

Why Are There No Armenians In Nagorno-Karabakh?

Fact-Finding Report



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Cover Image:

The abandoned main city of Karabakh after the military operations in September 2023.

Photo © ICRC, October 2023

WHY ARE THERE NO ARMENIANS
IN NAGORNO-KARABAKH?

Why Are There No Armenians In Nagorno-Karabakh?



Executive Summary

This fact-finding report examines the situation for ethnic Armenians living in Nagorno-Karabakh¹ from 2020 to 2024, starting with the ceasefire statement signed between Armenia and Azerbaijan at the close of the Second Nagorno-Karabakh War on November 9, 2020 and ending with Azerbaijan's military offensive launched against Nagorno-Karabakh in September 2023 and its aftermath. It aims to identify the reasons behind the mass exodus of the remaining ethnic Armenian population from Nagorno-Karabakh. The report is the product of an international fact-finding effort that uses extensive interviews conducted with ethnic Armenians who fled Nagorno-Karabakh and triangulates them with open-source data to answer the following question: why are there no Armenians in Nagorno-Karabakh? Based on the collected evidence, it concludes that the Azerbaijani state ethnically cleansed Nagorno-Karabakh of its ethnic Armenian population, using forced displacement as a means. In evaluating its attacks, intimidation tactics, imposed humanitarian crisis, displacement, and post-displacement policies of cultural erasure and property destruction, this report also outlines a pattern of behavior that signals Azerbaijan's intent to empty Nagorno-Karabakh of its ethnic Armenian population and historical and cultural presence.

The findings of the report are presented in three chronologically ordered chapters:

- From Ceasefire to Blockade
- The Blockade
- The Attack, Displacement, and Aftermath

They provide a closer look into the developments of these periods and illustrate how the report came to its conclusion. In addition to demonstrating an act of ethnic cleansing, these chapters provide details on specific violations of human rights carried out against the population of Nagorno-Karabakh.

These observations culminate in a set of recommendations directed to different stakeholders, including individual states, international bodies, and civil society organizations. Their implementation will contribute to the efforts of restoring justice and building dignified peace between Armenia and Azerbaijan. Additionally, the report serves as a means of documenting evidence for further accountability and memorializing the experience of the people of Nagorno-Karabakh, whose suffering has unfortunately remained in the margins of discourses on global affairs.

Introduction

As of 2024, there are virtually no ethnic Armenians living in Nagorno-Karabakh. This fact-finding report aims to unravel the causes of this development. It examines the situation for ethnic Armenians living in the area for the period starting with the ceasefire statement signed after the Second Nagorno-Karabakh War in 2020 and through the Azerbaijani military offensive against Nagorno-Karabakh in September 2023 and its aftermath.

Through an international fact-finding effort that included hundreds of witness interviews and open-source data, the analysis aims to answer why there are no ethnic Armenians living in Nagorno-Karabakh as of 2024. The report uses the collected evidence to demonstrate how people in Nagorno-Karabakh were intentionally subjected to regular attacks, intimidation, deprivation of basic rights and adequate living conditions, and forced displacement. It also shows how these violations are part of a pattern of behavior, where the Azerbaijani state acted upon a comprehensive, methodically implemented strategy to empty Nagorno-Karabakh of its ethnic Armenian population and historical and cultural presence.

The findings of the report are presented here in three main chapters that shed light on the developments in Nagorno-Karabakh since November 2020. They are ordered chronologically to show how the observed events are linked to each other within a chain of causation that saw how Azerbaijan made it impossible for the Armenian population of Nagorno-Karabakh to live safely and in a dignified manner. These chapters are followed by the concluding remarks, which demonstrate how above-mentioned events in Nagorno-Karabakh amount to human rights violations, including ethnic cleansing.

Despite the gravity of the situation, the events investigated in this report have received relatively little attention internationally. Therefore, this report also aims to show why, at a time when violent conflicts around the world are on the rise,² the international community should focus attention on the plight of ethnic Armenians from Nagorno-Karabakh. It serves as a record of their experiences while also aiming to strengthen awareness of the documented facts. This is critical in laying the groundwork for future accountability efforts and feeds into global accountability efforts that envision a just society for all.

Background

The period investigated in this report is a snapshot of a long-lasting conflict, the roots of which go back to the period of Russian imperial and Soviet rule in the South Caucasus. In the 1920s, Bolshevik leadership decided to carry out territorial divisions in the region based on the principles of ethno-federalism, following years of violent clashes.³ In 1923, an autonomous oblast (region) was created in the predominantly Armenian-populated Nagorno-Karabakh, which was incorporated into the Azerbaijani Soviet Socialist Republic (SSR) as the Nagorno-Karabakh Autonomous Oblast (NKAO).⁴ It is noteworthy that the decision was a drastic reversal of a prior arrangement to incorporate Nagorno-Karabakh into the Armenian SSR.⁵

This development was followed by decades of frustration continuously silenced by the Soviet leadership that only became visible in the late 1980s in the context of the reforms introduced by Mikhail Gorbachev.⁶ In 1988, the NKAO local assembly—known as the Regional Soviet (Council) of People's Deputies—passed a

resolution requesting the transfer of the oblast from the Azerbaijani SSR to the Armenian SSR.⁷ The Azerbaijani SSR protested this resolution. Violence followed shortly after, with pogroms and localized inter-ethnic clashes giving way to a wider military conflict now known as the First Nagorno-Karabakh War between the Armenian and Azerbaijani SSRs, which would become sovereign nations with the dissolution of the Soviet Union in 1990. In 1994, Armenia emerged victorious and a ceasefire agreement was signed between the Armenian and Azerbaijani Defense Ministers and the Commander of the Nagorno-Karabakh Defense Army.⁸ A de facto state was established in Nagorno-Karabakh with local Armenian authorities controlling the territory of the former NKAO and seven adjacent territories of the former Azerbaijani SSR. The war resulted in more than 25,000 casualties and the displacement of hundreds of thousands of ethnic Azerbaijanis and Armenians.⁹

The ceasefire was followed by a decades-long negotiation process. The Organization for Security and Cooperation in Europe (OSCE) served as the primary institutional platform for the peace process, with its Minsk Group (co-chaired by France, Russia, and the United States) serving as the mediator between Armenia and Azerbaijan.¹⁰ The OSCE Minsk Group became the internationally accepted format for solving the conflict,¹¹ and the settlement process was to be based on “the Helsinki Final Act principles of Non-Use of Force, Territorial Integrity, and the Equal Rights and Self-Determination of Peoples.”¹² However, its mediation efforts did not lead to a tangible result. The divergence between the Armenian and Azerbaijani positions often brought peace efforts to a stalemate.¹³

Alongside this protracted negotiation process, antagonistic sentiments deepened, and adversarial narratives developed and were disseminated.¹⁴ Since the early 2000s, the European Commission against Racism and

Intolerance (ECRI) of the Council of Europe (CoE) has noted varying discriminatory and dehumanizing trends on either side. They were especially striking in Azerbaijan, where “political leaders, educational institutions, and media have continued using hate speech against Armenians; an entire generation of Azerbaijanis has now grown up listening to this hateful rhetoric.”¹⁵ The grievances nursed from the period of the First Nagorno-Karabakh War since fueled dehumanizing images of the “enemy.” Such jingoistic sentiments were accompanied by tension on the ground. According to various estimates, several thousand Armenian and Azerbaijani servicemen were killed near the line of contact after the 1994 ceasefire.¹⁶ From 2014 to 2015, local clashes became regular and culminated in a four-day war in April 2016.¹⁷ In the following years, “peace for land” became the underlying tone of the settlement process as Azerbaijan adopted a more assertive posture and made coercion its primary leverage.¹⁸

Reaching an agreement in such an environment became increasingly difficult, and the Azerbaijani side decided to settle the issue with the use of force. Specifically, on September 27, 2020, it launched a large-scale offensive on Nagorno-Karabakh. The Second Nagorno-Karabakh War, here also referred to as the 44-Day War, ended with Azerbaijan’s decisive victory. It gained control over the seven adjacent regions and part of the former NKAO, including several dozen Armenian-populated communities. The war ended with a ceasefire mediated by the Russian Federation, which also deployed its peacekeepers¹⁹ to the remaining Armenian-populated areas in Nagorno-Karabakh that were under the control of local authorities.²⁰

The ceasefire statement, here also referred to as the Trilateral Statement, signed by the heads of Armenia, Azerbaijan, and Russia became the starting point of a new round of negotiations. While there were expectations that the prospect

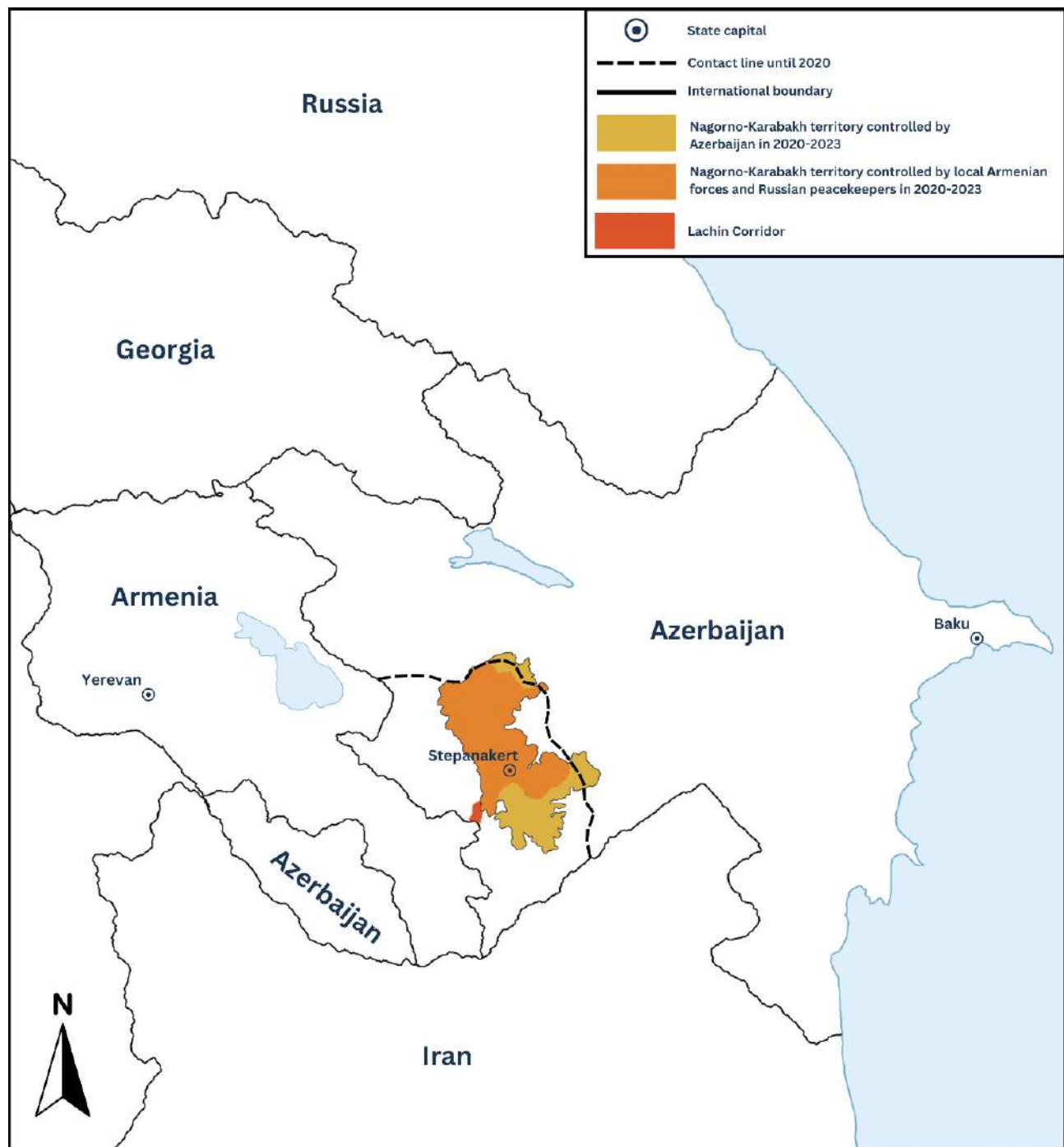


Figure 1. A map of Nagorno-Karabakh and surrounding areas.

of a peace agreement had become more realistic, a peace treaty has not been signed yet.²¹ Moreover, acts of violence have become more frequent and deadly. Specifically, from 2021 to 2022, Azerbaijan launched localized attacks on Armenia proper to gain control over strategic areas across the border. The offensive in September 2022 is especially noteworthy as it saw Azerbaijan occupy certain segments of Armenia's territory inside its eastern borders.²²

In this situation, Azerbaijan steered the negotiations in a direction where questions concerning Nagorno-Karabakh were often sidelined. Specifically, Baku refused to engage with Yerevan on discussions concerning the fate of ethnic Armenians living in Nagorno-Karabakh.²³

In addition, the attempts at direct engagement between local Nagorno-Karabakh authorities and the Azerbaijani government were not successful, as the sides could not agree on the format of such talks.²⁴ Furthermore, Baku imposed a blockade on Nagorno-Karabakh in December 2022 and launched a military offensive on the territory in September 2023, leading to the mass exodus of more than 100,000 ethnic Armenians living there.²⁵ During the blockade and the subsequent attack, it insisted that the issue of Nagorno-Karabakh was an internal matter, and it would not engage with other stakeholders to discuss the fate of Armenians living in Nagorno-Karabakh.²⁶

Methodology

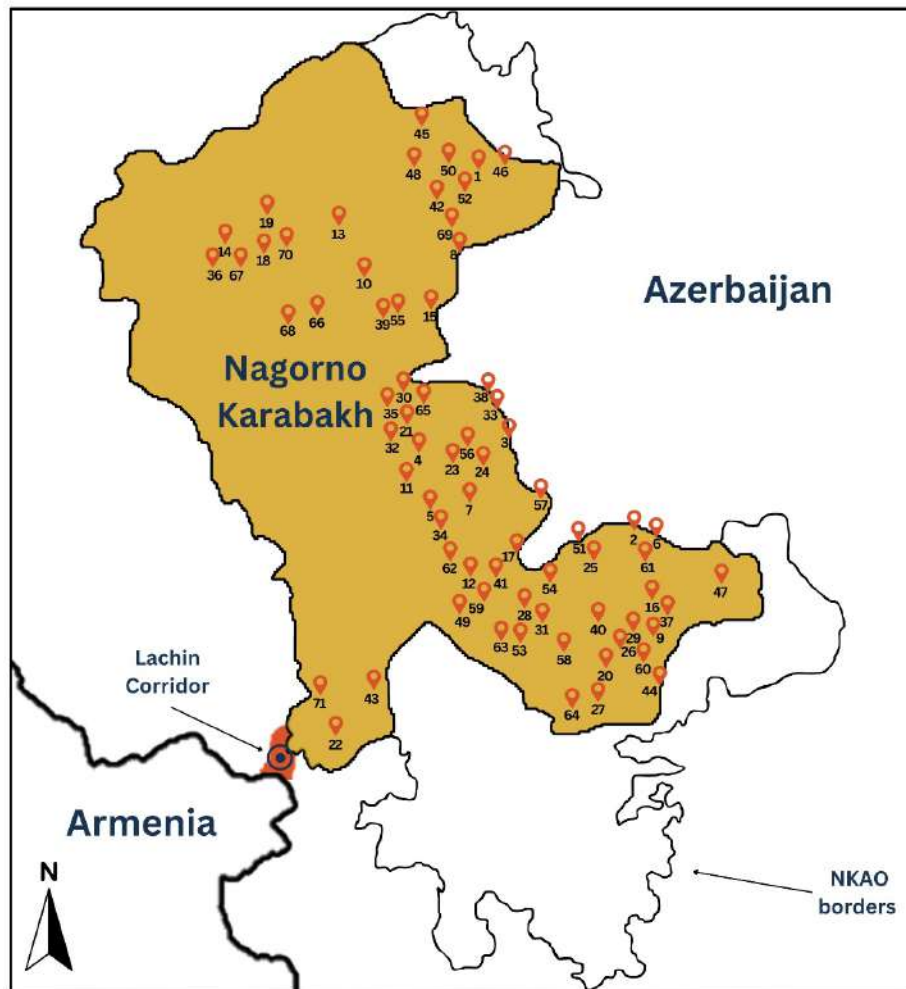
The findings are based on extensive primary and secondary data gathered by the fact-finding mission, which was carried out during the period from November 2023 through May 2024. The mission held in-depth interviews with 339 victims and witnesses displaced from Nagorno-Karabakh and residing in Armenia during the period of fieldwork. Here, the data-

collection process prioritized capturing a broad range of experiences, featuring an initial screening process and a snowball-sampling strategy designed to reach out to people in varying circumstances. As a result, residents of 71 communities²⁷ across Nagorno-Karabakh were interviewed, out of 107 Nagorno-Karabakh communities where Armenians lived as of August 2023. These strategies ensured diversity in age, gender, household composition, types of experienced violence, types of encounters with different actors (e.g., peacekeepers, Azerbaijani forces), and types of movements (e.g., evacuation routes).

The data collected from interviews were systematically cross verified against other testimonies to identify consistent patterns or discrepancies in the accounts provided by different witnesses. The information was further triangulated with a variety of verified open-source data, including satellite imagery, videos, photographs, official documents, news reports, and social media posts. This approach ensured that the findings were corroborated by multiple, independent sources, enhancing the reliability and accuracy of the documented events.

The fact-finding mission used the findings from the collected data to make conclusions based on the “reasonable grounds” standard of proof as defined by the United Nations (UN) international commissions of inquiry and fact-finding missions.²⁸ The standard is met when information has been gathered that would satisfy an objective and prudent observer that the incident occurred as described, with a reasonable degree of certainty.

Finally, regarding the wellbeing of vulnerable people, the mission adhered to internationally accepted research ethics standards. Informed consent was a crucial component of this project, and the mission ensured that victims and witnesses fully understood the project's goals and expectations before participating.



- | | | |
|----------------------------------|--------------------------------|---------------------------------|
| 1. Aghabekalanj / Aghabekalenj | 25. Kaghartsi | 49. Mkhitarashen / Mkhitarikend |
| 2. Ashan | 26. Karahunj | 50. Mokhratagh |
| 3. Askeran | 27. Karmir Shuka | 51. Myurishen |
| 4. Astghashen / Dashbulagh | 28. Karmirgyugh | 52. Nerkin Horatagh |
| 5. Aygestan / Balluja | 29. Kert | 53. Nerkin Sznok |
| 6. Berdashen / Ghzghala | 30. Khachen / Seydishen | 54. Nngi |
| 7. Berkadzor / Hasanabad | 31. Khachmach | 55. Nor Ghazanchi / Srkhavend |
| 8. Chankatagh / Jaynatagh | 32. Khantsk | 56. Noragyugh |
| 9. Chartar | 33. Khnapat / Khanabad | 57. Sarnaghbyur / Aghbulagh |
| 10. Chldran | 34. Khnatsakh | 58. Sarushen |
| 11. Dahrav | 35. Khndzristan | 59. Shosh / Shushikend |
| 12. Karashen / Dashushen | 36. Khnkavan / Khnkatala | 60. Sos |
| 13. Drmbon | 37. Khnushinak | 61. Spitakashen |
| 14. Getavan | 38. Khramort | 62. Stepanakert |
| 15. Ghazanchi | 39. Kichan | 63. Sznok |
| 16. Gishi | 40. Kolkhozashen / Mushadishen | 64. Taghavard |
| 17. Harav | 41. Krasni | 65. Tsaghkashat / Ghshlagh |
| 18. Harutyunagomer | 42. Kusapat / Kasapet | 66. Tsmakahogh |
| 19. Haterk | 43. Lisagor / Turshsu | 67. Vaghuhas |
| 20. Herher | 44. Machkalashen | 68. Vank / Vanklu |
| 21. Hilis | 45. Maghavuz | 69. Vardadzor / Gyulatagh |
| 22. Hinshen / Kirov | 46. Martakert | 70. Verin Horatagh |
| 23. Hovsepavan (founded in 1989) | 47. Martuni | 71. Yeghtsahogh |
| 24. Ivanyan / Khojalu | 48. Mets Shen | |

Figure 2: A map of Nagorno-Karabakh territories that remained under the control of local Armenian authorities after the war in 2020. The 71 communities where the interviewees lived before the displacement in 2023 are marked.

Only testimonies for which explicit consent was obtained were included in the report. No interviews were used without the interviewees' permission to include their accounts. The mission strictly adhered to the principles of independence, impartiality, and objectivity and to the obligation to "do no harm," and avoided putting the interviewees in vulnerable positions whenever possible. Accordingly, the report uses pseudonyms to maintain their confidentiality.

Legal Framework

The factual circumstances presented in this report are analyzed considering applicable legal standards under international human rights law (IHRL), international humanitarian law (IHL) and international criminal law (ICL).

