed forces targeted the Cathedral for the second time with drone.<sup>28</sup> Three journalists filming the destruction were injured, including Russian military commentator Yuri Kotenok, who was hospitalized in “critical condition”.<sup>29</sup> According to the witness accounts, immediately prior to the strike, a drone was flying over the area.*

#### Killing and torture and ill-treatment of civilians and persons hors de combat by the Azerbaijani armed forces

29. We would like to bring to the attention of the Committee the following atrocities committed against the civilian population by the Azerbaijani armed forces.
30. On 10 October 2020, members of a subversive group that invaded the Hadrut city of Artsakh, killed at least four civilians. Among them were a person with disability and his elderly mother.<sup>30</sup> Under IHL,

<sup>23</sup> Los Angeles Times, A New Weapon complicates an old war in Nagorno-Karabakh, <https://www.latimes.com/world-nation/story/2020-10-15/drones-complicates-war-armenia-azerbaijan-nagorno-karabakh>

<sup>24</sup> News item at the webpage of the Ombudsperson of the Republic of Armenia, The representatives of the Human Rights Defender of Armenia visited today the child who was injured as a result of the Azerbaijan, [https://www.ombuds.am/en\\_us/site/ViewNews/1334](https://www.ombuds.am/en_us/site/ViewNews/1334)

<sup>25</sup> See more at the Report on Targeted killings through armed drones and the case of Iranian General Quassem Soleimani, UN Special Rapporteur on extrajudicial, summary or arbitrary executions. A/HRC/44/38, pp. 6-7, available at [www.ohchr.org](http://www.ohchr.org)

<sup>26</sup> Armenia FM: About 90,000 people are displaced in Karabakh, losing their homes and property, <https://news.am/eng/news/609547.html>

<sup>27</sup> Paul Ronzheimer, BILD <https://twitter.com/ronzheimer/status/1314162740823457792?s=20>

<sup>28</sup> Journalist Yury Kotenok told about the attack in Karabakh, see more at <https://www.kp.ru/online/news/4042532/>

<sup>29</sup> See more at Ad hoc Public report on the Azerbaijani targeted attacks against the St. Holy Savior Ghazanchetsots Cathedral of Shushi, Artsakh (Nagorno Karabakh) as a war crime and crime against humanity, the Artsakh Ombudsperson, pp. 14-15, available at <https://artsakhombuds.am/en/document/740?fbclid=IwAR1fXwjof8-eYqva0M8bBXENJIGVvix7cP1PpDvRdwD80ePHdUAT24d0E8>, also

<https://twitter.com/ronzheimer/status/1314217037661499395?s=20v>

<sup>30</sup> See more at Updated edition of the second interim report on the Azerbaijani atrocities against the Artsakh population in September-October 2020, the Artsakh Ombudsperson, available at [https://artsakhombuds.am/en/document/735?fbclid=IwAR3Tg\\_nv4k48sGSWzbU7wQ8Fgrt9Nqc5TYpEr\\_sw6miPZTfkHwR8b2SPAuQ](https://artsakhombuds.am/en/document/735?fbclid=IwAR3Tg_nv4k48sGSWzbU7wQ8Fgrt9Nqc5TYpEr_sw6miPZTfkHwR8b2SPAuQ)



the elderly, disabled and infirm affected by armed conflict are entitled to special respect and protection.

*M. H., a person with disability who was in his bed, and his mother A.M. were shot to death in cold blood in their house in Hadrut. The pictures<sup>31</sup> of the dead body of Misha Movsisyan reveal signs of violence on his body, e.g. in his chest and abdomen. His left hand palm was shot by a gun, supposedly raised to show he was unarmed at his home.<sup>32</sup>*

*On 15 October 2020, two video clips were circulated on social media showing how two Armenian men surrender to the Azerbaijani armed forces in the city of Hadrut, Artsakh, but in gross disrespect to the rules of IHL, were humiliated and executed in cold blood.<sup>33</sup> It was established that the executed persons were a resident of Hadrut city, B. H (born on 1947), and a resident of Tayk village Y. S. (born on 1995).<sup>34</sup> Not only they were executed, but it was done to demonstrate the racial hatred (Armenophobia), a well-documented practice by Azerbaijan against Armenians. More specifically, prior to the execution both men were wrapped in the flags of the Republic of Armenia and Artsakh respectively.<sup>35</sup>*

*On 18 October 2020, the Human Rights Defender of the Republic of Armenia, Mr. Arman Tatoyan, publicized information that he had received a complaint on the fact of beheading of an Armenian soldier by an Azerbaijani military officer in whose hands the latter was.<sup>36</sup> According to the information, on 16 October 2020, a member of the Azerbaijani armed forces called to the brother of the Armenian soldier in question and told that his brother was under their control, they beheaded him and were going to post his photo on the social network. This was done to cause severe suffering to the family members. Afterwards, several hours later, the brother found the photo of his killed brother on the latter's social media page.<sup>37</sup> Other instances of beheading of soldiers of Artsakh Defense Army were revealed in social media as well.<sup>38</sup> If beheaded alive, this also constitutes a violation of the right to life and prohibition of torture. In addition, the fact of beheading and posting the photo on social media also caused severe suffering to the family members. Another video with an alleged deliberate killing of a wounded Armenian soldier hors de combat by an Azerbaijani officer appeared on social media.*

*According to public information there are at least 1 civilian woman and 12 identified prisoners of war of the Artsakh Defense Army in hands of Azerbaijan. On 22 October 2020, the Azerbaijani media channel "Kanal 1" published a video showing eight persons in the uniform of the Artsakh*

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<sup>31</sup> See attached in the appendix.