Azerbaijan is a state party to the main human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESC), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD),²⁹ and the European Convention on Human Rights (ECHR).³⁰ No derogations to any of these instruments were made by Azerbaijan for the period covered by this report. Therefore, human rights norms continue to apply in their entirety concurrently with norms of IHL, where relevant. Azerbaijan has signed but not ratified the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED).³¹

The events presented in the report took place in the context of an international armed conflict that started in the early 1990s between Azerbaijan, Armenia, and Nagorno-Karabakh and continues to date. Notwithstanding various ceasefires, including two major ones in 1994³² and in 2020,³³ a peace agreement has never been signed between the parties, military operations in the region have never ceased, and serious large-scale escalations have taken place.³⁴ Therefore, according to standards set by the International Criminal Tribunal for the former Yugoslavia (ICTY), IHL norms regarding international armed conflicts continue to apply.³⁵ Additionally, Azerbaijan did not have effective control over the whole of Nagorno-Karabakh throughout the period covered in this report. The presence of the Russian peacekeeping contingent and the Trilateral Statement signed between Armenian, Azerbaijan and Russia in November 2020 also demonstrate the international nature of the conflict.

Accordingly, Azerbaijan is bound by various IHL instruments, including the four Geneva Conventions of 1949, the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954,³⁶ as well as customary IHL norms applicable to international armed conflicts.

In a situation of armed conflict, as recognized by international and regional courts, as well as by UN organs, treaty bodies, and human rights special procedures, both human rights and IHL norms apply and provide complementary and mutually reinforcing protection. In respect of certain rights, enshrined in human rights instruments, more specific rules of IHL may be relevant for the purposes of the interpretation of these rights.³⁷ Moreover, certain violations of international human rights and humanitarian law constitute crimes under international criminal law. In this case, both the state, to which

the act is attributed, and specific individuals, who committed, ordered, instigated, or were otherwise involved in that act, are responsible.³⁸

As the fact-finding mission sought to examine the causes of the mass exodus of the population of Nagorno-Karabakh from September to October 2023 to Armenia and explore any allegations of violations of international law resulting from the mass displacement and immediate prior blockade, the events were also analyzed not only in light of stand-alone rights but also as a whole against the existing concepts characterizing forced displacement, such as ethnic cleansing and deportation.

Ethnic cleansing

The mass displacement of any population can be brought about by factors including persecution, conflict, violence, human rights violations, and events that seriously disturb the public order.³⁹ If certain criteria are met, under the Rome Statute of the International Criminal Court (ICC), forced displacement itself may constitute a crime against humanity of deportation or forcible transfer, or a war crime of unlawful deportation or forcible transfer,⁴⁰ but can also be a result of a policy of ethnic cleansing, that is, “rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area.”⁴¹

While ethnic cleansing does not have an agreed-upon definition and is not defined as a standalone crime, practices employed in such a context constitute either crimes against humanity or war crimes, and where a special intent is proven, a crime of genocide.⁴²

In the context of the former Yugoslavia, the UN Commission of Experts examining IHL violations defined “ethnic cleansing” as “a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means

the civilian population of another ethnic or religious group from certain geographic areas.”⁴³ Acts signifying a purposeful policy of ethnic cleansing can include “murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assaults, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property... [aimed at] the occupation of territory to the exclusion of the purged group or groups.”⁴⁴

The wording “in the context of” in the cited reports suggests that in every context of alleged ethnic cleansing, the surrounding circumstances leading to the forced displacement of a population shall be analyzed against the context, the policy, and the practice of the government in question and means employed that resulted in the displacement where people are moved against their will or without a genuine choice. As recognized in the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY), “fear of violence, duress, detention, psychological oppression, and other such circumstances may create an environment where there is no choice but to leave, thus amounting to the forcible displacement of people.”⁴⁵

In other contexts, where situations were considered to amount to ethnic cleansing, the act was carried out by similar or varying means, through a combination of any of the following actions: threats, intimidation, a campaign of violence and forcible removal, extrajudicial executions, arbitrary detention including politically motivated arrests, torture and ill-treatment, enforced disappearances, rape and other acts of sexual violence, widespread pillage of crops and livestock, the looting and occupation of homes, destroyed sources of livelihood, burning homes, buildings, and

religious structures, and severe restrictions on freedom of movement, among others.⁴⁶

Analysis of the contexts suggests that ethnic cleansing may be carried out by various coercive means at the disposal of the perpetrator with the end-result of prompting the targeted group to flee their homes, i.e., leaving the area of residence. These most commonly include both direct means, such as the organization of deportation, and indirect means by coercing the victim group to flee and preventing its return. Indirect means include various violent acts or threats thereof, torture and ill-treatment, unlawful deprivation of life, arbitrary detention, and other forms of severe interference in the enjoyment of human rights and fundamental freedoms based on discrimination, removal from homes with no possibility of return, and destruction of property, among other factors.

In this context, the targeted population often does not have access to effective remedy against acts of violence and intimidation.

In short, while ethnic cleansing is not defined legally as a standalone crime, it is helpful to understand ethnic cleansing as a policy and practice in which various crimes are carried out together to force people to flee. For the purposes of the report's analysis, the lens of "ethnic cleansing" is a helpful framework to understand the series of crimes committed against the ethnic Armenian population of Nagorno-Karabakh, the relationship between these crimes, and the ultimate result of this policy and practice: the purging of ethnic Armenians from Nagorno-Karabakh.

International Criminal Law

Pursuant to Article 5 of the Rome Statute, the ICC has jurisdiction with respect to "the most serious crimes of concern to the international community as a whole," specifically the crime of

genocide, crimes against humanity, war crimes, and the crime of aggression.

Crimes against humanity are defined in Article 7 of the Rome Statute as any of the listed acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. These acts include, inter alia:

[...]

(d) Deportation or forcible transfer of population;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; [...]

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; [...]

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Stand-alone violations of human rights and grave breaches of the Geneva Conventions that led to forced displacement may constitute not only separate crimes against humanity or war crimes, but also be considered as elements or methods of *corpus delicti* of other specific crimes envisaged in the Rome Statute—for example, deportation or the forcible transfer of a population—if the criteria are met.

While Azerbaijan is not a party to the Rome Statute, under the caselaw of the ICC, the Court may have jurisdiction over the events that occurred in Nagorno Karabakh. Specifically, the Court may exercise jurisdiction over crimes when part of the criminal conduct takes place on

the territory of a State Party.⁴⁷ The population of Nagorno Karabakh fled to Armenia, which is has been a party to the Rome Statute since February 2024, and which has indicated the retrospective application of the Rome Statute under Article 12.3 dating back to May 10, 2021.⁴⁸ In the context of the ICC's decision on the Authorization of an Investigation into the Situation in the People's Republic of Bangladesh/ Republic of the Union of Myanmar, all or nearly all of the alleged violations analyzed in this report are under the jurisdiction of the ICC as manifestations of policy and practice that led to the deportation of the ethnic Armenians of Nagorno-Karabakh.

As defined by the Rome Statute of the ICC, the deportation or forcible transfer of a population “means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.”⁴⁹ For these crimes to be established, it shall be proven that “one or more acts that the perpetrator has performed produced the effect to deport or forcibly transfer the victim.”⁵⁰

Under the case-law of international tribunals, crossing “a de jure state border, or, in certain circumstances by the victims, a de facto border” is one of the key elements of the crime of deportation.⁵¹ The displacement is considered forced not only when people are moved against their will but also when they do not have a genuine choice. Moreover, as defined by the ICTY, “Displacement of persons carried out pursuant to an agreement among political or military leaders, or under the auspices of the ICRC or another neutral organization, does not necessarily make it voluntary.”⁵²

Importantly, while acknowledging that international law provides for certain grounds permitting forced removals, such as the evacuation of the civilian population for its security or for imperative military reasons,

the courts stressed that in order to not to be considered forced, such displacement shall be temporary and ensure the return of the displaced persons as soon as the situation allows.⁵³ The tribunals also addressed situations when evacuation measures based on imperative military reasons are used as a pretext to remove the civilian population and seize control over a desired territory, and concluded that such practice was unlawful. While acknowledging the possibility to organize forced removal of people for humanitarian reasons in certain situations, the tribunals stressed that it is “not justified where the humanitarian crisis that caused the displacement is itself the result of the perpetrator's own unlawful activity.”⁵⁴

International Human Rights Law

International human rights law, or IHRL, is a system of international norms designed to protect and promote the human rights of all persons reflected in several international human rights treaties, and in customary international law binding on all States, including those that are not party to a particular treaty. Many of the rights set out in the Universal Declaration of Human Rights are widely regarded to have a character of customary norms.⁵⁵ IHRL sets a framework of State obligations to take measures or to refrain from taking measures, to respect, to protect, and to fulfill the human rights of everyone on their territory or within their jurisdiction.⁵⁶

Applicable human rights treaties prohibit arbitrary deprivation of life, arbitrary deprivation of liberty, torture and inhuman and degrading treatment, and guarantee the right to private and family life, the right to health, the right to food, and the right to adequate standards of living, among others.⁵⁷

International Humanitarian Law

International humanitarian law, or IHL, is a set of rules, both treaty and customary, which seek, for humanitarian reasons, to limit the effects of armed conflict. As aforementioned, all events contemplated in this report take place in the context of an international armed conflict, and thus all the four Geneva Conventions and respective norms of customary IHL apply.⁵⁸ IHL protects persons who are not or are no longer participating in hostilities, including civilians, the wounded and sick, and prisoners of war, and restricts the means and methods of warfare. It requires humane treatment of all persons under the custody of an adverse party, including prisoners of war (POW) and detained persons,⁵⁹ provides for grounds for detention of civilians and POWs,⁶⁰ and safeguards of fair trial, where applicable,⁶¹ and provides for the duty to account for the missing.⁶² Other important principles relevant to the context examined in this report include provision of humanitarian aid,⁶³ prohibition of forced displacement of civilians⁶⁴ and the targeting of cultural property.⁶⁵

The norms of customary IHL oblige all parties to the hostilities to “distinguish civilians and combatants, civilian objects and military objectives, and prohibit indiscriminate attacks.”⁶⁶ It also mandates a proportionality of attacks and to take precautionary measures to avoid—or at least minimize—incidental loss of civilian life.⁶⁷

The 1949 Geneva Conventions oblige all parties to the conflict to “respect and ensure respect for IHL by its armed forces and other persons or groups acting in fact on its instructions or under its direction or control”.⁶⁸ The applicability of IHL norms does not depend on reciprocity.⁶⁹ Violations of IHL entail both State and criminal responsibility.⁷⁰

All States have, under customary international law, the obligation to prevent, prosecute, and punish crimes against humanity⁷¹ and war crimes “over which they have jurisdiction and, if appropriate, prosecute the suspects.”⁷²

Chapter 1: From Ceasefire to Blockade: Nagorno- Karabakh after November 9, 2020

The Second Nagorno-Karabakh War (also referred to as the 2020 war) was a shocking development for the people of Nagorno-Karabakh. After decades of relative stability and localized skirmishes, the Armenian-populated territory experienced a full-scale military attack, which left thousands of people dead, residential areas devastated, and more than 100 communities depopulated. The immediate aftermath of the armed conflict—the starting point of the period covered under this report—was marked by a widespread sense of fear among Armenians who were living in Nagorno-Karabakh after the Trilateral Statement of November 9, 2020. The events that followed exacerbated their anxieties. The trauma of the war, especially the graphic scenes of the extrajudicial killings of Armenians that were disseminated via social media,⁷³ paired with the constant presence or proximity of Azerbaijani military servicemen, exacerbated the fears that the residents were under an imminent security threat. Among the collected testimonies, 68 of them emphasize the effects of the 2020 war as a traumatic experience.

The fact-finding mission interviewed a former resident of Hadrut (who moved to Stepanakert after the 2020 war), whose recollection of the armed conflict and the treatment of her family members by Azerbaijani soldiers is illustrative of a broadly shared impression among Armenians in Nagorno-Karabakh:

My father died on December 18, 2022; he couldn't bear it. He had been a captive. He saw Azerbaijanis on TV, recognized [them] and said that if they came here, they would slaughter us all. He was captured on October 10, 2020. He and my brother were in Hadrut. When I called my son on the 12th, he said the Azerbaijanis were in Hadrut, there is no chance they will return my brother and father... The Russians came... they said that my dad would be among the 44 POWs that were returning on December 14... Before captivity he only had blood pressure issues, after captivity he had lung issues as well... They tortured him in Baku... he had a heart attack. We didn't have any news about my brother. My dad said "Arsen is alive, I've seen him." Nobody believed it. On January 6, 2021, I saw a video of my brother. He was standing in the building of the Hadrut Police, he spoke aggressively, maybe under some substance. He was standing by the window, he looked like an old man. A few days later, I saw another video. He was in a car; they were saying "say goodbye to Shushi." The third video was the continuation; he was saying "Ethnicity doesn't matter, a human stays human." In another video his hands were tied, he was beaten. They were making him sing in Azerbaijani... I took the video to the Red Cross, the Ombudsperson [Human Rights Defender], and Russian peacekeepers. I remember my dad said they slaughtered everyone in Hadrut but not my brother. Somewhere below Hadrut, they found my brother's body buried in the ground, with his head out. The forensic expertise showed that he was killed on January 15, 2021.⁷⁴

A woman from Drakhtik (who later moved to Stepanakert) shared how the experience of the

armed conflict made her feel when encountering Azerbaijani servicemen several years later: "Reaching the checkpoint was a terrifying moment for us. We were afraid of all possible scenarios. We thought that they [Azerbaijani servicemen] might not allow the men to pass and take them."⁷⁵

A woman from Stepanakert stated how frightened she was when Azerbaijan launched a military offensive in September 2023 due to the traumatic experience of the Second Nagorno-Karabakh War in 2020:

I was terrified, I thought we were going to die. It was on September 23, I went down to the basement with my children, but I thought that if the Azerbaijanis were coming it was useless, the basement wouldn't protect us. I was crying, and my daughter was crying and saying "don't cry, mommy, you are strong." But I was afraid.⁷⁶

Other interviews also demonstrated the prevalence of this sense of threat by stating how they considered it possible to live in Nagorno-Karabakh only if provided specific security guarantees. Initially, many of them considered the presence of the Russian peacekeeping contingent to be that guarantor. For instance, a woman who was living in Stepanakert after the 2020 war stated:

The 2020 war was terrible; we had many losses, and we also lost our house that we had just renovated. On September 27, we were at home in Hadrut when the war started. We took the kids and went down to the basement where we stayed till noon. When we came out of the basement, we went to Diana hotel in Goris [Armenia]. Then we went to Vedi with my sister, my brother's wife and the children. We stayed with acquaintances until the end of the war. When they said that the Russians had come, we went to Stepanakert...⁷⁷

Another interviewee recalls how she and her sister decided to return after the ceasefire statement was signed:

When we heard that the Russian peacekeepers had arrived, my sister and I went back to Artsakh⁷⁸ via Shushi on November 15, 2020... We couldn't breathe anywhere else, we wanted to live in our homeland. That is why we returned. After one month, we started cleaning the house and getting back to our routine; we started working and living... We could see Shushi from our window but couldn't go there. Azerbaijanis shot fireworks in Shushi sometimes, as we could see. There was a big cross in Stepanakert on a hill. We would go by its side and watch Shushi to ease the longing and think that one day we would again be able to go to Kataro Monastery in Hadrut and Ghazanchetsots Cathedral in Shushi.⁷⁹

On the subject of returning to the territories that had fallen under Azerbaijani control, such prospects were not considered realistic by those interviewees who had to flee their homes during the 2020 war, and they were not made aware of any viable or secure option of visiting their homes or their relatives' graves.⁸⁰ A few interviewees, who made requests to the Russian peacekeepers concerning such matters, were informed that their security would not be guaranteed if they decided to enter territories that were under the control of the Azerbaijani Armed Forces.⁸¹

This anxiety-inducing situation worsened during the two years following the 2020 war. This chapter demonstrates how people living in Nagorno-Karabakh were justified in their security-related concerns as demonstrated by Azerbaijani services' regular acts of intimidation and attacks near the new line of contact, the Azerbaijani government's belligerent rhetoric and policies of cultural erasure, and the Russian peacekeepers' ineffectiveness in maintaining the security of people living in the areas under their observation.

Attacking and intimidating civilians

The 2020 war created a new line of contact, and Azerbaijani forces were stationed near several dozen Armenian residential areas and key communication roads. In the period of 2021 through 2022, this proximity was used to intimidate the local population and disrupt the sources of their livelihood, making it increasingly difficult for the local population to live in their homes.

It was a regular occurrence for Azerbaijani servicemen to shoot towards residential areas and toward people doing agricultural work. They had established military posts in areas from where they could directly target residential areas, orchards, and grazing lands. This positioning is especially visible in the vicinity of the Mkhitarashen, Shosh, Nerkin Sznek, Taghavard, Karmir Shuka, Myurishen, Harav, Sarnaghbyor, Karaglukh, Parukh, Khramort, Kichan, and Nor Ghazanchi communities, which were effectively at the gunpoint of the Azerbaijani military.

This advantage was used to disrupt agricultural work, a crucial aspect of self-sustenance for communities near the line of contact. Cases of attacks on livelihoods were frequently mentioned in the collected testimonies:

The cattle of one of our villagers passed to the [Azerbaijani] side in 2021. They killed them. They wouldn't give [them] back. They shot at a tractor sometime later in our village. The Russians would come and stand by our villagers, but [Azerbaijani servicemen] still wouldn't let them work.⁸²

We could clearly hear their voices. The Azerbaijanis would shoot at our houses, at farmers working on the land, at tractors. They wouldn't let us cultivate the land and collect the harvest. They were trying to scare us,

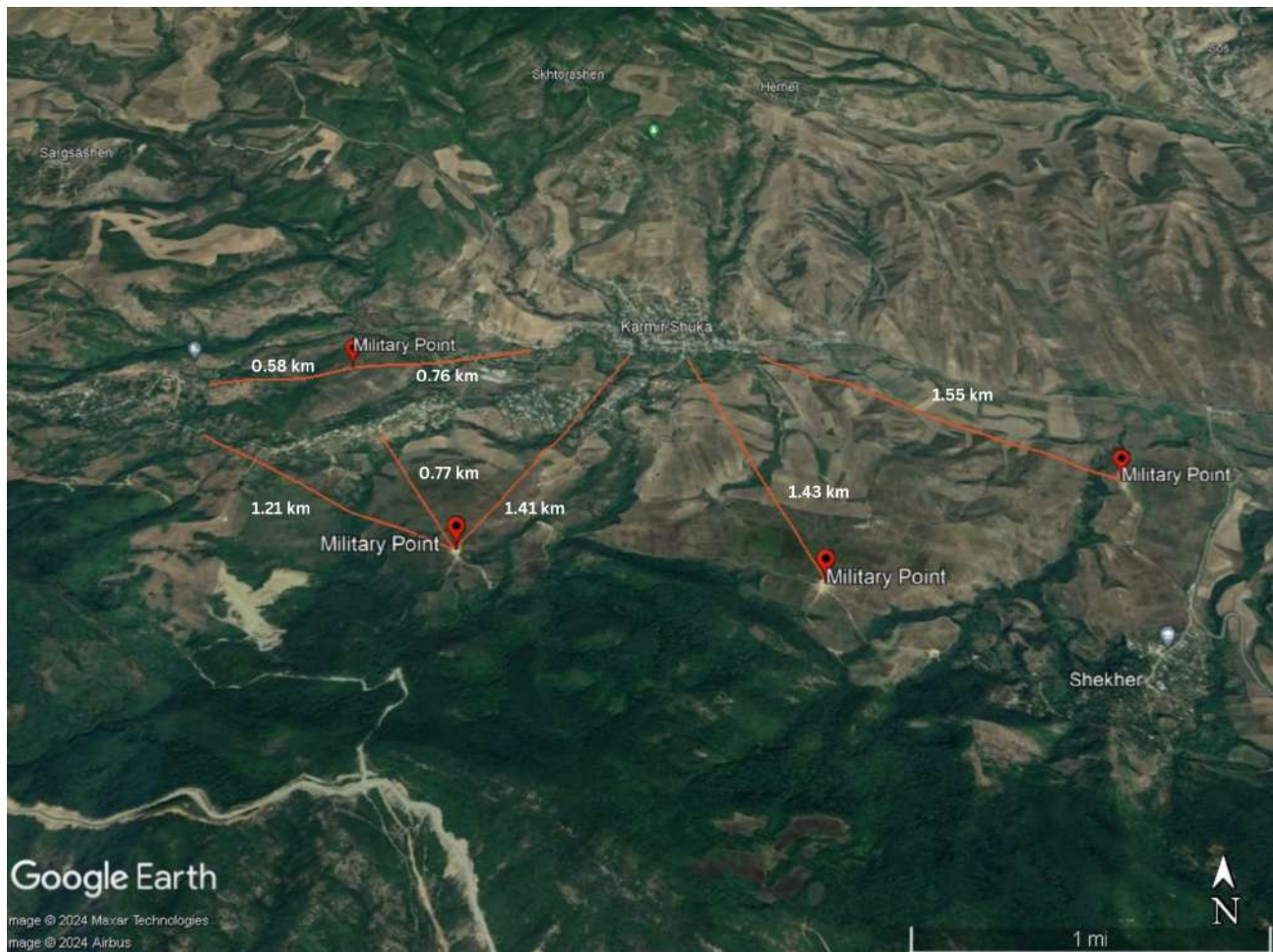


Figure 3: Satellite images of Azerbaijani military positions near Karmir Shuka.

saying that those were their lands, and we should get out.⁸³

We could hear the sounds. Our neighbors told us that when they shot to stop the work of the tractor; the neighbors would go to the peacekeepers and tell them that the Azerbaijanis were shooting. The peacekeepers would go to the Azerbaijanis and tell them to stop shooting. In response, they would shoot until the work in the orchard had stopped.⁸⁴

The Azerbaijanis would even send the Russian peacekeepers to tell Armenians that they shouldn't use a tractor or mow the land. It was impossible to cultivate the land in

these circumstances. They would shoot the tractorists who were doing agricultural work.⁸⁵

After 2020, they would often shoot at our village and our house. The windows of our house were broken from bullets—it was in October 2021. At that time, they shot toward my son who was in the yard but managed to run into the house barefoot.⁸⁶

Sometimes they would shoot to scare. They would shoot at the village with small caliber weapons, like [those] with bullets, but we didn't have any casualties. There were cameras on military outposts. They were shooting at them to damage [them] but sometimes they

*would hit a car or cattle or a yard. But I have not witnessed any casualties. For example, they shot at a car, and it burned down.*⁸⁷

Other sources also reported such cases. On August 24, 2021, a residential house in Mkhitarashen was damaged from shots fired at Armenian positions located in front of the village.⁸⁸ On September 12, 2021, two houses in the village of Karmir Shuka and one in Taghavard came under fire from Azerbaijani positions. On January 10, 2022, shootings were reported in three villages. As a result of shootings at civilian communities, an UAZ off-road vehicle parked by a residential house near a kindergarten in Karmir Shuka burned down. The children were evacuated from the kindergarten for safety concerns. In Taghavard, a resident's cattle were injured while in Nakhijevanik, shots were fired at four civilians carrying out agricultural work, damaging their farming equipment.⁸⁹

On February 11, 2022, shooting directed at residential houses in Karmir Shuka and Taghavard resulted in a damaged house in the former village.⁹⁰ On March 9, 2022, gunshot fire damaged a tractor in an orchard in Nakhijevanik.⁹¹

On several occasions, the shootings resulted in casualties. On October 9, 2021, an Azerbaijani sniper shot and killed a 55-year-old resident of Martakert in the presence of Russian peacekeepers. He was cultivating the land with a tractor when he was shot dead. According to witnesses, the Russian peacekeepers present at the scene had assured him that he would be safe, and one of the officers had offered to drive around with him.⁹² On November 8, 2021, Azerbaijani servicemen fired at civilians fixing a water pipe near Shushi, even though the repair work was agreed upon with the Russian peacekeepers and the Azerbaijani military. One man was killed, and three were injured. A relative of the deceased civilian confirmed the incident in an interview with the fact-finding mission.⁹³

On December 3, 2021, Azerbaijani forces killed a 65-year-old farmer from Chartar village in the Martuni region.⁹⁴

In 2022, the scale of these attacks increased substantially, targeting the Khramort, Khnapat, and Parukh communities. Khramort had been under regular fire since February. On February 5, Azerbaijani servicemen fired at three civilians repairing a tractor. On February 15, a villager was targeted when carrying out agricultural work in the presence of Russian peacekeepers. A similar incident was reported on the following day, and villagers working at a winery were evacuated. Azerbaijani servicemen accompanied the shootings with demands that the residents stop their agricultural work, delivered using loudspeakers. As seen in a Khramort resident's video post, Azerbaijani servicemen stated:

*A message to our compatriots: you are on the territory of the Republic of Azerbaijan. Any activity here is regulated by the laws of Azerbaijan.... Obey the laws of Azerbaijan. Considering your security, we demand that you stop the work and immediately leave the area. Otherwise, force will be used against you. You will bear the responsibility for the laws. Do not endanger your [life] and your family members' lives. Leave the area! Leave the area!*⁹⁵

On March 10, a 51-year-old resident of Khramort village was injured by shrapnel while working in his yard.⁹⁶

In March 2022, Azerbaijani servicemen made regular attacks on the Khnapat and Parukh communities in the Askeran region. The villages were shelled on March 11.⁹⁷ Two weeks later, the Azerbaijani military attacked and took control over Parukh and the nearby hills, killing three and wounding at least 15 soldiers from the local Nagorno-Karabakh Defense Army.⁹⁸ Residents of Parukh and neighboring Khramort were evacuated for their safety. On March 27, the Russian peacekeeping mission reported that it had reached an agreement with the Azerbaijani

servicemen that the latter would retreat from the village.⁹⁹ However, the Azerbaijani armed forces did not leave the area, and residents evacuated from the village were not able to return.¹⁰⁰

While the residents of Khramort managed to return to their homes months after the assault, they remained concerned about the proximity of Azerbaijani military positions stationed on a nearby hill.¹⁰¹ Their concerns were validated in November 2022; on November 6, Azerbaijani servicemen shot and damaged agricultural equipment.¹⁰² Several days later, people cultivating their fields came under fire, and one person was injured.¹⁰³

In addition to these attacks, there were cases of abductions of civilians. Namely, on July 26, 2021, a resident of the Machkalashen community was captured and returned with several injuries and apparent signs of torture.¹⁰⁴ Interviewees also reported such cases to the fact-finding mission. For example, a resident of the Nor Ghazanchi community stated:

*In early 2021, one of our residents, by accident, crossed into the territory under Azerbaijani control. He was captured on the way to the pasture. Luckily, the man managed to give me a call before being taken by the Azerbaijanis, so I was able to seek help. We managed to get him freed.*¹⁰⁵

Intimidation also took other forms. Interviewees that had encounters with Azerbaijani servicemen stated that harassment and direct threats were commonplace. One of the interviewees, who had been involved in recovering the bodies of fallen soldiers, shared his experience of interacting with Azerbaijani soldiers:

There were several incidents during our work. Without our consent, the Azerbaijanis would tear away the insignia on our uniforms bearing our flag. We didn't make noise because the most important thing for us at that moment

was continuing the work.... The presence of the Russians wasn't solving anything. We couldn't get used to the presence of Azerbaijanis.

*They were very bad to us. They were trying to intimidate us, for example, by saying that we shouldn't look into their eyes when talking.*¹⁰⁶

A woman from Karmir Shuka, a village located near the line of contact, stated: “Any time there was some movement in the village, Azerbaijanis would speak Armenian through loudspeakers from their positions and say ‘you are on the territory of Azerbaijan; leave the area or we will use force.’”¹⁰⁷

Other interviewees also reported about similar acts of intimidation, showing the regularity of such behavior:

*[The Azerbaijanis] drove their cars in the opposite direction of the residents [so the residents could see them], [and] they showed obscene gestures. They drove through the village specifically at an hour when the children were coming back from school. Their convoy did not stop, and children had to stop and wait until heavy vehicles would pass by. This was psychologically intimidating for the children.*¹⁰⁸

*Every time they [Azerbaijani soldiers] passed by, [they] would show the gesture of cutting the throat or other aggressive gestures, particularly to the children whose road to school was the same one that they used.*¹⁰⁹

Such cases were also reported by other sources. For instance, in March 2021, Azerbaijani servicemen passing by in their military convoy accompanied by Russian peacekeepers threw stones at Armenian vehicles traveling on the same road, breaking the windshield of one car.¹¹⁰ A few days later, a similar incident occurred on the same road: Azerbaijani servicemen threw rocks and broke the windows of a vehicle transporting bodies of deceased Armenian servicemen to Armenia.¹¹¹ Other documentation initiatives have registered similar behavior as well.¹¹²

The interviewees reported how these developments created substantial challenges for them. Several interviewees from communities near the line of contact had to stop or limit their agricultural work due to security concerns.¹¹³ For example, an interviewee described the situation in Sarnaghbyur as such:

After the 2020 war, the line of contact was very close to the villages. The space for farming shrank. For example, the cattle of one of our fellow villagers crossed the line of contact and found themselves on Azerbaijani territory. They slaughtered a part of it [the cattle]. My grandmother had to sell her cattle after the 2020 war, as it was not possible to take them to the pasture without risk.¹¹⁴

The continuous security threats also led to the partial or full depopulation of several communities. A resident of Nerkin Sznok shared with the fact-finding mission how it had become increasingly difficult to live in their village:

Until 2020, we all lived in Nerkin Sznok. My son got married in 2009. He lived in our house with his family, but after the war in 2020 he lived in Stepanakert ... so that the child could go to school because the village school had closed, as the village was under fire. After 2020, there were no children left in the village.¹¹⁵

Another interviewee described the post-ceasefire situation in Nagorno-Karabakh in the following words: “After the 2020 war, we did not see peace. They constantly shot [at the villagers], threatened the villagers, or attempted to capture them.”¹¹⁶

Finally, among those actions which significantly worsened the living conditions for ethnic Armenians in Nagorno-Karabakh, Azerbaijan targeted their gas supply, which had been a primary energy resource for the population of 120,000 during the post-ceasefire period. On March 8, 2022, the only gas pipeline going into Nagorno-Karabakh—which, notably, comes from

Armenia—was damaged in the territory under the control of the Azerbaijani Armed Forces. It happened during a period of heavy snow, depriving the population of Nagorno-Karabakh from heating.¹¹⁷ The gas flow was restored on March 19 but was cut again on March 21 for another week.¹¹⁸ During the repair of the pipeline, Azerbaijan installed a valve and used it to cut the flow of gas periodically before shutting it down permanently in spring 2023.¹¹⁹

In general, during the two years following the 2020 ceasefire, the population of Nagorno-Karabakh continued to suffer from Azerbaijan’s continued measures to create difficult living conditions, with those living in communities near the line of contact feeling the largest impact. Furthermore, these measures deepened the population’s post-ceasefire concerns and strengthened their association of the Azerbaijani military presence with a threat to their security.

An analysis of the period from the signing of the Trilateral Statement on November 9, 2020 to December 11, 2022, demonstrates that the practices described above were regular and prolonged, and affected a significant number of civilians. Ninety-three interviewees stated that they and/or people they know witnessed shootings near the line of contact and/or became targets of intimidation by Azerbaijani servicemen. The fact that the Azerbaijani authorities did not address these actions or bring the perpetrators to justice suggests that they were planned and authorized, or at least received tacit consent from superior command. The fact-finding mission did not observe any public messaging from high-ranking Azerbaijani officials addressing or condemning such practices during the period under review.

When considered separately, the above-mentioned incidents constitute violations of IHL and human rights law. When considered together, they signal a coordinated practice of

intimidation and terrorization of the population, with the intention of forcing them to leave the territory.

Acts or threats of violence with the primary purpose of spreading terror among the civilian population are prohibited under customary IHL.¹²⁰ Article 33 of the Fourth Geneva Convention prohibits all measures of intimidation of a civilian population. Moreover, practices of intimidation and terrorization may amount to ill-treatment as they may have various manifestations. Violent, debasing, or threatening behavior can be considered inhuman and degrading treatment if it is clearly discriminatory, racist or homophobic; action driven by discriminatory intent per se is deemed to necessarily arouse “feelings of fear, anguish and insecurity which were not compatible with respect for [an individual’s] human dignity.” Other violations include arbitrary detention of civilians, instances of ill-treatment, and violations of the right to property.

Instances of deprivation of life or the targeting civilians described above constitute arbitrary—and thus, unlawful—deprivation of life both under IHL¹²¹ and IHRL.¹²² Moreover, the practice of shooting to harass farmers and other villagers, even if does not result in any casualties, may constitute a violation of the right to life. According to the caselaw of the European Court of Human Rights (ECtHR), the right to life is violated if the conduct, “by its very nature, puts the victim’s life at risk, even though the latter survived,” irrespective of whether the authorities intended to kill the victim.¹²³

Violation of the right to life may occur if individuals have been subjected to a life-threatening situation, even though no actual injury was sustained.¹²⁴ According to General Comment no. 26 on Article 6—right to life—of the International Covenant on Civil and Political Rights (ICCPR):

[T]he obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life.¹²⁵

Erasing the Armenian presence in captured lands

After the 2020 ceasefire, there were no longer any Armenians living in the territories now controlled by Azerbaijan. Baku solidified this reality with its antagonistic rhetoric and policies of historical revisionism, demonstrating their intent to question the legitimacy of any Armenian presence in those areas.

The President of Azerbaijan, Ilham Aliyev, set this policy’s course with his statements denying the historical presence of Armenians in Nagorno-Karabakh. Several months after the ceasefire had been signed, he visited the newly captured Hadrut region, and made the following statement standing in front of the Holy Mother of God Church, an Armenian monastery located near Hadrut that was built in the twelfth century:

This is an ancient Albanian temple, an Albanian church. It is located in the village of Hunarli. The Armenians wanted to Armenianize this church and wrote inscriptions in Armenian here, but they failed.... All these inscriptions are fake, they were written later. They have created a false history for themselves in our ancient lands. But they failed because we exposed them. The fact that this church—the Albanian temple—is in this condition again shows Armenian fraud. If it were an Armenian church, they would have renovated it.¹²⁶

During another meeting in the same area a few months later, Aliyev argued:

WHY ARE THERE NO ARMENIANS IN NAGORNO-KARABAKH?



Figure 4: Mets Tagher Cemetery before and after destruction.



Figure 5: Sghnakh Cemetery before and after destruction.



Figure 6: The Fine Arts Museum Sculpture Garden in Shushi before and after destruction.

Their [Armenian] history, their past, their statehood, and their mythology are nothing but fake. Armenians of the world have simply created the false impression in the countries where they live that the Armenian people have allegedly lived on these lands for centuries. The Armenians were resettled to Hadrut from Iran in the nineteenth century. Everyone knows that. There were no Armenians here prior to that. They fabricated history and continue to falsify present realities... The extent of lies about Hadrut had reached its peak.¹²⁷

Following Aliyev's statements, Azerbaijan's Minister of Culture announced that a working group would be established "to eliminate the fictitious traces written by Armenians on Albanian religious temples."¹²⁸

On the ground, the Azerbaijani government started targeting specific Armenian historical monuments by either appropriating or demolishing them. For instance, the monasteries of Spitak Khach and Dadivanak were proclaimed as Albanian-Udi churches.¹²⁹ Ghazanchetsots Cathedral in Shushi, which was bombed during the 2020 war, had its dome removed during a "reconstruction" process "in accordance with the original architectural style."¹³⁰ In addition, an inscription stone near the Cathedral was removed.¹³¹ In 2021, St. Hovhannes Mkrtych Church in Shushi, also known as Kanach Zham, was declared a Russian Orthodox Church.¹³² Several months later, photos of the church appeared on social media, showing that it had suffered significant damage.¹³³

Cases of the destruction of religious and historical monuments also appeared. During the spring and summer of 2021, several cultural and historical monuments were completely erased, including the Armenian cemetery in Mets Tagher and the nearby 19th-century Makun Bridge.¹³⁴ The 18th-century Armenian cemetery in Sghnakh met the same fate.

Satellite imagery acquired by the fact-finding

mission shows that the Fine Arts Museum Sculpture Garden in Shushi was demolished as well.

This policy of cultural erasure and revisionist narratives left little room for Azerbaijan to consider allowing Armenians to visit or return to those communities under their control as of the signing of the Trilateral Statement. As stated above, the Armenians of Nagorno-Karabakh did not consider this prospect feasible against the backdrop of Azerbaijan's antagonistic disposition. In addition, the first "Great Return" program¹³⁵ launched by Baku and the administrative changes made in the country in July 2021 showed no pathways for Nagorno-Karabakh Armenians to enter those communities which Azerbaijan had taken.¹³⁶

Grassroots initiatives from Nagorno-Karabakh that raised the issue of the right to return after the 2020 war were not paid any attention. Reportedly, they attempted to communicate their requests to the governments of both Armenia and Azerbaijan, the Russian peacekeeping mission, and the embassies of OSCE Minsk Co-Chair countries in Yerevan, but no progress was recorded.¹³⁷ In addition, the Russian peacekeeping mission stopped individual requests and attempts at returning to the communities under Azerbaijani control, claiming that Armenians crossing the line of contact with Azerbaijan would be under security threats.¹³⁸ Indeed, there was one such case of a woman being abducted by Azerbaijani servicemen when she returned to her house in Shushi to collect her belongings, after the ceasefire had already been established.¹³⁹

Thus, several dozen Armenian communities remained depopulated, and their cultural heritage came under threat. These events also confirmed existing concerns that Nagorno-Karabakh Armenians had with respect to entering territories that were controlled by the Azerbaijani Armed Forces.

Russian peacekeepers and faltering security guarantees

The November 2020 ceasefire, which was brokered by Russian President Vladimir Putin, resulted in the deployment of a Russian peacekeeping mission to Nagorno-Karabakh. Provisions 3 and 4 of the Trilateral Statement signed by the heads of Armenia, Azerbaijan, and Russia defined the functional scope of the peacekeeping contingent:

3. [The] peacekeeping contingent of the Russian Federation shall be deployed along the line of contact in Nagorno-Karabakh and along the Lachin Corridor, composed of 1960 servicemen with firearms, 90 armored carriers, 380 units of motor vehicles and special equipment.
4. The peacekeeping contingent of the Russian Federation shall be deployed in parallel with the withdrawal of the Armenian Armed Forces. The peacekeeping contingent of the Russian Federation shall stay for a period of 5 years, with further automatic 5-year extensions, where 6 months prior to the expiry of the time period, none of the Parties declares of its intention to terminate the application of the provision.¹⁴⁰

On November 10, 2020, Putin signed an executive order “on measures to maintain peace in Nagorno Karabakh,” which provided further details on the number of personnel, equipment, and their rotation period and placement.¹⁴¹ Several days later, the Russian government established an interdepartmental humanitarian response center with the following functions:

- facilitating the return to their homes of people who left the Nagorno-Karabakh regions;
- helping state bodies of the Republic of Azerbaijan and the Republic of Armenia to restore civil infrastructure in Nagorno-Karabakh and create proper conditions for its people to live a normal life;

ensuring coordination of the activities of Russia’s state bodies and public organisations to provide humanitarian aid to residents of the Nagorno-Karabakh regions affected by the hostilities;

providing assistance to state bodies of the Republic of Azerbaijan and the Republic of Armenia in organising interaction with international humanitarian organisations.¹⁴²

In February 2023, the Radio Free Europe/Radio Liberty (RFE/RL) Armenian service publicized the content of a document signed between the Russian and Armenian Defense Ministers on November 21, 2020, defining the mandate of the peacekeeping contingent. According to the latter, the peacekeepers had a set list of obligations, including monitoring the ceasefire, contributing to the normalization of life in Nagorno-Karabakh, countering disturbances, ensuring safe transit of people, vehicles, and humanitarian aid, and assisting the release and return of hostages and prisoners of war. In addition, peacekeeping contingent personnel could use force in cases when an attempt is made to forcefully remove them from carrying out their tasks as well as when encountering a threat to a civilian’s life and health by armed groups or individuals.¹⁴³ Notably, the Azerbaijani government refused to sign this document.¹⁴⁴ Nevertheless, it helped to shed light on the mission’s established scope of functions.

Upon their deployment, the peacekeeping mission began to facilitate the process of the Armenians’ return to those areas technically still under Armenian control and now under the mission’s watch. Over a period of several days, more than 10,000 Armenians returned to Nagorno-Karabakh.¹⁴⁵ The numbers grew in the following several months.¹⁴⁶

Testimonies collected by the fact-finding mission demonstrate that despite lasting security concerns, people in Nagorno-Karabakh considered the Russian peacekeepers’ presence

a viable guarantee for peace which allowed them to feel safe in returning to their homes:

After the war that started on September 27, 2020, we returned to Artsakh, to Vank village, with the hope that Russian peacekeepers would protect our borders, and that there would be no large-scale war.¹⁴⁷

The presence of Russian peacekeepers gave us a sense of security.¹⁴⁸

I thought that the presence of Russian peacekeepers in Artsakh was a guarantee of security.¹⁴⁹

When we returned to Artsakh after the war, everything was normal, it was not that bad, we did not have security issues at that time. We did not imagine that there would be a blockade. We were sure that while the Russians were there, everything would be normal.¹⁵⁰

We laid our hopes on Russian peacekeepers in terms of security. We didn't even think about leaving.¹⁵¹

When the Russian peacekeepers came in 2020, we believed that they would protect us; they would be our defenders.¹⁵²

To carry out its tasks, the contingent established 23—later 27—observation points. It also provided daily updates to its actions on a dedicated section of the Russian Ministry of Defense website. In the period between November 12, 2020, and January 9, 2024, the mission published a total of 1,140 updates. When compared to the testimonies collected by the fact-finding mission and third-party reports, it became clear that Armenians' initial expectations of the Russian peacekeeping mission were misplaced. During the period observed, there were multiple cases of attacks by Azerbaijani servicemen, captures of new prisoners of war, changes to the line of contact, and increased insecurity for those residents living in the communities under the peacekeepers' watch.