<sup>32</sup> See more at Artsakh Ombudsperson's Official Twitter account,

[https://twitter.com/Artak\\_Beglarjan/status/1315581056075128832?s=20](https://twitter.com/Artak_Beglarjan/status/1315581056075128832?s=20)

<sup>33</sup> See more details with verification of location and other details at "An execution in Hadrut-Karabakh", Bellingcat, available at <https://www.bellingcat.com/news/rest-of-world/2020/10/15/an-execution-in-hadrut-karabakh/?fbclid=IwAR0rtIchQzDgSDSC7lkvLMxEiIUzRSgG5F-Fv0pxEd68s4GPFS1v7z7wD6Q>

<sup>34</sup> See more, for example. At Infocom.am, <https://infocom.am/Article/38966?fbclid=IwAR2DH89TFDPehDuPt-3T07NA6YoTLE7F9Jzu4EFEfRL03WBfFgacdYEBIQQ>

<sup>35</sup> See more at the statement of the Ombudsperson of the Republic of Armenia posted on the official Facebook page on 16 October 2020, <https://www.facebook.com/Armenianombudsman>

<sup>36</sup> See more at the news item on the Official web page of the Ombudsperson of the Republic of Armenia, available at [https://ombuds.am/en\\_us/site/ViewNews/1337](https://ombuds.am/en_us/site/ViewNews/1337)

<sup>37</sup> See more at the Ombudsperson of the Republic of Armenia, Official Personal Account post <https://www.facebook.com/photo/?fbid=733479247251283&set=a.363684047564140;>

<sup>38</sup> <https://twitter.com/Conflicts/status/1317050722635141121>

*Defense Army being ordered to say “Karabakh-Azerbaijan” by the military officers of Azerbaijani armed forces. One of them was standing bent down with evident signs of being in pain.<sup>39</sup> In another video published Azerbaijani social media users, a group of Armenian soldiers were ordered to sit on their knees, with hands behind their heads and loudly pronounce that “Karabakh-Azerbaijan”. Prisoners of War should be treated humanly and be free from exposure to public curiosity. Instead, these videos were shown on TV and widely disseminated. Such practice is another evidence of state-sponsored hatred against the Armenians.*

*One more footage revealed in social media showed a soldier of the Artsakh Defense Army in hands of Azerbaijani officers being kicked in head and orders to swear on the Armenian Prime Minister Nikol Pashinyan aiming to humiliate the leader of the country and the person in question. The video clearly showed that the soldier was in pain and stressful condition.<sup>40</sup>*

31. Thus, the above-presented examples demonstrate that the state policy of ethnic hatred and discrimination against ethnic Armenians has not been eliminated following the publication of the Concluding Observations of 2016, but has, unfortunately, exacerbated especially in the context of the armed conflict of April 2016 and the ongoing armed conflict that was initiated on 27 September 2020.

#### **IV. RECOMMENDATIONS**

The Protection of Rights without Borders NGO requests the Committee to urge the Government of Azerbaijan:

- To put an end to impunity for inflammatory language, especially by high-rank officials and in public domain, and hate crimes against Armenians. To condemn and investigate the statements by politicians, including high-rank officials, that incite racial hatred against Armenians and to prosecute those responsible.
- To investigate the instances of hate crimes committed against Armenians, including people under the control of Azerbaijan in the context of armed conflict and prosecute those responsible.
- To take immediate and effective measures to eliminate the state policy of racial discrimination and hatred against Armenians and to promote tolerance and to combat existing stereotypes and prejudices against Armenians.
- To take immediate and robust measures to prevent inflammatory speech and hate crimes against Armenians.

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<sup>39</sup>[https://www.youtube.com/watch?v=ftHHS7gUSu0&feature=youtu.be&fbclid=IwAR1Ca9eb7uyo0FN2O1Thd3W9ndZ6En4IMAGIkCSJwDQONGa\\_XSs\\_qLARhyg](https://www.youtube.com/watch?v=ftHHS7gUSu0&feature=youtu.be&fbclid=IwAR1Ca9eb7uyo0FN2O1Thd3W9ndZ6En4IMAGIkCSJwDQONGa_XSs_qLARhyg)

<sup>40</sup><https://twitter.com/KarabakhRecords/status/1319203595368226818>