The first instance proving the mission's ineffectiveness in providing security happened just a month after the ceasefire statement had been signed. On December 12, 2020, Azerbaijani servicemen attacked and occupied the villages of Hin Tagher and Khtsaber in the Hadrut region, killing 9 and capturing 62 Armenian soldiers.¹⁵³ The contingent did not take any measures to prevent the attack or restore the pre-established line of contact. On December 14, the villages—which had been included on the map detailing the zone of the mission's responsibility—were removed from the updated edition of the map.¹⁵⁴

From 2021 through 2022, acts of violence became more regular as demonstrated in the report section on attacks and intimidation. Several of the observed cases of shootings happened in the very presence of Russian peacekeepers, one of which was the October 9, 2021 incident, when a villager from Martakert was shot dead while mowing the land with his tractor.¹⁵⁵ According to eyewitnesses, he was killed in the presence of Russian peacekeepers who had assured him that cultivating the land would be safe.¹⁵⁶ The peacekeeping mission left this information out of their update published the following day.¹⁵⁷

The attacks on March 5, 6, and 11, 2022 demonstrated that the mission's assurance that residents could carry out agricultural work did not necessarily guarantee their safety.¹⁵⁸ Similar incidents happened on November 6, 12, and 19, 2022.¹⁵⁹ Moreover, the peacekeepers' presence did not deter Azerbaijani from carrying out the larger-scale military offensive on the villages of Parukh, Khnapat, and Khramort, as described above.

These regular violations challenged the perception that the Russian peacekeeping mission provided safety for the Armenian population in Nagorno-Karabakh. Interviews demonstrate that even before the blockade of

December 2022, people in Nagorno-Karabakh had begun to question the effectiveness of the contingent's work, and the sense of safety that was directly linked with their presence had begun to falter. In this regard, one of interviewees who had lived near the line of contact noted:

When we were working in the orchard, there were Russian peacekeepers with us, and whenever the fire started, they would hide with us. One day, we were working in the orchard when [the Azerbaijani servicemen] started shooting at the orchard. One of the peacekeepers [named omitted] got mad and without a command, upon his initiative, got in their military vehicle and went toward the Azerbaijani positions and very angrily and loudly demanded that they stop shooting. The positions were very close so we could hear his voice clearly. He demanded the Azerbaijani servicemen call their commander, but they refused to call him. Then he returned and called his commander (he also was a commander and had five peacekeepers with him), reported about the situation and requested permission to shoot in the direction of the Azerbaijani positions if they fire at peaceful residents. He received permission to shoot in the air only.

A few days later, when there were shootings again, the same peacekeeper shot in the air, but when he saw that it was useless, he told us to pack up and go home.¹⁶⁰

Another interviewee from Sos, a village near the line of contact, stated:

When the peacekeepers were asked to do something so that [the Azerbaijanis] would not shoot, they would justify that these were the conscripts shooting and if they were contracted soldiers, they would behave themselves. There were cases when after the shooting they would go to the Azerbaijani positions as if to negotiate, but they would come back and say that we should quit our work and leave the orchards.¹⁶¹

Such experiences increased the sense of uncertainty prevalent after the 2020 war. The following testimony illustrates this sentiment:

The peacekeepers gave lectures at the university about our actions in case of war. There were two such lectures held at our university. There were also some discussions; we would ask them questions about our security. But of course, they did not give much information; they just said that they were not well informed and that nobody is safe or insured.¹⁶²

Overall, the events that occurred from 2020 through 2022—which saw the ineffectiveness of the Russian peacekeeping mission to maintain peace—demonstrates that the Armenians of Nagorno-Karabakh were living in a hostile environment. Many of their villages came under frequent fire while encounters with Azerbaijani servicemen were met with degrading behavior and harassment. Finally, those communities and cultural monuments which had fallen under Azerbaijani control after the 2020 war were being stripped of their Armenian traces in a policy that the government led with jingoistic narratives.

Chapter 2: The Blockade

In December 2022, Azerbaijan imposed a blockade on the Lachin Corridor that lasted for over nine months, creating a humanitarian crisis for the 120,000 Armenians living in Nagorno-Karabakh. The situation began when Azerbaijani state-affiliated media called for Baku to seize control of the corridor in late November.¹⁶³ The following week, a group of Azerbaijanis in civilian clothing closed the road at the Shushi-Karin Tak intersection of the Stepanakert-Goris highway, the only paved road connecting Nagorno-

Karabakh to Armenia and the outside world.¹⁶⁴ They demanded an end to mining operations at the Kashen gold mine in Nagorno-Karabakh. Initially, Russian peacekeepers managed to reopen the road, and reports indicated that Azerbaijan was promised access to the mine. Additionally, a customs station was to be established, with special technical equipment jointly operated by Russian peacekeepers and Azerbaijani authorities to inspect cargo and vehicles passing through the Lachin Corridor.¹⁶⁵

However, the corridor was blocked again by a group of Azerbaijanis identifying as “environmental activists” on December 12, 2022. This time it was not re-opened. Multiple sources have verified that the activists were directly linked to the Azerbaijani government.¹⁶⁶ Several of the interviewees also stated that they had previously seen a few of the protesters in military uniforms.¹⁶⁷ Moreover, at some point, Azerbaijani servicemen came down from their nearby posts to the road to ensure the safety of the protesters.¹⁶⁸

Weeks after the blockade began, Nagorno-Karabakh authorities suspended all operations in the mining sites in question and applied to international organizations to conduct an international ecological examination related to the activities of the company operating the Kashen mine.¹⁶⁹ However, the situation did not change, and in April 2023 the government-affiliated protesters were substituted with the Azerbaijani Armed Forces. Specifically, on April 23, 2023, Azerbaijan installed a checkpoint along the Hakari Bridge on the Lachin Corridor.¹⁷⁰ On the same day, the Russian-peacekeeping contingent reported that Azerbaijani had unilaterally and without notice blocked traffic heading towards the Lachin Corridor by the contingent’s post near the Hakari River.¹⁷¹ Just a few days after Azerbaijan established the checkpoint, on April 28, the government-sanctioned protests ceased. This checkpoint

was used to enforce the blockade, stopping the free movement of people and cargo to and from Nagorno-Karabakh.

Periodically, the Russian peacekeepers and the International Committee of the Red Cross (ICRC) were allowed to transport humanitarian aid as well as patients in need of urgent medical treatment. However, the aid delivered was often insufficient in meeting the needs of the blockaded population, and it came with frequent delays. After several months, the severity of the blockade intensified: from June 15 to September 18, 2023, no food crossed the Azerbaijani checkpoint.¹⁷²

The obstruction of the transportation of goods and people via the Lachin Corridor was accompanied by the disruption of the operation of Nagorno-Karabakh’s vital civilian infrastructure, including its natural gas and electricity supply. On December 13, 2022, Azerbaijan cut off the gas supply via the only pipeline running from Armenia to Nagorno-Karabakh.¹⁷³ It was restored temporarily and cut for more than ten times before it was permanently shut down on March 22, 2023.¹⁷⁴

On January 9, 2023, the high-voltage power cable running from Armenia to Nagorno-Karabakh—the main source of electricity supply—was damaged within the territory of the Lachin Corridor. Reportedly, Azerbaijan did not allow the repair of the cable.¹⁷⁵ The electricity supply was never restored and the population of Nagorno-Karabakh had to depend on its domestic electricity generation infrastructure, with the Sarsang Reservoir accounting for nearly 70 percent of the total capacity. However, the reservoir’s resources were gradually declining.¹⁷⁶ In order to preserve the electricity supply, regular blackouts were introduced on January 10. On January 17, Nagorno-Karabakh authorities introduced a four-hour rolling blackout schedule to ensure the minimum energy needs

of the population were met.¹⁷⁷ As the situation worsened, on January 21, the rolling blackout schedule was extended to six hours per day. While there were variations in this schedule during the blockade, blackouts remained a regular occurrence.¹⁷⁸

Interviewees also talked about the disruption of the gas and electricity supplies:

During the blockade, the gas supply was cut off for a week, then provided again; they would constantly turn it on and off.¹⁷⁹

They [Azerbaijan] would give us gas for ten days, then cut it off for five, and so on.¹⁸⁰

Electricity was interrupted during the blockade. In the beginning, the light was on for three hours and turned off for one hour. Later, they gave it for two hours, one hour shutdown, then they gave it for three hours, shutdown for two hours. The Sarsang Reservoir was very close to our village, and we could see that the water in the reservoir was emptying.¹⁸¹

We used to heat the apartment with gas. Due to the lack of gas supply we switched to electricity which was not sufficient as there were daily blackouts. We also could not use a wood stove as there was no fuel for cars.¹⁸²

There has been no gas in our village since December 2022 as Azerbaijanis cut off the supply. I think they were doing everything to disappoint [us] and [make us] leave our houses and Artsakh.¹⁸³

During the blockade, communication lines—including telephone landlines, cellular signals, and internet access—were severely disrupted. On January 12, 2023, communication wires from Armenia to Nagorno-Karabakh were cut near Shushi, in an area under Azerbaijani control, which disrupted telecommunications and fixed internet across the entire region. After negotiations between Russian peacekeepers and Azerbaijani authorities, workers from Nagorno-Karabakh were permitted access to

the site, allowing the restoration of internet connectivity.¹⁸⁴

Azerbaijan also took measures to hide the effects of the blockade. Since 2021, both the Russian peacekeepers and the Azerbaijani authorities have prohibited access to Nagorno-Karabakh for foreigners, including journalists.¹⁸⁵ As for the territories taken by Azerbaijan after the 2020 war, only those media representatives approved by the Azerbaijani government could access them. In this regard, the International Federation of Journalists (IFJ) stated: “In Azerbaijan, journalists have to request special authorizations from the presidential administration to travel to Karabakh, authorizations that are rarely granted ‘for security reasons.’”¹⁸⁶ Such a procedure suggests tight control over access and coverage. It is also visible in the remarks made by the IFJ General Secretary:

Yesterday, together with the EFJ GS and the President of JuHI [Journalists Trade Union], as journalists, we tried to reach Khankendi / Stepanakert, a town located ten kilometers from Shusha, which is internationally recognized as part of Azerbaijan, but predominantly populated by ethnic Armenians. The town is under blockade, in a region under control of Russian peacekeepers. But it was the Azerbaijani army that prevented us from crossing, in accordance with government orders.¹⁸⁷

It is noteworthy that Azerbaijan continued the blockade in violation of the Trilateral Statement signed on November 9, 2020, and the order of the International Court of Justice (ICJ). On December 14, 2022, the Armenian government submitted a request with the European Court of Human Rights (ECtHR) to indicate interim measures to the Azerbaijani government regarding the blockade of the Lachin Corridor under Rule 39 of the Rules of Court.¹⁸⁸ Based on their request, the ECtHR, noting Azerbaijan’s obligation under Article 6 of the Trilateral

Statement, indicated an interim measure, requesting Azerbaijan to:

guarantee the security of persons, vehicles and cargo moving along the Lachin Corridor in both directions and reminding them of their obligations under the Convention, decided [...] to indicate to the Government of Azerbaijan, under Rule 39 of the Rules of Court, to take all measures that are within their jurisdiction to ensure safe passage through the “Lachin Corridor” of seriously ill persons in need of medical treatment in Armenia and others who were stranded on the road without shelter or means of subsistence.¹⁸⁹

Additionally, the Armenian government lodged a request for interim measures with the ICJ. On February 22, 2023, the ICJ ordered Azerbaijan to “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions.”¹⁹⁰ On July 6, the ICJ clarified its order that Azerbaijan “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions” applied equally to the checkpoint.¹⁹¹ However, in defiance of the Court’s order, which has confirmed the existence of irreparable harm to the residents of Nagorno-Karabakh, neither the Russian peacekeepers nor the Azerbaijani authorities took any effective steps to unblock the road.

As a result, people in Nagorno-Karabakh suffered “acute shortages of food, medications, hygiene products, and other essential supplies.”¹⁹² Azerbaijan obstructed the free movement of persons, vehicles, and cargo, including the supply of food to and from Nagorno-Karabakh, intentionally deprived Nagorno-Karabakh of gas and electricity, and attacked farmers to prevent the domestic production of food as demonstrated below. These actions constitute a set of gross human rights violations, which are elaborated below.

Right to an adequate standard of living

During the nine-month blockade, Armenians in Nagorno-Karabakh had their right to an adequate standard of living violated. Specifically, access to food, heating, electricity, and transportation was severely restricted. The paralysis of civilian infrastructure caused by the lack of necessary resources also halted the work of key service providers, including educational institutions.

The lack of food

The blockade of the Lachin Corridor led to an extreme shortage of food and other essential products for the livelihood of the local population of Nagorno-Karabakh. Reportedly, about 90 percent of the food sold in Nagorno-Karabakh was imported from Armenia.¹⁹³

The limited humanitarian aid and products transferred by the ICRC or Russian peacekeepers were insufficient to meet the needs of residents who became fully dependent on their own scarce resources. Difficulty in accessing food was observed in most of the interviews. In 236 of them, people talked about having severe shortages.

As reported by several interlocutors, the situation deteriorated dramatically, especially in the summer months leading up to the September 19 military offensive. The shops were emptied shortly after the blockade started, as confirmed by the collected interviews and open-source data.

*When the blockade of the Lachin Corridor began, everyone was panic-stricken and went to buy groceries, including us. Within about ten days, all the shops were empty because we assumed that the siege could last long. There was no food. We used to line up for bread from three or five in the morning so that we could buy one or two loaves of bread.*¹⁹⁴



An empty grocery store in Stepanakert. (Photo by CivilNet/Ani Balayan, August 2023)

The shops were generally completely emptied within a week or two after the blockade started. It was very difficult to get flour; there was no sugar at all. It was very difficult, especially in the village, because you had to go to the city to buy things, and there was no transport or fuel at all.¹⁹⁵

To meet the population's most essential needs, Nagorno-Karabakh authorities introduced a food rationing system that provided food to shops from the state reserve. On January 20, 2023, a coupon system was introduced for residents to buy five essential food products—sugar, rice, buckwheat, pasta, and oil—from stores in Stepanakert and the regions based on a government-set schedule.¹⁹⁶ On February 21, 2023, fruits, vegetables, and eggs were added to this system.¹⁹⁷ Coupons were also provided for laundry detergent.¹⁹⁸ From September 5

onwards, due to dwindling supplies, residents could only purchase bread using state-issued ration coupons.¹⁹⁹

Despite the introduction of a food rationing system, due to the overall scarcity of resources, food was often unavailable in shops, leaving the coupons unused. The coupons became increasingly useless with each passing month, as stated in the interviews collected:

Shops were getting food in small quantities, and by the time you got to shop, the food was sold out. Lines for bread showed up at the bakeries because there was no flour; even in those bakeries, there was very little flour.²⁰⁰

The coupon system offered no real benefit. Initially, when there was some food available, the coupons had some use. But toward the end, they were utterly worthless.²⁰¹

Meanwhile, the price of food and other goods increased dramatically:

*Grocery prices had also increased. We used to get coupons ... but the groceries ran out. Then it got worse. Bread was only available with coupons, with half a loaf allotted per person.*²⁰²

*Gradually, the shelves in the shops grew empty, leading to a continual rise in product prices.*²⁰³

*Throughout the two-month period during the blockade, my husband and I sacrificed our own bread to ensure our children were fed. During this period, food prices skyrocketed.*²⁰⁴

*During the blockade, 200 grams of bread was allotted to one person a day, and we gave it to the children. We were cultivating a garden, and it was drying up because of the lack of water.*²⁰⁵

Food and supplies were especially scarce in cities where agricultural products were not available due to a lack of fuel to transport those products. Furthermore, villagers could not effectively harvest their crops due to security concerns, and opted to barter what they could harvest for their own needs instead of selling them, contributing to the scarcity of agricultural products:

*People started bartering. I had a pack of diapers that I would exchange at a store for other products or food. Moreover, in those scarce conditions, we grew vegetables in greenhouses and raised cattle and chicken. We preserved the best vegetables to survive the winter because we didn't know how long the blockade would last.*²⁰⁶

*I had some chicken, but we didn't eat the eggs. We exchanged them for other food. I grew green beans in our orchard. I bartered that as well. For example, I would exchange 15 eggs for a box of salt.*²⁰⁷

The food shortage led to cases of malnutrition, which were especially common in Stepanakert, where most of the people in Nagorno-Karabakh lived. The lack of fuel made it extremely difficult for farmers to harvest and transport food to

Stepanakert and other urban areas. People had to walk dozens of kilometers or use animals such as horses and donkeys to bring food to their relatives. The interviewees shared their experience with the fact-finding mission about the challenges they faced when trying to access food:

*During the blockade, [the situation] was comparatively bearable in the village thanks to agriculture and animals, but in the cities, people were starving and were fainting in the lines for bread. I was trying to help my daughter's family. In Stepanakert, the situation was horrible. When the war started, on September 22 or 23, we went to the house of my son-in-law's parents in Stepanakert; they had nothing to eat.*²⁰⁸

*I put some food in a bag, including chicken, flour, cheese, and together with my 84-year-old husband, we walked from Kaghartsi to Stepanakert. It was 18 kilometers. My son-in-law came forward and took the food. We did so several times to provide my daughter's family in Stepanakert with some food.*²⁰⁹

*My daughter was pregnant during the blockade. In Stepanakert, the situation with food was critical. One time, I sent her what I had, it sufficed for some time.*²¹⁰

*It was very difficult to survive. We were thinking that at the end we would really starve. It is impossible to describe our feelings when there was no food, no hygiene items, no medicine.*²¹¹

*The situation was extremely difficult. People were thinking that they would not make it in December, there was no bread.*²¹²

After Azerbaijan completely blocked the supply of humanitarian goods in June 2023, the shortage of essential supplies became more severe. Many interviewees told the fact-finding mission about the complete lack of vital products like salt and coffee:

My neighbor gave me a stone-like piece of salt which he used to give to his cows. I crushed it and used it...There was no coffee, so we made coffee from peas. Whoever had peas was considered a rich man.²¹³

I bought sugar with a coupon. The Red Cross also provided four kilograms. But the issue with salt was serious. I bought sheep salt, boiled it, and made [edible] salt from it. Also, I bartered it with wheat—three to four kilograms of wheat for one kilogram of salt.²¹⁴

There was already a shortage of coffee from the beginning of June. We got coffee from peas and chickpeas; we roasted them, grinded [them], and then roasted then again to make coffee.²¹⁵

During the last months of the blockade, there was also an extreme shortage of bread, especially in September. People stood in line for hours, including at night and in hot weather conditions. Often, they returned home empty-handed. During this period, incidents of fainting were often reported—both among adults and children—due to malnutrition and conditions causing overstress.²¹⁶ The interviews collected by the fact-finding mission demonstrate the severity of this situation:

Since July, there had been a severe shortage of bread; our family of five were owed two and a half loaves of bread based on the coupon ration, but it was not sufficient. My two adult children and I did not eat bread in order to give [bread] to our younger children. The lines for bread were very long; sometimes I stood in line for 24 hours or more to buy bread. It happened that we did not have bread for two to three days, because the bread produced by the bakeries was not enough for everyone. The quality of bread was also very bad for some time; it was made from bran. Some foods that were brought from the villages could be bought from time to time at very high prices.²¹⁷

My husband was standing in line for bread from four o'clock at night. I was also waking

up my daughter at 6 o'clock in the morning to stand in line too as the bread was small and insufficient. Since there was no other food, bread became the only food. My mother-in-law was living in a village; she had chicken and some barley. She salted it, made bread, and brought it to us on foot.²¹⁸

In the beginning, they would give us bread in quantities of two loaves or three loaves. Then the situation worsened; in the last months there was almost nothing. There was no bread in the shops; we mostly bought thin black loaves that no one would eat, but what could we do? The bread was made from corn flour, they were thin black loaves. There was no salt; we ate tasteless things just to survive.²¹⁹

People were very exhausted... People fainted while walking in the street.²²⁰

The worsening humanitarian crisis was also registered by the ICRC. On July 25, 2023, they made a public statement concerning the situation in Nagorno-Karabakh:

Despite persistent efforts, the ICRC is not currently able to bring humanitarian assistance to the civilian population... Tens of thousands of people rely on humanitarian aid reaching them through these routes. The civilian population is now facing a lack of life-saving medication and essentials like hygiene products and baby formula. Fruits, vegetables, and bread are increasingly scarce and costly, while some other food items, such as dairy products, sunflower oil, cereal, fish, and chicken are not available. The last time the ICRC was allowed to bring medical items and essential food items into the area was several weeks ago. Our humanitarian aid convoys are a lifeline for the population in this area. With these convoys blocked, our concern is that the humanitarian situation will further deteriorate. We are most worried about those who cannot help themselves.²²¹

The lack of food particularly adversely impacted the most vulnerable segments of the Nagorno-

Karabakh population. According to the head doctor of the Stepanakert Center for Maternal and Child Healthcare, malnutrition, vitamin shortages, and constant stress caused the number of miscarriages to nearly triple.²²² Other sources also reported an increase in miscarriage cases.²²³ In August 2023, the Ministry of Health of Nagorno-Karabakh noted a roughly 90 percent rise in anemia among pregnant women under medical supervision. From January to July 2023, the mortality rate from acute and chronic heart failures surged by 66 percent. Additionally, the mortality rate from acute myocardial infarction increased by 20.8 percent, while deaths from cerebral palsy rose by 8.8 percent. Over this seven-month period, fatalities attributed to malignant neoplasms increased by 15.9 percent.²²⁴ Contributing factors to these rising mortality rates included shortages or lack of necessary medications, changes in quality of life, severe limitations on adequate medical assistance, and diminished viability due to malnutrition. Interviewees also highlighted the vulnerability of specific groups:

*The most difficult was the situation of the elderly, pregnant women and children. Due to the lack of transportation, they had to walk long distances. It was necessary to walk from home to the hospital for two to three kilometers; it was unbearable for elderly and pregnant women. There were frequent cases of fainting; people were losing consciousness due to exhaustion.*²²⁵

The shortage of food was not so acute at the beginning of the blockade, but little by little, food decreased, starting with fruit, sweets, sugar, oil, flour, tobacco, and other products. The lack of sugar and sweets was especially harsh for children because they needed it, they wanted it, but we could not provide it. And during spring, at the end of May, food was very scarce. We were even eating less to make sure we were able to feed children at least twice a day... In August 2023, the problem with food became particularly acute, the

*available supplies of canned goods and flour also finished.... The hygiene products ran out too. Many, including us, used toilet paper as napkins.*²²⁶

All interviewees who had been pregnant during the blockade told the fact-finding mission that they had poor nutrition during their pregnancy. Their diet contained limited to no key nutrients, causing various complications during their pregnancies, including anemia and hemorrhages. A healthcare practitioner from Stepanakert stated:

*During the blockade, the number of pregnancies with suspicion of chromosomal or other abnormalities increased; it was due to the stressful situation. There was a need for specific tests and examinations which were not available in Nagorno-Karabakh, and women had to travel to Armenia. The number of miscarriages and premature births increased dramatically during the blockade due to the constant stress. Due to the malnutrition of pregnant women, cases of anomalies increased. Under my supervision there were 100 or even more pregnant women, 60 of whom were malnourished. As a result of anemia, children acquired chronic hypoxia or were born with low weight; you can't say what problems the children would have later. There were problems with medicines from the beginning, and although the hospital received some drugs, vitamins that were supposed to be food supplements, it was not sufficient. It did not matter whether there was a vitamin or not; women should have food.*²²⁷

Another medical worker from Martakert expressed that finding food for pregnant women was extremely challenging:

The hospital, where I worked tried to provide food for pregnant women. Somehow, a cup of tea and an egg was given to them in the mornings. During the last stage of the blockade there was no food for the pregnant women. We tried to bake bread, cut [it], and distribute it to everyone. Pregnant women often became

weak or sick and requested at least to have an intravenous drip infusion to be able to stand up. We discharged the pregnant women who we knew could procure food, and we tried to keep the ones who had no food at home in the hospital.²²⁸

Interviewees who were pregnant during the blockade elaborated on these hardships:

I was pregnant during the blockade. The food was limited, there was no medicine or vitamin pills. In the fifth month of my pregnancy, the level of hemoglobin dropped [signaling anemia] and I periodically fainted. There was medicine that should be requested from the ICRC to buy. It was not possible to undergo all checkups, and one should go to Armenia. I tried to walk to the hospital. The distance was around one and a half kilometers, but I was feeling very sick. People were very exhausted, and cases of fainting had increased; people were fainting while walking in the street. Since I was starving for a long time, there was not enough food, and I could not stand it. I fainted more often. It was decided that a C-section would be conducted on September 19. So, we did it.²²⁹

During my pregnancy, I went for regular checkups to the doctor by walking as there was no transport and no fuel. I was pregnant with twins and could not eat enough. My mother was saving me; she was standing in lines to find some food for me and my child. Sometimes there was very little food, so I used to give it to my child, but we did not eat it.²³⁰

I found out about my pregnancy in August 2023. I completely lacked food; it was very difficult both for me and my children. The summer was an especially difficult period, my children could hardly stand it, but that was our struggle. During pregnancy, I had anemia; I was not eating properly. I could not find medicine. I can't imagine how we got through all that; there was nothing to cook. We endured every difficulty, but we could not overcome the problem of bread. A thousand to two thousand people were standing in line; we were waiting

all night, the light was turned off, or the flour ran out and people did not get bread... During the last period there were days with no bread for several days at a time. There were families with five or more children waiting to get bread to eat. There was no dairy at all, and I was pregnant.²³¹

The blockade affected access to food and health supplies for around 30,000 children living in Nagorno-Karabakh.²³² Essential products such as baby food, formula, and hygiene products for children was scarce, as the supply had been disrupted and later completely blocked by Azerbaijan. Fruits, vegetables, and other nutrient-rich products necessary for the healthy growth of children were in scarce supply or completely absent. The same was true for vitamins. Children suffered from avitaminoses and were at risk of developing chronic diseases due to the lack of a balanced diet necessary for both their physical and mental growth.

More than 30 of the interviewed parents stated that during the blockade, their children experienced hunger and health issues due to malnourishment which had a noticeable effect on their quality of life, as well as their access to education. The interviews demonstrate how lack of food made it increasingly difficult for children to receive a good education:

It was extremely difficult to provide for kids. There were days when we did not have bread at all; the children stayed hungry. Quite often, my children would not go to school due to hunger. My daughter who was in the eleventh grade fainted on the way back home from school due to hunger. Luckily, some acquaintance saw her and accompanied her home.²³³

People had difficulties preparing their children for the 2023 academic year. We were not able to buy notebooks, textbooks, or new clothes.²³⁴

My younger daughter was an eight-grade student. She attended a school in Khnatsakh

[a neighboring village.] However, she had not attended since the blockade began, as it was not possible to heat the school building, and the teachers were not able to come to work due to the lack of transportation.²³⁵

My children's education suffered a lot during the blockade. My older daughter studied in a college in Stepanakert. But she was not able to attend classes as there was no transport available. In addition, there was no food in Stepanakert's shops, and the college cafeteria did not operate due to the lack of food. Two of my other daughters attended school in the village. However, there was a heating problem at that school. It was cold and children got sick regularly. The classes were shortened from 45 minutes to 30. At times, it was so cold that children were sent home earlier. For a month, our village school was closed due to lack of food. The blockade affected the quality of education, as a malnourished child would not be able to comprehend everything the same way that a full person could. There were incidents when children both in our village school and in the neighboring village Arachadzor fainted from hunger.²³⁶

My children did not understand that there was no food. They would constantly ask for food whenever they stayed at home.²³⁷

I know of a family from my village; there are eight or nine children. The kids were starving. The neighbors were trying to provide them with some food. The situation was terrible.²³⁸

I used to work at a school during the blockade. I'd look at the face of a child; it was obvious that they were hungry. I would tell them to go home and would hear back [from them that there is no point going home; there is no food there].²³⁹

A lecturer at the Stepanakert State Medical College recalls: "There were children from the regions that could not come to class. There were cases when children came to class and fainted due to malnutrition."²⁴⁰ To deal with this difficult situation, parents often contacted each

other to share the limited supplies they had. As one of the interviewees stated: "Parents were trying to help each other. I recall a parent gave me a piece of soap to give to a pupil from my class as she knew that that pupil had hygiene issues and was wearing dirty clothes."²⁴¹

The operation of kindergartens was also affected by the lack of food:

The second meal was not provided for children. They were supposed to bring it with them from home. But that was not right; some of the children had no food to bring.²⁴²

Initially, the children went to kindergarten, but the kindergarten was far away. When there was no fuel, we couldn't take them there. The kindergartens closed down because of the absence of food; it was not allowed to take food from home. But then during the last period [of the school day], working parents would take food to the kindergarten so that the children could go there.²⁴³

The lack of baby formula was an especially striking problem. Many mothers of newborn babies could not breastfeed due to malnutrition and stress. Hence, there was significant demand for formula during the blockade, and parents often went to social media to try to find it.²⁴⁴ The interviews corroborate the severity of the situation:

During the blockade there was a lack of baby formula. There were many women in the community that had newborns. Peacekeepers and the ICRC tried to provide baby formula, but that was before the end of spring. In the beginning of summer, the road was completely closed, and baby formula and medicine for pregnant women were not available.²⁴⁵

Baby formula was not available in pharmacies from the beginning of the blockade. Sometimes they received it from Armenia through some means, but the quantity was limited. The same applied to baby diapers; they sold them by piece, at most 10 to 15 units, until

they received them again.²⁴⁶

My pregnancy was normal, however there was of course a need for vitamins. But there was widespread hunger; there was no food. And if there is no food, there is a nutritional deficiency. During the first months, I breastfed my child. But because of stress and a lack of food, I could not breastfeed him anymore. So, I had to switch to formula milk. There was no formula in the pharmacies. In the first days, it was provided by the hospital, but when the hospital ran out of formula milk, I tried to find it somehow [by other means]. For example, a woman whose child was grown already gave it [formula milk] to me, as she did not need it.²⁴⁷

One to two months after the blockade, the difficulties began both with the food and with the medicine and hygiene products. I was out of diapers for my child. The real hell began after two months. I was breastfeeding my child, also feeding formula milk, but there was no formula milk. We also could not feed ourselves, but it was secondary as I had to feed the children. My three-year-old child wanted the most loved products, but I could not find one for him. You feel powerless, that you cannot fulfill your child's little wish. But the child does not understand what is happening. He wants [food], he cries. Maybe you can explain to a 10-year-old what a blockade is, but not to a 3-year-old.²⁴⁸

Given the food scarcity and the impending risk of starvation for children, the Nagorno-Karabakh authorities distributed the very limited amount of humanitarian aid they had stored in July 2023. They also stressed: “Due to the limited volume of state reserves, only families with children were provided 0.5 kilograms of sugar and 0.51 kilograms of cooking oil per child, while the rest of families were deprived of even this assistance.”²⁴⁹

Interviewees also talked about the risk of starvation among children:

There were cases of fainting in the school. I

was informed by my parents that they had been lacking food, which resulted in children fainting. I had some sugar in the school and in such cases, we gave sweet tea to the children. Sugar became like gold during that period.²⁵⁰

There was a child in our village that was starving and dying. I was told that she was not even able to drink water due to being malnourished for a very long time. She was urgently hospitalized and infused with glucose to be able to recuperate. After that, the whole village provided the family with some food to survive.²⁵¹

In September 2023, considering the desperate situation caused by the lack of food, the local authorities in Nagorno-Karabakh decided to accept humanitarian supplies via routes (i.e., through Azerbaijan) other than the Lachin Corridor, despite their concerns that such a precedent could be used to normalize the blockade and put further pressure on the Armenian population. On September 12, 2023, the Russian Red Cross Association delivered the first shipment of humanitarian aid to Nagorno-Karabakh from the direction of Aghdam, after four months without any external aid.²⁵² On September 17, 2023, the Nagorno-Karabakh authorities publicly stated that, “taking into account the deepening disaster and security in the country,” they had decided to accept the joint proposal of the Stepanakert office of the ICRC and the Russian peacekeeping mission for the simultaneous transfer of humanitarian cargo by the ICRC through the Lachin Corridor and the Aghdam-Stepanakert road.²⁵³ The following day, local authorities announced that around 23 tons of Armenian-made flour was transported to Stepanakert through the Lachin Corridor and that Swiss- and Russian-produced medical and hygiene supplies were transported through the Aghdam-Stepanakert road.²⁵⁴ The very next day, Azerbaijan launched a large-scale attack on Nagorno-Karabakh, forcing the displacement of the entire population, as described below.

Restricted access to water, heating, electricity, and transportation

During the blockade, certain communities in Nagorno-Karabakh experiences significant disruptions in their water supply.²⁵⁵ This was primarily due to a lack of electricity and fuel, which hindered water pumps from operating at full capacity.²⁵⁶ Additionally, issues related to the provision of drinking water arose from electricity supply failures, affecting both the quantity and quality of water available to residents.²⁵⁷ Prior to the blockade, residents of Stepanakert would often obtain their drinking water from alternative sources in containers.²⁵⁸ However, the absence of a steady water supply in multiple districts led some bakeries to shut down, as their operations heavily relied on water.²⁵⁹

*Water was still available, but later, it was supplied by a diesel-powered engine in regions, which meant that water was distributed only at scheduled times.*²⁶⁰

*Since the water supply relied partially on electric pumps, there were also water problems due to the lack of electricity.*²⁶¹

*During the summer, there were issues with irrigation water, while drinking water was available only at scheduled times; but it was sufficient.*²⁶²

*We had pumps for the village that supplied water for two to three hours at a time. Due to the blockade, this was reduced to every two days for two hours, and sometimes we went without water for up to four days.*²⁶³

Interviewees also noted that, as Azerbaijan had control over certain water sources, they experienced water shortages:

We tried to grow such plants, greens, and vegetables that did not require much water because our supply of water was small. The main sources of water were on the Azerbaijani side [of the line of contact], and we were afraid to bring water from places far from

*us; we worried that they would kill us on the way.*²⁶⁴

*After the ceasefire, the source of our water was captured. We were bringing water from the forest.*²⁶⁵

*There was no irrigation water in Aygestan village; the river was located within the territory that had fallen under Azerbaijani control in 2020.*²⁶⁶

Sixty-one interviewees told the fact-finding mission that it was not possible to ensure the heating of kindergartens, schools, and university buildings due to a lack of gas supply and power cuts. As a result, they were temporarily closed, or classes were shortened:

*It was cold in winter. There was neither gas nor electricity due to blackouts. The children went to school on January 9, 2024, for a week, but then the schools shut down as it was cold. They installed a wood stove for the primary school classes and one more class, so they conducted classes in turns.*²⁶⁷

*Due to the lack of gas supply, schools were closed. My three children were pupils. As there was no heating, they'd get sick. The classes were shortened to 25-30 minutes. It was winter, [it was] cold, and my older daughter attended a school in the nearby village. She had to walk and would freeze on the way and get sick.*²⁶⁸

*During the blockade, my children attended school and kindergarten. However, they would close [them] regularly as there was no heating and food at the kindergarten. Basically, the schools' closure was directly linked to whether Azerbaijan shut the gas supply. They would create problems for us [by any means possible], so that the normal pace of life in our homeland was obstructed.*²⁶⁹

The kindergarten would regularly close down. It was cold. It was not possible to install a wood stove, and heating was possible only with gas. However, the gas supply was cut off in the initial phase of the blockade; they would restore the supply and then cut it, and

eventually, the supply was permanently cut off as of March. My child had health issues, and it was a challenge for me as I had to go to work.²⁷⁰

Interviewees also noted that the cuts also affected the capacity of pupils and students to follow classes online:

We would have electricity for a few hours a day, and it was difficult for children to follow classes online. However, Artsakhenergo [the closed joint-stock company managing the supply of electricity in Nagorno-Karabakh] would publish the timetable of blackouts, and the schooling process would be organized accordingly.²⁷¹

In September, there were discussions to start the schooling or not, but then it was decided to start to not further depress people.²⁷²

The shortage of fuel prevented the teaching staff and children from traveling to school and back. Children living in communities that did not have schools had to travel to neighboring towns for their education. When public transportation stopped running, some schools began to offer classes online. However, increasingly frequent blackouts and other disruptions to the internet made even this impossible at times:

During the blockade, the university shortened the duration of classes. As of March, the students commuting from villages were not able to attend classes due to the lack of transportation. They joined the classes online.²⁷³

In our university, attendance dropped. Most of our students were commuting from the regions. And due to the lack of fuel, they were not able to attend.²⁷⁴

During the blockade, my youngest daughter was in school.... They had teachers who commuted from Stepanakert and Askeran and due to the absence of fuel, they barely held classes. It was also impossible to have the classes online, because we didn't have an internet connection. They didn't have classes

due to the absence of electricity as well. They even had students who fainted from hunger.²⁷⁵

We only had an elementary school in our village, and my children were past the fifth grade, so they were going to school in the neighboring village, but we did not have transportation.... After the fourth year, the children would go to school in Nakhijevanik. Public transport would take them there. Starting from September 1, 2023, the children didn't go to school at all because there was no fuel for the vehicle... Those who could not go joined the classes online but the internet connection was very bad.²⁷⁶

Starting from July 25, 2023, the operation of public transportation across Nagorno-Karabakh was suspended completely due to the absence of fuel.²⁷⁷

Disruptions of agricultural work

In addition to stopping the flow of crucial humanitarian goods, Azerbaijani also continued to obstruct the flow of agricultural work in the villages near the line of contact. As a result, during periods where resources were limited, these communities could barely sustain themselves. As Azerbaijani servicemen would shoot at farmers and their equipment arbitrarily and without provocation, gardening and agricultural work became dangerous.²⁷⁸ Considering this consistent threat, Nagorno-Karabakh authorities called on citizens to only farm in areas adjacent to the line of contact when Russian peacekeepers were present.²⁷⁹ On the subject of these threats, interviewees recounted the following:

Whenever we went to work in the orchard, they would start shooting at the orchards from Azerbaijani positions. It's true that we didn't have any wounded or killed as a result of those shootings, but when we appealed to the Russians [for help], they wouldn't take any action. There were even cases when the Russians themselves wouldn't

let us work in the orchard, saying that the Azerbaijanis wouldn't allow it.²⁸⁰

During the harvesting, villagers were shot at, with equipment being the primary target. Initially, the Russians were strict with the Azerbaijanis, which gave us a sense of security. But this changed as the Russian staff rotated. They had a post on the way to the village that started with two guards, [which was] then reduced to one, and eventually, there were none. During the blockade, they didn't even come to accompany us during the agricultural work, leaving us vulnerable. Shots were fired at agricultural workers, and our cattle that crossed over into Azerbaijani territory were not returned. We also heard about a shepherd in the village of Chartar who was captured and killed during the summer.²⁸¹

Although it was sometimes possible to work in the fields, vegetable gardens closer to the Azerbaijani post remained inaccessible due to fear. Our agricultural activities were conducted about one kilometer from the Azerbaijani positions.²⁸²

Economic hardships

The standard of living in Nagorno-Karabakh also deteriorated due to the sharp increase in unemployment and the soaring prices of resources, which were becoming scarce. According to Nagorno-Karabakh authorities, by February 3, 2023, approximately 5,100 citizens had already lost their jobs and sources of income due to the blockade, which also affected residents' purchasing power as prices of goods increased.²⁸³ By April 25, 2023, 860 economic entities representing 20.1 percent of the total economy had ceased operations due to the blockade's restrictions. The remaining economic entities were either operating at reduced capacity or receiving state support.²⁸⁴ Several months after the blockade had started, an estimated 10,300 people lost their jobs and sources of income (including cases of state-

supported temporary employment), which made up more than 50 percent of private sector employees.²⁸⁵

These economic hardships are further evidenced by interviewees collected by the fact-finding mission:

I worked in the Drombon mine from 2009 to 2016, then moved to Tsaghkashen. I worked at the Drombon enrichment factory. But due to the closure of the road in December 2022, the work was stopped.²⁸⁶

When the blockade started, I lost my job because construction materials were imported to Artsakh from Armenia. Since the road was closed, construction materials and goods did not enter Artsakh.²⁸⁷

Following the blockade, beginning from January, I did not work for eight months because the sewing factory was unable to obtain textile supplies. During that time, I did not receive a salary.²⁸⁸

The blockade had a big impact on my work. I was engaged in the cosmetic repair of cars in my own car repair shop. However, as soon as the blockade began, problems arose with finding materials and spare parts, which were regularly brought from Armenia. Also, there was a problem with electricity, which also hindered [my] work. As a result, I lost my job. Food prices, except for bread, had increased more than ten times.²⁸⁹

The blockade was very heavy. In February, after the shops were empty, harsh days began. My husband and I worked in a restaurant, but it was closed due to the lack of food.²⁹⁰

Due to the lack of gas and fuel supply, those working in transportation lost their stable income.²⁹¹ As one of the interviewees stated, their relative lost his job as a taxi driver because there was no fuel for the vehicles.²⁹²

The collected testimonies not only shed light on the ways in which Azerbaijan made life for

the Armenians in Nagorno-Karabakh extremely difficult, but they also illustrated how the issues observed exacerbated one another, thus aggravating the effects of the humanitarian crisis. For example, the shortage in supplies also halted domestic agricultural production necessary for the population's self-sustenance. Scarcity drove the prices for certain goods up, while many residents faced unemployment and loss of income. Similarly, the lack of food in urban areas necessitated the transport of produce cultivated locally in rural areas, but a low fuel supply made this nearly impossible. These factors together worsened living conditions for various vulnerable groups during the blockade.

Right to life

The fact-finding mission documented incidents constituting the violation of the right to life or threat thereof. Periodic shootings, which had become a regularity after the ceasefire, continued during the blockade. They threatened the lives of civilians, and several cases led to casualties. The crisis caused by the blockade also created situations that led to the loss of lives.

One major case happened in March 2023, when several local Nagorno-Karabakh policemen tried to use a dirt road to bypass the blockade imposed by the Azerbaijani self-proclaimed environmentalists. On March 5, 2023, the Azerbaijani military ambushed one of their Nagorno-Karabakh police vehicles on this road and killed three police officers and wounded one.²⁹³ The police officers were on their way from Stepanakert to Hin Shen and Mets Shen villages.²⁹⁴ Nagorno-Karabakh authorities released a video and several photos of the damaged vehicle transporting the policemen.²⁹⁵ Azerbaijan's Defense Ministry claimed that, for its part, a shootout broke out after Azerbaijani military personnel tried "to stop and inspect" the

vehicle, alleging that it had been "transporting illegal military supplies." Azerbaijan has yet to provide evidence of this claim.²⁹⁶ Moreover, the Azerbaijani Ministry of Defense stated in a press statement that "the only road that can be used between the Karabakh economic region and the Republic of Armenia is the Khankendi [Stepanakert]-Lachin road," which was blocked at the time.²⁹⁷

The incident also amplified the sense of threat among Armenians living in Nagorno-Karabakh; the pre-existing security mechanisms no longer seemed effective for them. As one of the interviewees stated: "When we were hearing about cases, and the news was spreading among the population that, for example, they were killing policemen in broad daylight on the road to Lisagor [a village near Mets Shen], we then started to not trust the peacekeepers."²⁹⁸

Some interviewees explicitly stated that the attack, coupled with the deployment of the Azerbaijani military on nearby high grounds, made use of the road life-threatening to locals. They stated that cutting off this alternative route further tightened the blockade and negatively impacted the humanitarian situation:

*Artsakh's police officers were securing that road on shifts. However, one time the Azerbaijanis blocked the road for the police officers and killed them. Since then, no food was delivered via that road.*²⁹⁹

*Following the killing of the Nagorno-Karabakh police officers on that road on March 5, people were afraid to use [it]; additionally, it was not allowed.*³⁰⁰

Incidents of Azerbaijani servicemen shooting at farmers and villagers engaged in agricultural or gardening activities near the line of contact were also documented. While no cases of targeted killings were documented, these shootings posed a risk to life. Interviews with people who lived in communities near Azerbaijani military outposts,

including Shosh and Nakhijevanik, show the Azerbaijani servicemen's consistent pattern of intimidation and attacks on civilians:

The Azerbaijanis did not allow us to sow spring seeds in 2023 at all. They would shoot at any agricultural vehicle they'd see. In June, when I was harvesting barley, they did not target me. However, the next day, I wanted to help my friend harvest, but they started shooting at the fields. We were not able to do our job.³⁰¹

They shot at a tractor working near our village in the spring of 2023.... There was no casualty; however, there was significant damage.³⁰²

Around August 2023, Azerbaijanis shot at my sister's husband, who was in his tractor working in the fields around Kropotkino village. He was not harmed.³⁰³

A man from our village, a father of four, was shot at regularly to scare him so that he stopped working in the field. They did the same during the blockade to scare people to force them not to work in the fields.³⁰⁴

In Nerkin Sznek, prior to September 19, it was not calm in our area. There was regular shooting; however, when they started targeting tractors or combiners working in the field, that was a serious problem. Their aim was to not allow the people to work in the fields so that they were not able to plant anything, harvest anything, and sustain themselves... Their aim was to constantly terrorize us so that people would leave. A father and his son from our village were targeted during the 2023 harvest.³⁰⁵

These threats to life often forced families to move out of their homes. For instance, the fact-finding mission obtained testimonies about a family from Karmir Shuka who, after witnessing the Azerbaijani army shell their neighbor's house in March 2023, relocated to Karahunj.³⁰⁶

Similar incidents were documented by various media reports. On January 6, 2023, a resident of Hatsi village was targeted by Azerbaijani

servicemen while operating a tractor doing agricultural work.³⁰⁷ On March 30, Azerbaijani servicemen opened fire in the direction of residents of Berdashen while they were working in the vineyard. On the same day, residents of Taghavard village were targeted by the Azerbaijani army. After irregular shots were fired in their direction from the military positions, they stopped their agricultural work.³⁰⁸ On April 5, 2023, a resident of Khnapat village was targeted while driving his tractor and doing agricultural work in the field.³⁰⁹ On July 7, Azerbaijani servicemen violated the ceasefire by opening fire at a combine doing agricultural work in a field in Machkalashen village.³¹⁰ On July 10, between 9:30 a.m. and 10:45 a.m., Azerbaijani units opened fire from small caliber arms at a harvester doing agricultural work in the fields of Sarushen village.³¹¹ On August 15, Azerbaijani servicemen opened fire in the direction of a harvester in the field near Avdur village. The farmer was not injured, but the combine harvester was damaged.³¹²

In addition to the shootings, the circumstances created by the blockade also violated the right to life in Nagorno-Karabakh. The shortage of food resulted in at least one death due to hunger. On August 15, 2023, the Human Rights Defender of Nagorno-Karabakh announced the death of a Stepanakert resident. Forensic analysis demonstrated the cause of death to be starvation, driven by chronic malnutrition and protein and energy deficiency.³¹³

Lack of food paired with inadequate medical care during the blockade also caused loss of life, as documented in cases like that of three-year-old Leo and six-year-old Gita, who went to a car to try and search for their mother on July 8, 2023, and died of heat exhaustion. Reportedly, their single mother left them unattended to walk several miles from their village to stand in a line for bread.³¹⁴

The fact-finding mission obtained accounts from other women who left their children unattended to go find bread:

There were lines for food. For example, I went out in the morning to get rice and returned at 4 o'clock. During that time, I left my four children alone at home. [One day], a mother from Aghabekalanj village next to us left her children to go and stand in line for food in Martakert. She returned home to find the children gone. It was discovered that the children got into the car on the road in a state of exhaustion and died in the heat. Those deaths were due to food shortages caused by the blockade.³¹⁵

Overall, the blockade and the accompanied attacks on civilians created life threatening situations for the Armenians of Nagorno-Karabakh. In several cases, they directly led to civilian casualties. The blockade also deprived people in vulnerable conditions of proper medical care and treatment, leading to more deaths. The following section provides more details on the documented cases in this category.

Right to health

The right to health of Armenians living in Nagorno-Karabakh was violated in three key ways. Firstly, under blockade, local medical institutions could not access the resources necessary to provide people with adequate care and treatment. Secondly, individuals with chronic conditions encountered significant obstacles in accessing the necessary medication. Finally, as the hospitals in Nagorno-Karabakh were no longer capable of providing crucial healthcare services, residents needed to be taken to Armenia for treatment, but experienced delays and were often not able to cross the border at all. Among the interviewees who lived through the blockade, 195 stated that they had not had access to adequate healthcare.

The blockade caused facilities and pharmacies across Nagorno-Karabakh to encounter shortages of necessary supplies.³¹⁶ They were fully reliant on the ICRC and the Russian peacekeeping mission for the transfer of medical products. On December 27, 2022, the first shipment of humanitarian aid, including medicine, baby formula, and other medical items, entered the territory.³¹⁷ Due to the shortage, pharmacies rationed their supplies, selling medications such as painkillers and antipyretics in individual doses. For a time, hospitals were able to provide people with diabetes with the necessary medications, but their supplies had dwindled by summer 2023.³¹⁸

Interviewees also talked about the shortage of medicine:

We had one nurse in the village. Since May 2023, medicine for diabetes had not been brought from the Martakert hospital. On April 23, 2023, the Hakari Bridge was also closed. Until then, only the Shushi-Stepanakert Road had been closed. Under these [new] conditions, the blockade tightened, and Russian peacekeepers could not bring anything to the people.³¹⁹

My husband had diabetes. My son-in-law was able to get [him] some medication. I believe he bought them through Russian peacekeepers and paid for the transfer. Similarly, he was getting medicine and vitamins for my pregnant daughter.³²⁰

The situation periodically worsened due to arbitrarily imposed restrictions. Specifically, between April 20 and May 17, the ICRC was not able to transfer any medical supplies to Nagorno-Karabakh.³²¹ On June 15, Azerbaijan implemented a complete ban on all kinds of transportation, exacerbating the crisis. As a result, medical institutions in Nagorno-Karabakh had to postpone all non-urgent examinations and planned surgeries.³²² They were also contending

with a shortage of available medications. On July 25, the Nagorno-Karabakh Republican Medical Center projected that medications for certain conditions would be depleted within ten days, including hemodialyzers, posing a serious risk to the lives of their patients.³²³ There was also a shortage of blood pressure medications, treatments for chronic illnesses (such as diabetes, cardiovascular diseases, oncology, and respiratory conditions), vitamins, dietary supplements, and medications for children.³²⁴ Medical supplies, such as diapers and hypodermic needles, were also scarce.³²⁵

Many interviewees informed the fact-finding mission that they either skipped doses of medications meant to be taken daily or stopped taking them altogether:

My grandmother had diabetes and eye pressure. There was no public transportation, and it was a problem to travel to Stepanakert. So, the healthcare was not accessible to my grandmother. She ran out of her pills. There was no medicine for [high] blood pressure. There were not even painkillers or antipyretic drugs in the pharmacies.³²⁶

My husband needed medication. He suffered a brain and skull injury back in 2019, and since then, he has had frequent pain attacks. In such a case, the only remedy is to take strong painkillers. During the blockade, it was difficult to find medicine, and he had no medicine, so he had to suffer until the pain episode passed.³²⁷

My husband has diabetes, and I have a thyroid problem. There were no medicines in the last two months of the blockade; we could not find the medicines we needed. I also have a malformation of a vessel in the brain, which results in severe headaches on a regular basis.... I couldn't find the medicines I needed, so I went to the hospital. They injected me with painkillers; that's how I endured.... There were many people in the village who were sick, and had various diseases—diabetes, chronic

diseases, kidney problems—and people with different groups of disabilities who needed diapers and catheters. As time passed, life under the blockade became more and more difficult.³²⁸

I have cardiovascular disease and must take pills. Due to the lack of medication, I did not take them some days to save [them] for later.³²⁹

There was a shortage of medicine. I was using drugs that improve my heart function and lower blood pressure, but in the last two to three months, there was a complete shortage of drugs in pharmacies. I could not get them, so I did not take them at all. Also, my mother-in-law has leukemia. She had to take “Leukeran” [name of brand] pills, which we were able to find until June 2023. But after that, she did not take the medicine until we arrived in Armenia.³³⁰

I was diagnosed with malignant cervical cancer and have been undergoing treatment since 2016. I was constantly taking medicine. I refused chemotherapy, and when there was a shortage of medicines, I could not find any, so I would pick herbs in the village and use them [instead].³³¹

Around May 2023, my grandfather was complaining that whatever he ate got stuck in his throat. We went to the hospital in Stepanakert. After the tests, they said that my grandfather had a third-degree tumor of the esophagus. The only solution was an esophageal stent. I bought the stent from Armenia remotely, which was supposed to be sent to Artsakh. But, due to the road closure, it was never sent. He used to eat soup; he could not even do that. He was malnourished in those few months. Although he had a tumor, a month before his death he still cultivated the land. He would not have died so soon if he had eaten normally. Referring to my grandfather's medicines, I should mention that even in Stepanakert there were no IV (Intravenous) fluids to replace food. My grandfather was deprived of that; he ate honey and drank tea.

That is all he lived on.... There was a problem with necessary medicines; the Azerbaijanis did not allow medicines to come to Artsakh.³³²

The situation with medicine was bad. I had a problem with blood pressure; my wife had vasculitis. There were no pills. The ICRC also did not provide anything. The village medical aid center was empty.³³³

I ran out of medicine in May. It was not possible to find the medicine I needed in the pharmacies. I found the medicine from a woman whose mother had also used the medicine, but had died, and some medicine was left. My sister's medicine was also unavailable during the blockade. She had a serious blood pressure issue, and on September 18, she was hospitalized with a stroke.³³⁴

The lack of fuel also disrupted access to health, especially for residents of small communities, who would travel to nearby towns for treatment and checkups.³³⁵ On July 25, 2023, Nagorno-Karabakh's public transportation system completely shut down.³³⁶ Additionally, there was no fuel for ambulances to deliver emergency assistance.³³⁷ Doctors consulted patients over the phone in order to save fuel for the most urgent cases. By the blockade's final months, ambulances weren't even available in Stepanakert.

The interviews collected corroborate this situation:

The lack of fuel was felt the most. It was especially evident when there was a need to go to the hospital. We were making an appointment if there was a patient to be transferred. There was a person from a neighboring village in need of hemodialysis that was being transferred to Stepanakert once a week. A car would pass through the villages and take patients to Stepanakert. In August, he was transferred to Yerevan. We had stored fuel in the village that was used for extreme cases. For example, one of our

villagers broke his leg and arm, [so] fuel was provided. From June to July 2023, there was almost a complete shortage of fuel, so it was kept for very urgent cases.³³⁸

Since the public transportation service between the regions had stopped, there were cases where Russian peacekeepers transported the patients to hospitals. Sometimes the regional hospitals organized the transfer of their patients to Stepanakert and back; but after the shortage of fuel, this was not possible anymore.³³⁹

Ambulance crews were cut for the last two months [of the blockade]. If the blockade had lasted longer, even if for a month, we would have had more or greater difficulties. It was already difficult to organize the ambulance work. There were electric cars that we used because there was no fuel. Individuals provided their electric cars free of charge to transfer patients to the hospitals, especially pregnant women living far from the hospital.³⁴⁰

There was a problem with fuel. Due to this, my uncle could not go to the hospital for post-surgery checks.³⁴¹

The heads of the villages oversaw the fuel reserves and provided them to residents for their most urgent medical needs. Some residents, especially those with known healthcare needs or who were expecting newborns, reserved some fuel in anticipation of emergency situations.

The lack of fuel also affected the availability of healthcare personnel in the hospitals. The Head Doctor of the Republican Medical Center told the fact-finding mission that:

Of the 611 employees working in the hospital's three buildings, not all lived in Stepanakert, some commuted from villages, including elderly staff who found it difficult to walk to work. As a result, we had to grant leaves and adjust staffing, with a larger share of duties falling on Stepanakert-based staff, who had their own challenges, such as long bread lines

and caring for their families.³⁴²

One of the interviewees also stated: “My daughter-in-law had been working in Stepanakert Hospital, but since July there was no possibility for her to go to work due to the blockade.”³⁴³

The absence of fuel made it impossible for doctors and nurses to travel to remote villages that did not have any medical institutions. In this regard, one of the interviewees from Tsaghkashat community stated:

There was no medicine available. Those who were sick should find the necessary medicine themselves. The nurse of the village was from Stepanakert and during the last months she could not come to the village. However, there were people in the village that needed injections every day. I had reserved two liters of fuel for the hospital just in case.³⁴⁴

These conditions also affected women’s and girls’ access to reproductive healthcare, including birth control, menstrual and hygiene products, and painkillers. Some 2,000 women were pregnant during the blockade. Many did not have access to adequate care and could not find the nutrients and vitamins necessary for a healthy pregnancy.³⁴⁵

The maternity hospital in Stepanakert did not have equipment and medicines necessary for examinations essential to the monitoring of pregnancy. Additionally, due to a shortage of reagents necessary for chemical analysis, diagnostic processes for pregnant women were only conducted in extreme cases and when a pregnant woman was first registered in the hospital system.³⁴⁶

Due to the complete paralysis of transportation services during the blockade, pregnant women were unable to access timely care. A pregnant woman from Haterk village was among many who lost their child because her transfer to the Stepanakert hospital was delayed by a

fuel shortage.³⁴⁷ The testimonies show that women had to walk long distances to reach the maternity hospital. In the summer especially, it was extremely difficult for pregnant women to walk to the hospital to receive care:

I was pregnant during the blockade, and it was very difficult as there was no fuel. Also, the possibility of checkups was limited as there was a lack of fuel to travel to Martakert.... I needed to take vitamins, but I could not find them.³⁴⁸

My daughter-in-law was pregnant during the blockade, and we experienced difficulties taking her to the hospital as there was no fuel. Travel by regional transport was also impossible.... In some cases, we took her to the hospital by random cars driving in the same direction.... I don’t know [how], maybe due to malnutrition, stress or other circumstances, [but] my grandchild was born with one kidney in May 2023.³⁴⁹

I was pregnant during the blockade, and I needed to go to Stepanakert for checkups, but there was no fuel. We would show the mayor our medical documents from a doctor to get fuel. There were instances when I needed to wait for days for a car traveling to Stepanakert that would transfer me and other patients to the Stepanakert hospitals.³⁵⁰

I was pregnant during the blockade. During the last three months, the situation was so bad that I could not go for checkups.³⁵¹

In January 2023, local healthcare officials reported that hundreds of children in Nagorno-Karabakh were also in a vulnerable position due to the lack of medical supplies. They specifically stated that “847 children in Artsakh suffered from congenital health defects, 93 from bronchial asthma, 66 from periodic fever syndrome, 80 from epilepsy, and 16 from diabetes.”³⁵² Parents interviewed by the fact-finding mission shared their challenges in finding medicine for their children:

My children were pupils. Due to the lack of heating, they were getting sick often, especially during winter. During the blockade, my daughter experienced issues with [her] health, including blood pressure issues. The medicine was hard to find, so we requested help from the head of the community.... The price of medicine doubled and tripled.³⁵³

Antipyretic drugs were lacking. Hygiene supplies were completely gone. I stopped using diapers for the child as they were not available. Occasionally, a pharmacy would get diapers through the Russian peacekeepers, but they would run out very quickly; one could not get them. During the blockade, some sort of lumps appeared on my child's hands, but they disappeared after we came to Yerevan. I believe it was due to the lack of vitamins, as he did not eat fruits and other vitamins during the blockade.³⁵⁴

There was a scarcity of medicine during the blockade. It was cold, and my son had a temperature of 40 degrees Celsius. I did not have medicine and put cold water on [his skin] to decrease the temperature. I was given one pill from the hospital. They said to return the pill if it was not used; maybe another person would need it.³⁵⁵

My son has epilepsy.... During the blockade, we could not buy medicines for him. That is why the fainting spells became frequent. Now, he has them almost every day.³⁵⁶

During my third month of pregnancy, I had to come to Yerevan to undergo a doppler examination to see if everything was normal with my child, as my first child had been born with heart problems.... I had to go to Stepanakert for regular checkups, but there was no fuel, so I was undergoing checkups with delays—whenever my husband was able to buy fuel. Also, my eldest child had to undergo regular checkups in Yerevan. There was a cardio-simulator installed in his abdomen which should be checked every three months. During the blockade, we were deprived of that opportunity as it was possible only in Yerevan.

I inquired whether such a check was being carried out in Stepanakert, but it turned out that it wasn't.³⁵⁷

Among the vulnerable groups, individuals with physical and psychiatric disabilities faced challenges in accessing healthcare services, medications, and other medical supplies due to the lack of fuel and transportation as well as lack of food. A relative of a disabled person told the fact-finding mission: “During the blockade we had a problem finding medicine for my brother who has first group disability³⁵⁸ due to child cerebral palsy.”³⁵⁹

Furthermore, the operations of psychosocial healthcare and care institutions, including those for children, were impacted by shortages of medicine, food, and fuel necessary for outpatient services. The Stepanakert Rehabilitation Center suffered, facing issues such as lack of heating during winter and insufficient food for patients.³⁶⁰ A representative from the Assessment and Testing Center of the Nagorno-Karabakh Ministry of Education described the challenges they faced when trying to reach out to people in need of special care:

During the blockade, we could not reach many places. We were not able to do a needs assessment in many places... There were alarming cases when parents applied and asked to work with their children. But they could not bring them. How do you walk with a small child? There was no fuel. But, for example, in the case of autism, this support is very important for the child. It was increasingly difficult to organize it.³⁶¹

Mental healthcare services in Nagorno-Karabakh also faced significant challenges. There was only one specialized center, the Psycho-Narcological Dispensary in Stepanakert, where patients had to travel to receive treatment and care. During the blockade, particularly after June 15, 2023, the Dispensary encountered shortages of both medicine and food for its patients. A

health practitioner from the center shared the difficulties they experienced with the fact-finding mission:

During the blockade, psychotropic drugs were transported through the Red Cross, but during the last period [of the blockade] there was not enough medicine; they could not transport [it]. During the blockade, patients' conditions became complicated, aggravated due to the lack of food and medicine. The biggest problem was the lack of food, including bread and meat. There was no sugar at all. We were trying to provide the patients with a small amount of pasta and buckwheat. There was also a shortage of hygiene items. Due to the lack of gas and electricity cuts, patients were taking baths three to four times a month. There were around 45-50 inpatient patients during the blockade, but the Dispensary had around 2,200 registered [out]patients. During the last days, there were 26 patients in the Dispensary.³⁶²

A representative of the National Center for Mental Healthcare in Armenia, the institution that received patients from Nagorno-Karabakh, made a similar observation:

Patients of the Dispensary were transferred to Armenia in extremely exhausted and dehydrated condition. It can be said definitely that the blockade had a serious impact on people's physical health because they did not receive normal food and medicine. In Artsakh, during the last month, the patients were given only one potato per day. Before the displacement, for the last three days they didn't even eat; they maybe even didn't drink water. We began to feed them with IV, so as not to cause them harm as they were exhausted. Now we have positive dynamics in the patients' health and physical activity.³⁶³

Due to the lack of gas and electricity outages, it was difficult to heat hospitals. Although the Republican Medical Center, the largest hospital in Nagorno-Karabakh, had gas-based heating, the boiler house had to be shut down due to

the gas shortage. The hospital switched to diesel, which then too became scarce and thus costly. Electricity was supplied using generators, which could not meet the full energy demand. In some medical centers, the heating was ensured through electricity, and given the power cuts, the hospital faced heating problems in winter.³⁶⁴

Due to the severe limitations of healthcare resources in Nagorno-Karabakh, many patients were compelled to travel to Armenia for treatment. However, the blockade restricted free movement through the Lachin Corridor. For patients in particularly critical condition, transfers to and from Armenia were facilitated by the ICRC or, in some cases, by Russian peacekeepers. Between December 12, 2022, and September 15, 2023, the ICRC assisted in the transfer of 815 patients from Nagorno-Karabakh to Armenia for medical care, while 70 additional patients were transferred by Russian peacekeepers.³⁶⁵

The transfer of any individual required prior authorization from the Azerbaijani authorities, leading to delays, as hospitals had to submit patient information to the Ministry of Health of Nagorno-Karabakh. The Ministry then forwarded the necessary documentation to the ICRC, which directly communicated with the Azerbaijani authorities to facilitate the transfers. A healthcare professional from the Republican Medical Center in Stepanakert recalls that transferring patients to Armenia involved multiple complications:

There were hundreds of registered patients for transfer to Armenia. However, the ICRC was [only] able to transfer patients to Armenia once or twice a week, eight to ten people each time.... They did not possess suitable vehicles for bedridden patients. The procedure was lengthy and complicated. There was an additional problem with getting permissions for the companions [or caregivers] of patients. Later, it was possible to transfer patients

with 18-seat vehicles, including companions. There were cases when we had to transfer the person without any companion. The situation of patients with oncology was particularly difficult as the treatment was delayed. Delays in examinations or interferences led to the deterioration of patients' health.³⁶⁶

Other interviewees also noted that transferring their relatives to Armenia for treatment was a lengthy process:

During the blockade, my husband's father was diagnosed with a stomach tumor. We applied to the ICRC for his transfer. The paperwork was very lengthy and there were many patients waiting for their turn. He died before his turn came.³⁶⁷

In what was often a tedious process, caregivers were required to obtain separate permissions to accompany patients to Armenia and were frequently denied by the Azerbaijani authorities. This created additional barriers and posed significant risks to the patients' lives. In this context, one of the interviewees remarked:

In the fifth month of the blockade, my father died of cancer complications, as he could not travel to Yerevan for further medical treatment. They allowed my father to be transported alone without a companion, but he refused to go alone in his condition. The doctors, of course, did everything possible to save his life.³⁶⁸

Following the installation of a checkpoint on the Hakari Bridge on April 23, 2023, the process for obtaining permission to travel to Armenia became more complicated. Azerbaijani authorities required checks of ICRC vehicles transporting patients, as well as the passports of both ICRC personnel and patients.³⁶⁹

Azerbaijan also imposed restrictions arbitrarily. Beginning April 29, 2023, the Azerbaijani authorities suspended the transfer of patients by the ICRC for a month, citing security concerns.³⁷⁰ During this period, only nine

individuals with severe health issues requiring urgent intervention were transported through the Lachin Corridor in ambulances, accompanied by the peacekeeping contingent.³⁷¹ The ICRC resumed the transportation of patients and their caregivers on May 26.³⁷² However, on June 15, Azerbaijan prohibited all humanitarian transport in both directions, which included the transfer of patients, as well as medicine and medical supplies by the ICRC and Russian peacekeepers.³⁷³ On the same day, Azerbaijani authorities prohibited the previously agreed-upon passage of 25 patients and their companions at the Hakari Bridge checkpoint, forcing them to turn back. Additionally, the transfer of 27 other patients scheduled for June 16 was canceled.³⁷⁴

On June 25, 2023, Azerbaijani allowed ICRC vehicles to transport patients from Nagorno-Karabakh to Armenian hospitals for life-saving treatment.³⁷⁵ On July 11, the government once more prohibited the ICRC from using the Lachin Corridor, this time citing accusations of smuggling.³⁷⁶ Regarding these interruptions in the transfer of patients, a doctor from Stepanakert reflected:

I crossed the bridge before as I had undergone heart surgery. I came to Armenia for a checkup, as far as I remember, in July 2023. They closed the road, so for ten days, I was not able to return and go to work.³⁷⁷

Although the ICRC resumed patient transfers later in July, Azerbaijani authorities imposed a new requirement: patients had to be examined by Azerbaijani doctors before their transfers could be approved.³⁷⁸ This process added further distress and delays for both patients and their caregivers:

As my child's birth certificate was in Armenian, we had to wait at the checkpoint for some time. While waiting, I was told that they should examine me. I got scared as I was with a child. My eldest child was sleeping in the car.

*Azerbaijani journalists were trying by all means to film my child, and I covered my child's face so that it was not visible.*³⁷⁹

Later, traveling through the Lachin Corridor became a security concern when Azerbaijani authorities arrested an elderly patient being transported by the ICRC. As with all other cases, his name and details had been provided in advance by the ICRC to all parties in accordance with the agreed-upon procedure. The Azerbaijani authorities did not disclose the grounds for the arrest at the checkpoint, and days later, he was charged in Azerbaijan. In a statement issued after this incident, the ICRC urged all relevant decision-makers to respect its strictly humanitarian mission, emphasizing that it operates with the consent of all parties involved.³⁸⁰ The interviews indicate that the arrest of the patient heightened security concerns among the local Armenian population regarding their safety when crossing the Lachin Corridor. The fact-finding mission documented instances in which seriously ill patients or their caregivers declined to be transferred by the ICRC to Armenia due to these security worries:

*I got thrombosis during pregnancy. It was about the end of July, and I had a medication problem. There was no vascular specialist in the hospital treating pregnant women. I applied for transfer to Armenia, but there was fear, as not much time had passed since the capture of Vagif Khachatryan.*³⁸¹

*Due to the blockade, we were not able to go to Armenia to the hospital to do checkups for my daughter's eye. We would usually go for checkups once a year. There was no specialist in Nagorno-Karabakh, but we refused to be transferred by the ICRC to Yerevan, as we were afraid of falling into captivity.*³⁸²

People were also worried that they would be unable to return home after crossing the checkpoint into Armenia. By August 15, 2023, the ICRC had transferred 29 out of 41 hemodialysis

patients to Armenia for life-saving treatment. Some patients declined to travel to Armenia despite their urgent medical needs, fearing they would not be able to return or be buried in their homeland.³⁸³ These concerns intensified after Azerbaijani authorities denied permission to repatriate the body of Helen Dadayan, a 21-year-old student who tragically died in a car accident in Armenia on August 14, 2023. Efforts by the ICRC to facilitate this process were unsuccessful.³⁸⁴ The fact-finding mission documented other such cases. One interviewee stated:

*During the blockade, my boyfriend went abroad for treatment. Then he came back to Armenia but could not return to Artsakh. But even if he could return, the necessary conditions for his life and health were lacking as there was no medicine.*³⁸⁵

The accounts shared by interviewed witnesses and victims, along with data collected from open sources, indicate that Nagorno-Karabakh was experiencing a healthcare crisis. Restrictions on, or complete bans of, the movement of people and goods created challenging and, at times, life-threatening situations for the residents of Nagorno-Karabakh. Vulnerable groups—such as pregnant women, newborns, individuals requiring special care, people with chronic conditions, and patients in need of timely treatment—were particularly affected.

Freedom of movement

The preceding sections illustrate how the blockade deprived the people of Nagorno-Karabakh of adequate living standards, created life-threatening situations, and resulted in a healthcare crisis. In addition to these issues, the closure of the Lachin Corridor violated the freedom of movement for Armenians in Nagorno-Karabakh. First, the blockade restricted entry and exit to and from the region. Second,

it paralyzed the local transportation system, making it increasingly difficult for residents to move within Nagorno-Karabakh as well.

This issue became evident at the onset of the blockade. In December 2022, hundreds of Nagorno-Karabakh residents reportedly found themselves stranded in Armenia, unable to return home due to the road's closure.³⁸⁶ The Armenian government provided funding to cover accommodation costs for those unable to return. Some interviewees shared that their family members had to remain in Armenia for months while searching for ways to return:

On December 11, 2022, we were supposed to go to Armenia. The Russians stopped [us] at the checkpoint by Shushi as the Azerbaijani military had closed the road. However, two hours later, we were allowed to drive toward Armenia. I have cancer, and I needed an MRI examination. I was undergoing chemotherapy in Stepanakert and had to return to Nagorno-Karabakh. We returned on the same day at around 3 o'clock; however, near Lisagor, Russian peacekeepers did not allow us to proceed. We spent the whole day in the car. Then, a young man from Lisagor took us to his house, where we stayed until December 14. As the road remained closed, we decided to go to Goris [back to Armenia] as we had heard that those stranded were registered [there] and provided accommodation free of charge. We stayed in Goris for a month. During this period, my husband's 57-year-old brother died of a heart attack [in Nagorno-Karabakh], but my husband was not able to attend the funeral.³⁸⁷

In July 2023, my father died in Moscow, and we were not able—or actually, we were not allowed to go to Armenia to attend his funeral.³⁸⁸

As stated above, people began using off-road forest routes to travel to Nagorno-Karabakh during the initial months of the blockade. The testimonies support reports that this alternative

route remained operational until March 2023:

I went to Yerevan on December 1, 2022. So, I was in Yerevan when the blockade started. I had not had an opportunity to return for three months. While in Yerevan, I was aware that my family and the population of Artsakh did not have food. I was able to return to Artsakh on March 1, 2023. I did not take the regular road, but the alternative one, through the forest. It was a terrible road, through the forest, mountains, a dirt road. This road was used to bring food as well. I was lucky that the weather was good. The driver told me that this road was challenging to take. There were instances when the vehicles got stuck in snow, and the car would move. There was a risk that the car would slide off of the road as it was wet from the snow or rain. As it was easy to get lost, the road was also dangerous, whereas the surrounding hills were in the Azerbaijanis' hands. There was no network coverage for mobile phones either.³⁸⁹

Due to the blockade, my father, who was supposed to return home on December 12 or 13, was not able to do so. He had to stay at a relative's place in Goris for three months. Then he left his car in Goris, and came home with other people in their car via forests, bypassing the Azerbaijani blockade.³⁹⁰

My son went to Armenia for business and was not able to return home due to the closure of the road on December 12. In January, he managed to return using a back road, not the main one.³⁹¹

Movement within Nagorno-Karabakh was challenging as well:

During the blockade, we faced significant difficulties. The issue of fuel was extremely serious. We were not able to leave our village.³⁹²

As of December 14, 2022, the sale of fuel was prohibited. We had to walk everywhere. Our connection to Stepanakert was cut off.³⁹³

The lack of transportation created additional hardships for the people of Nagorno-Karabakh, as illustrated by testimonies gathered by the fact-finding mission:

We had gas in our apartment and used it for heating. Because it was cut off, we had to heat our apartment with electricity. However, that was insufficient due to regular blackouts. We were not able to use a wood stove for heating as we had no opportunity to deliver wood because there was no fuel for transport.³⁹⁴

Until June, there was public transport going from Martakert to Stepanakert via our village. However, the buses were packed and came at long intervals. By June, the operation of public transport had stopped. People had to walk from the village to the city. The distance from our village to Stepanakert is 25 kilometers...³⁹⁵

We were also affected by the lack of transport. For example, in August 2023, my daughter needed to visit a dentist—she had a toothache. At that time, the Martnakert dental clinic was no longer operational, but we had no opportunity to take her to Stepanakert due to the lack of transport.³⁹⁶

My son hurt his leg; it was swollen. He didn't go to school; there was no fuel, and we were not able to take him to hospital.³⁹⁷

In the summer, we felt a shortage of everything. We were not able to give any food to the kids. We would wander through all the shops but would not find anything. My father lived in the village. He would ride a horse for three to four hours to Stepanakert and bring us potatoes, tomatoes, so that my children did not starve. Then the horse died as it had nothing to eat, and as a result, my father was not able to bring us food.³⁹⁸

In March 2023, my father died. There was no fuel, we hardly managed to attend his funeral in another village.³⁹⁹

The situation was particularly dire for residents of the villages of Lisagor, Eghtsahogh, Hin Shen,

and Mets Shen. People in these areas faced a double blockade, being cut off from both Stepanakert and Armenia. One interviewee from Lisagor told the fact-finding mission: “Around 350 residents found themselves in an extremely hard situation.”⁴⁰⁰ Another interviewee stated: “On April 23, 2023, the Hakari Bridge was also closed—until then only the Shushi-Stepanakert Road had been closed. Under these conditions, the blockade tightened, and Russian peacekeepers could not bring anything to the people.”⁴⁰¹

Family separation

Azerbaijan's blockade of the Lachin Corridor resulted in thousands of people being separated from their families, including children and minors who, in some cases, were left without parental care for extended periods.

Following the closure of the road, the Human Rights Defender of Nagorno-Karabakh reported that on December 13, 2022, 1,100 people were stranded on the roads in harsh winter conditions, including 270 children who were separated from their families.⁴⁰²

On January 29, 2023, the ICRC transferred 19 individuals from Nagorno-Karabakh to Armenia,⁴⁰³ followed by 17 more on February 8, facilitating family reunification and bringing the total number of transfers since the onset of the blockade to 58.⁴⁰⁴ By March 27, 2024, this figure had risen to 400, and by August 20, the ICRC had facilitated the safe passage of 600 people, including 230 minors, across the Lachin Corridor to reunite separated families.⁴⁰⁵

The report published by the Human Rights Defender of Armenia on June 16, 2023, presents the following data: during the blockade, 3,900 individuals (including 550 children, 60 of whom were left without parental care, while the others were with one parent) were separated from

their families. Of these, 1,669 were reunited with the assistance of the ICRC and Russian peacekeepers.⁴⁰⁶

More than 120 interviewees reported being separated from their family members. Some of these cases are detailed below:

During the blockade, my son was in Armenia, studying in the twelfth grade. In January, my son fell ill with measles. They allowed me to come to Armenia to take care of him, but since I couldn't take my daughters with me, I was not able to go.⁴⁰⁷

One of my daughters was studying in Yerevan, at the medical college. She wanted to come back for the holidays; we thought it would be a matter of days, but it was not. It was very difficult for us to stand the separation from our daughter; we wished to be reunited as soon as possible.⁴⁰⁸

During the blockade, my two daughters were in Yerevan, one for her studies and the other for work. They used to visit Artsakh regularly, but due to the blockade, this was no longer possible. Throughout the entire blockade period, we were unable to see our daughters.⁴⁰⁹

In September 2022, my 16-year-old son went to visit his uncle in Moscow. Due to the blockade, he was not able to return home and continue his education.⁴¹⁰

Some individuals who were separated from their families left Nagorno-Karabakh for medical treatment in Armenia and were unable to return due to the blockade:

My husband went to Armenia prior to the blockade; he had problems with his kidneys. He never had an opportunity to return due to the blockade. He applied with the ICRC to be transferred back, but his turn never came. I also tried to transfer my child to Armenia with the assistance of the ICRC due to his health issues, but I was told that his condition was not so bad.⁴¹¹

My husband was stranded in Armenia during the blockade. He came to Armenia in November to have an eye surgery. After the operation the blockade began, and he could not return to Artsakh. Essentially, our family was separated because of the blockade.⁴¹²

My daughter was in Armenia. We had sent her to her aunt for a break and when the blockade started, we could not bring her back. I went and talked to the Red Cross. They said this was the first case when a child was completely alone on the other side of the border and that either I or my wife would need to go and bring her [back]. But in such a case, our data—the copies of our passports and her birth certificate—would have to be sent to the Azerbaijani government. Only on March 9 were we able to get her back with the help of the Red Cross.⁴¹³

My niece went to Armenia in March 2023 with the assistance of Russian peacekeepers; she had to undergo an urgent surgery. For two months after the surgery, she was not able to return to Artsakh to reunite with her family. Eventually, she managed to return with the assistance of the ICRC. Some of my colleagues who went to Armenia for treatment were not able to return to Artsakh at all.⁴¹⁴

Other cases were also reported in the media and by other civil society organizations.⁴¹⁵

The lack of fuel also contributed to family separations within Nagorno-Karabakh:

My two daughters studied in Stepanakert, at Artsakh State University, and rented a place to stay there. However, they couldn't return to the village to reunite with the family due to transportation issues.⁴¹⁶

During the last two months of the blockade, I couldn't see my children and grandchildren. I lived in the village of Karahunj on my own, while my children lived in the cities of Martuni and Stepanakert, respectively. Lack of fuel prevented us from meeting; neither could I travel to them, nor could they come to me.⁴¹⁷

In addition to these challenges, families faced difficulties burying their deceased relatives in their homeland. According to data provided by the Armenian Human Rights Defender, during the blockade, the relatives of 36 individuals who died outside of Nagorno-Karabakh were unable to return their remains and were forced to bury them in Armenia, pending future exhumation and reburial in Nagorno-Karabakh.⁴¹⁸

Arbitrary detentions

Instances of arbitrary detention of ethnic Armenians by Azerbaijani forces occurred, accompanied by the denial of fundamental rights, including protection against torture and the right to a fair trial. Additionally, threats of arrest, coupled with widespread and systematic violations of the human rights of Armenians in Nagorno-Karabakh, contributed to a coercive environment that resulted in their forced displacement.

On January 1, 2023, an elderly resident of Chartar did not return home after going to pasture. His whereabouts were unknown for a week. Azerbaijani authorities publicly confirmed his capture on January 8 and subsequently released him from custody.⁴¹⁹ When he was handed over to Russian peacekeepers, he had to walk through rows of protesters and Azerbaijani media.⁴²⁰ Such incidents further deepened the fear of residents.

The installation of the Azerbaijani checkpoint at the Hakari Bridge further intensified fears of arbitrary arrest. This concern stemmed from public statements by Azerbaijani authorities, who declared that the checkpoint, installed in April 2024, would enable them to arrest approximately 400 wanted Armenians.⁴²¹ However, the list of those individuals was not made public. The lack of information, combined with the previous record of arbitrary actions by Azerbaijani

authorities, made every resident of Nagorno-Karabakh a potential target for such arrests, particularly male residents of a certain age.

A few months after the installation of this checkpoint, Azerbaijani authorities began arresting some civilian residents of Nagorno-Karabakh there. Within one month, five male residents of Nagorno-Karabakh were detained by Azerbaijani authorities.

On July 29, 2023, 68-year-old Vagif Khachatryan, a resident of Nagorno-Karabakh, was detained by Azerbaijani authorities at the Hakari Bridge checkpoint while he was en route to receive medical treatment in Armenia, facilitated by the ICRC. Khachatryan's daughter was present at the checkpoint and witnessed him being driven away to an unspecified location by Azerbaijani officials. According to the ICRC, they had not encountered a situation like this before.⁴²² Later, Azerbaijani authorities stated that they had issued an international arrest warrant for Khachatryan in November 2013,⁴²³ a claim that was rebutted by the Human Rights Defender of Armenia.⁴²⁴ Khachatryan was charged with genocide (Art. 103) and deportation or forced displacement of the population (Art. 107) under the Criminal Code of Azerbaijan, in connection with events that allegedly occurred in December 1991 in the Meshali settlement.⁴²⁵ On November 7, 2023, three months after his arrest, the Baku Military Court convicted Khachatryan of genocide and deportation or forced displacement and sentenced him to 15 years in prison—the harshest possible sentence under Azerbaijani legislation, given his age.⁴²⁶

A few days later, on August 1, 2023, a 61-year-old civilian resident of Nagorno-Karabakh was reportedly detained by Azerbaijani authorities near Aghavno village in the Lachin district.⁴²⁷ It was reported that he got lost and inadvertently entered territory controlled by the Azerbaijani military. In late November 2023, almost four

months after the arrest, Azerbaijani media reported that Beglaryan was charged with the unlawful arrest or imprisonment of individuals in violation of international law (Art. 112), torture (Art. 113), torture of protected persons (Art. 115.2), the creation of armed formations or groups not recognized by law (Art. 279.1) and illegal crossing of the border (Art. 318.1) under the Azerbaijani Criminal Code.⁴²⁸ In November 2023, Azerbaijani TV broadcast a video in which Beglaryan allegedly confessed to torturing Azerbaijanis in 1992 and participating in the events in Khojaly in February 1992. In the footage, Beglaryan is seen walking around accompanied by Azerbaijani officials and reportedly pointing to locations where victims of his alleged crimes were buried.⁴²⁹ There was no publicly available information on the status of the case until June 6, 2024, when Azerbaijani media reported the commencement of a trial against Beglaryan.⁴³⁰ In court, Beglaryan withdrew his confession.⁴³¹

On August 28, 2023, Azerbaijani authorities detained three young Armenian football [soccer] players from Nagorno-Karabakh at the Hakari Bridge checkpoint, who were being transferred along with others to Armenia by Russian peacekeepers. Reportedly, all three were students meant to attend classes in Armenia beginning September 2023.⁴³² Eyewitnesses told Armenian media that Azerbaijani servicemen subjected one of the men, Alen Sargsyan, to beatings at the checkpoint.⁴³³ According to one eyewitness, another young man was taken for interrogation by Azerbaijani forces at the checkpoint; however, he was released after negotiations with Russian officials. Later, Azerbaijani media stated that a criminal case had been initiated for inciting national, racial, social, or religious hatred and enmity committed by an organized group (Art. 283.2.3) and violation of the National Flag or the State Emblem of the Republic of Azerbaijan (Art. 324) under the Criminal Code of Azerbaijan. The three young

men were arrested in connection to this criminal case.⁴³⁴

The incident in question reportedly occurred in 2021 but became publicly known only after a video was published on social media in 2023. The footage shows what appears to be members of the Martuni football team stepping on the Azerbaijani flag.⁴³⁵ Shortly after the arrest of the three men, the Azerbaijani prosecutor's office announced that the criminal case against them had been dropped due to "the age of the accused individuals, their sincere remorse, and compliance with procedural legislation." The men were sentenced to ten days of administrative detention and were to be "expelled from the territory of the Republic of Azerbaijan."⁴³⁶ After serving their detention, they were handed over to Armenia on September 7, 2023.⁴³⁷

This is a notable development, as all three men were permanent residents of Nagorno-Karabakh but were not allowed to return home by Azerbaijani authorities. This marked the first explicit deportation of residents from Nagorno-Karabakh by Azerbaijan since it took control over access to the territory.

Fear and uncertainty

The aforementioned developments heightened the sense of insecurity among the people in Nagorno-Karabakh. As the blockade continued, residents grew increasingly concerned and uncertain about their future. The collected interviews reveal the psychological toll of the crisis:

The most difficult [thing] for me during the blockade were psychological feelings and emotional distress as we did not know what would happen the next day. We had trusted Russian peacekeepers in terms of security, and we did not even think that we could be

displaced. The same emotions told everyone that something was going to happen, that we were hopeless; but it was our homeland.⁴³⁸

I remember people were going out as if they were hunting—one line after another. People could stand for hours and get nothing. My aunt was calling me saying that she was sick and feeling unwell after staying in line for some food all night. She needed two days to get well. People were getting aggressive in the line; once, there was a fight in the line.⁴³⁹

I went to stand in line just once because the scene was very hard for me. I was in shock for several days. I would have preferred not to have bread, not to see how a small child faints while standing in line.⁴⁴⁰

This was very intense psychological violence; indeed, it was violence. And it was not like in the 2020 war. Back then we knew that we were fighting; something depended on us. This time they pressed us and were squeezing. This was more difficult for me.⁴⁴¹

The sense of fear and apprehension was especially pronounced among people living in areas along the border. The close proximity of Azerbaijani servicemen to their homes made them scared to carry out their daily activities:

The Azerbaijani military positions were within a 300-to-500-meter distance from our house; our entire village was completely visible from their side. They would always shoot whenever they saw anyone cultivating the land. They were trying to scare us, so we left the village. They would also put on their music very loudly during the morning and evening hours. We even heard their conversations.⁴⁴²

We were already tired of this life, living in constant fear.... I remember that while working at the shop, I would ask the Russian peacekeepers whether we could feel calm and protected. In response, they stated that they [themselves] did not feel safe.⁴⁴³

Children were especially vulnerable to stress and

fear of violence, with many parents reporting that their children experienced health issues as a result:

We used to walk from home to school during the blockade. We told the children that there was nothing to be afraid of, but they knew better than us anyway. My little daughter was often stressed; she started wetting the bed. After coming to Armenia, she went to school and did not communicate with anyone, did not eat, was aggressive, and could not study properly. We turned to a psychologist to work with our daughter. After working with her, she began to recover. The psychologist said that her situation was due to fear.⁴⁴⁴

Every day my children went to sleep crying and woke up crying.⁴⁴⁵

Other interviewees informed the fact-finding mission that they viewed the blockade and shortages as detrimental to their morale, rendering life unbearable:

The Azerbaijanis did everything so that we become disappointed with everything, tired of everything.⁴⁴⁶

My aunt is an 80-year-old woman. She was constantly suffering. She had always been strong, but she broke; many people were broken during this period.⁴⁴⁷

I recall, during the blockade, that the school principal told us to go and let it be. Whatever, we were tired of this situation. People were always waiting to see whether there would be a war or not, as the danger was approaching.⁴⁴⁸

Azerbaijan did everything to prevent the Armenians from having a normal life, so that we would leave Artsakh. However, we continued to live and struggle. We did not intend to leave our land even though we endured hardship. People would feel demoralized at times due to hardships and get angry, but our lives carried on.⁴⁴⁹

During the blockade, Azerbaijan launched a media war against us. For example, they

*would publish footage and would mention the location for us to notice it. In one of the videos, they compared us to a wild cat that was in a cage. The cat was held in a cage for so long that it became tame. They would disseminate many videos. They repeatedly tried to demonstrate that we were not facing humanitarian issues, and that we were faking everything.*⁴⁵⁰

The last quote refers to a video published by an Azerbaijani outlet called Caliber.Az Media, reportedly related to the Defense Ministry of Azerbaijan.⁴⁵¹ It published a video report on a proposed “reintegration” process of Nagorno-Karabakh Armenians into Azerbaijani society with the title, “even a wild cat can be tamed.”⁴⁵²

The aforementioned sentiments regarding the negation of Armenians’ suffering are corroborated by the rhetoric of Azerbaijani officials. A striking example is the statement by the Permanent Representative of Azerbaijan to the UN, where he claimed that “people are happy” in Nagorno-Karabakh and that they were enjoying “very tasty cookies.”⁴⁵³

Statements made by Azerbaijani government representatives further demonstrated that the blockade was a method of coercion. Aliyev himself asserted that the people of Nagorno-Karabakh either had to submit to Azerbaijani control “or leave.”⁴⁵⁴ On May 28, 2023, Aliyev threatened the authorities of Nagorno-Karabakh with repercussions if they did not capitulate to Azerbaijan:

Therefore, there is only one option left—to abide by the laws of Azerbaijan, be a loyal and decent citizen of Azerbaijan, throw the false state attributes in the trash ... everyone knows perfectly well that we have all the means to carry out any operation in that region today. Therefore, the “parliament” should be dissolved, the element calling himself “president” should surrender, and all “ministers,” “deputies,” and others should give up their positions. Only in that case can

*a concession be made to them.... Either they will bend their necks and come themselves or things will develop differently now.*⁴⁵⁵

The distress among the people of Nagorno-Karabakh intensified as they witnessed the Russian peacekeeping mission’s inability to open the blockade and its frequent failure to guarantee the effective movement of people and goods. Although collected testimonies indicate that the peacekeepers became a primary source of humanitarian aid, they often did not prevent the aforementioned violations. Additionally, the fact that peacekeepers began selling essential goods to the population under blockade led many to hesitate in viewing them as guarantors of their safety. For instance, some interviewees stated:

*Peacekeepers would bring some goods and distribute them to school children—for example, potatoes, oil, apples, sweets, and stationery. This lasted until the end of April. Then, the peacekeepers stopped bringing in goods for a week. There were rumors that peacekeepers had started selling goods. According to my information, petrol, sausages or sweets were being sold at prices three to four times higher than before. Peacekeepers did this until September. I did not buy anything from them as it was a matter of dignity to me.*⁴⁵⁶

*Russians were doing business—selling fuel, food. There was no trust in them. They did not do their job but were doing business.*⁴⁵⁷

*During the blockade, the Russians would sell a pack of cigarettes that cost 500 AMD for 4,000 AMD, an egg for 500 AMD, and a bottle of Jermuk [mineral water] for 2,000 AMD.*⁴⁵⁸

Overall, the humanitarian crisis, the Azerbaijani side’s denial of its impact, and the ineffectiveness of the peacekeeping mission to open the Lachin Corridor created an atmosphere of uncertainty and anxiety. These feelings were already prevalent in the post-ceasefire period.

The blockade, which not only caused significant hardships and violated basic rights, further intensified these emotions and instilled a sense of terror among the people of Nagorno-Karabakh.

Considering these factors, the fact-finding mission observes that the blockade resulted in gross violations of numerous human rights of the residents of Nagorno-Karabakh. An analysis of the actions taken by Azerbaijani authorities suggests that the blockade and the resulting shortages were pre-planned and well-coordinated. These actions were part of the government's objective to create living conditions that would compel the residents of Nagorno-Karabakh to leave their homes.

The circumstances of the blockade, intentionally created by the Azerbaijani government, were deliberately designed to inflict mental suffering on ethnic Armenians in Nagorno-Karabakh, effectively subjecting them to psychological torture. The fact-finding mission makes this observation in line with the findings of the Committee against Torture, which stipulates that conditions or policies applied to large groups of people can constitute torture. Additionally, living in inhumane and degrading sanitary conditions has been deemed a breach of obligations under the Convention Against Torture (CAT).⁴⁵⁹ According to the ECtHR, torture constitutes “deliberate inhuman treatment causing very serious and cruel suffering,” while inhuman treatment merely constitutes “the infliction of intense physical and mental suffering.”⁴⁶⁰ Degrading treatment is defined by the Court as ill-treatment designed to arouse in victims “feelings of fear, anguish and inferiority capable of humiliating and debasing them and possibly breaking their physical or moral resistance.”⁴⁶¹ Azerbaijani officials' treatment of ethnic Armenians in Nagorno-Karabakh during the blockade constitutes, depending on the specific set of factual circumstances, ill-treatment in

the form of psychological torture, physical torture, or inhuman or degrading treatment as interpreted and defined under international human rights law.

“Psychological torture” should be interpreted to include “all methods, techniques and circumstances which are intended or designed to purposefully inflict severe mental pain or suffering without using the conduit or effect of severe physical pain or suffering.”⁴⁶² The blockade itself created conditions that, along with the employed methods, encompassed all the key elements of psychological torture, including (1) mental suffering and the severity of mental pain, (2) powerlessness, (3) intentionality, and (4) purposefulness. These methods included, but were not limited, to isolation of the population, deprivation of basic supplies such as food and medication, disruption of gas supplies—particularly during freezing temperatures—and deliberate acts aimed at terrorizing the population (e.g., playing loud Azerbaijani music and urging residents to leave).

Torture, cruel or inhuman treatment, and outrages upon personal dignity—particularly humiliating and degrading treatment—are prohibited under both treaty law and customary international humanitarian law (IHL).⁴⁶³ “Torture or inhuman treatment” and “willfully causing great suffering or serious injury to body or health” constitute grave breaches of the Geneva Conventions and are considered war crimes under the Statute of the ICC.⁴⁶⁴

In the context of the blockade and the prolonged restrictions or bans on the delivery of humanitarian aid, the ongoing practice of regularly shooting at farmers to obstruct their agricultural activities—such as harvesting essential for their sustenance—may constitute an attack on objects indispensable to the survival of the civilian population, which is prohibited under customary IHL.⁴⁶⁵

Azerbaijani authorities violated the right to adequate food for the entire population of Nagorno-Karabakh by failing to uphold their obligations regarding this right. According to the UN Committee on Economic, Social and Cultural Rights, states are required to respect “existing access to adequate food,” meaning they must not take any actions that obstruct such access.⁴⁶⁶ Additionally, by not intervening to stop the protests and roadblocks, Azerbaijan failed to protect the right to food, neglecting to take necessary measures to ensure that enterprises or individuals do not deprive people of their access to adequate food.

The blockade and the lack of access to food and medicine in turn violated the right to life. The ECtHR provides that an issue may arise under Article 2 of the Convention where it is shown that “the authorities of a Contracting State have put an individual’s life at risk through the denial of the health care which they have undertaken to make available to the population generally.”⁴⁶⁷ According to ECtHR case law, Article 2 of the Convention “enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction.”⁴⁶⁸ Furthermore, the failure to ensure access to specific medications intended to alleviate pain and suffering may constitute a violation of the right to protection against cruel, inhuman, and degrading treatment if the level of suffering is deemed sufficient.

The right to the highest attainable standard of physical and mental health is safeguarded under IHRL and IHL. The UN Committee on Economic, Social and Cultural Rights states:

[The fulfillment of the right to health is] closely dependent on the realization of other human rights, as integral components of the right to health. These include the right to food,

adequate housing, work, education, human dignity, life, non-discrimination, equality, prohibition against torture and freedom of movement.”⁴⁶⁹

By imposing the blockade, Azerbaijan failed to fulfill its obligations to provide accessible, acceptable, and quality health services, as well as to safeguard the living conditions necessary for protecting and promoting health and well-being for all. This action undermined the living conditions of the residents of Nagorno-Karabakh and obstructed their ability to meet essential needs, such as access to nutritious food, clean water, sanitation, housing, and protection from health risks. Under the right to health, States’ core obligations include ensuring “access to the minimum essential food, which is nutritionally adequate and safe, to ensure freedom from hunger to everyone.”⁴⁷⁰

The blockade and its consequences resulted in widespread violations of children’s right to education. It can therefore be unequivocally asserted that the actions of the Azerbaijani government during the blockade—such as the termination of gas supplies, continuous electricity cut-offs, and attacks on villagers—were intentionally aimed at inflicting mental suffering on Armenians in Nagorno-Karabakh, with the ultimate discriminatory goal of displacing them from their homes. In these besieged conditions, the residents were rendered powerless, lacking any control over their situation. The only perceived form of resistance to their suffering was surrendering to the Azerbaijani government. As a result, those living in Nagorno-Karabakh faced an impossible choice: to endure deprivation of their fundamental rights, including the right to personal security and other political, civil, economic, social, and cultural rights, or to abandon their ancestral home.

Chapter 3: The Attack, Displacement, and Aftermath

The nine-month blockade of Nagorno-Karabakh was followed by Azerbaijan's military operation in the Armenian-populated territory. The one-day offensive, which began on September 19, 2023, resulted in 229 deaths, including 34 civilians, five of whom were children. Two hundred and forty-four were wounded, including 31 civilians, 10 of whom were children. According to Armenian government forensic specialists, 14 mutilated bodies were identified, with some featuring dismemberment and infliction of cuts in the flesh of corpses. By June 2024, 15 people had been reported missing, including 5 civilians.⁴⁷¹

The attack was accompanied by Azerbaijan's demand for the dissolution of Nagorno-Karabakh as a distinct entity. On the day of the military operation, the Presidential Administration of Azerbaijan issued a statement declaring that local government bodies were to be dissolved and threatening to continue "antiterror measures until the end."⁴⁷² The following day, Russian peacekeepers brokered a deal between the Azerbaijani government and local authorities, wherein the latter agreed to fully disarm all Armenian self-defense forces in the region and vacate their military positions, including the handover of all artillery and munitions to Russian troops. Samvel Shahramanyan, the de facto President of Nagorno-Karabakh at the time, stated that they had no choice but to agree to this for the sake of the "physical safety of the population."⁴⁷³ Shortly thereafter, on September 28, in accordance with demands from Azerbaijani authorities, Shahramanyan announced that

he had signed an order dissolving all state institutions, effective January 1, 2024.⁴⁷⁴

These safety concerns resulted in the displacement of approximately 120,000 Armenians from Nagorno-Karabakh. Following the attack, the territory experienced rapid depopulation, as the native Armenian population felt they had no option for secure and dignified lives in their home communities. This section highlights their experiences of fleeing to Armenia, along with the policies that contributed to this outcome.

Armenians flee their homes

Azerbaijan initiated its military operation by shelling various areas of Nagorno-Karabakh. The Armenian population in the region was already grappling with a humanitarian crisis, facing severely limited supplies and barely functioning communication and transportation systems. This attack occurred during a period of heightened distress caused by a prolonged blockade, with no end in sight. In this context, the assault—targeting residential areas, transportation routes, and communication channels—intensified fear and panic, prompting many to flee their homes in search of relative safety. Given that Nagorno-Karabakh was surrounded by the Azerbaijani military, with all exit routes blocked, the situation triggered a chaotic mass evacuation. Evidence from interviews and open sources illustrates the profound terror experienced by the population of Nagorno-Karabakh.

The mass shelling began around 1:00 p.m. on September 19, following earlier strikes near Harav village that morning. At 1:22 p.m., the Azerbaijani Ministry of Defense announced the launch of "anti-terrorist operations," asserting that civilian populations and infrastructure were not being targeted and noted that Russian peacekeepers and the Russian-Turkish

monitoring center had been informed of the actions. The communities affected in the initial round of shelling included Stepanakert, Martuni, Vank, Charektar, Shosh, Sarnaghbyur, and Khachmach. Interviewees recounted their experiences of these early attacks:

On September 19, I came home at noon to have lunch. My child came and told me they had heard an explosion. I saw through the window that they were shooting at the residential area.⁴⁷⁵

We didn't know what was going on. Everybody was running away in panic from these sounds. I took my son and went to my daughter's school to see where she was. We did not manage to get to the school. The kindergarten building was next to the school. The shelling was very close. I took my son and went into the basement of the kindergarten.⁴⁷⁶

The initial round of strikes also damaged cellular and telecommunication towers across various areas. In these conditions, the only reliable means of communication for the civilian population were a limited number of handheld transceivers, which functioned solely in a peer-to-peer mode. Testimonies show that the attempts to call emergency services and to request assistance from the peacekeepers' deployment locations failed due to communication disruptions:

The communication tower was visible from the village [Kolkhozashen]. The tower was hit just before the fighting started. By damaging the tower, they had cut access to television, telephone, and radio, which were used only by civilians.⁴⁷⁷

I was at my neighbor's house when two shells fell on the communication unit near the Stepanakert cemetery. After that, the telephone communication was interrupted, and an intense bombardment began. Explosions were heard from all sides; shells

were falling and exploding everywhere. There was confusion in the city. There was panic among the people.⁴⁷⁸

On September 19, I took the children to a cafeteria—there was a place in Stepanakert where they gave food to the children of poor families... While the children were eating, we heard an explosion.... I took the children home.... We were almost home when we saw a shell fall on one of the houses located approximately 10 to 15 meters away from us.... There was no military object nearby, only the tower and the office of Karabakh Telecom, which were also hit.⁴⁷⁹

Now that I remember, I cannot imagine how I got through it all. A telephone tower was blown up, and all the debris was scattered in the forest. They said they were being hit with heavy artillery. After hearing the rustling of the trees from the debris, we quickly ducked for cover.⁴⁸⁰

Shells also landed near or directly on inter-community roads and bridges, obstructing the transportation of civilians to relatively safer areas. For instance, the vicinity of the bridge over the Karkar River, which connects Askeran city to the villages toward Sarnaghbyur, was targeted with shelling.⁴⁸¹ Subsequent reports revealed that the bridge over the Khachenaget River, also in the Askeran region, was shelled. Many inter-community roads had been under the direct surveillance of the Azerbaijani Armed Forces, and numerous incidents of gunfire targeting passing civilian vehicles were recorded during the data collection process. As discussed below, these circumstances significantly hindered the safe transportation of the civilian population, resulting in casualties and injuries.

The shelling from multiple directions, disruption of communication systems, and compromised safety of transportation routes—coupled with the rapid advance of the Azerbaijani military taking over nearby villages—created widespread panic among the population of Nagorno-

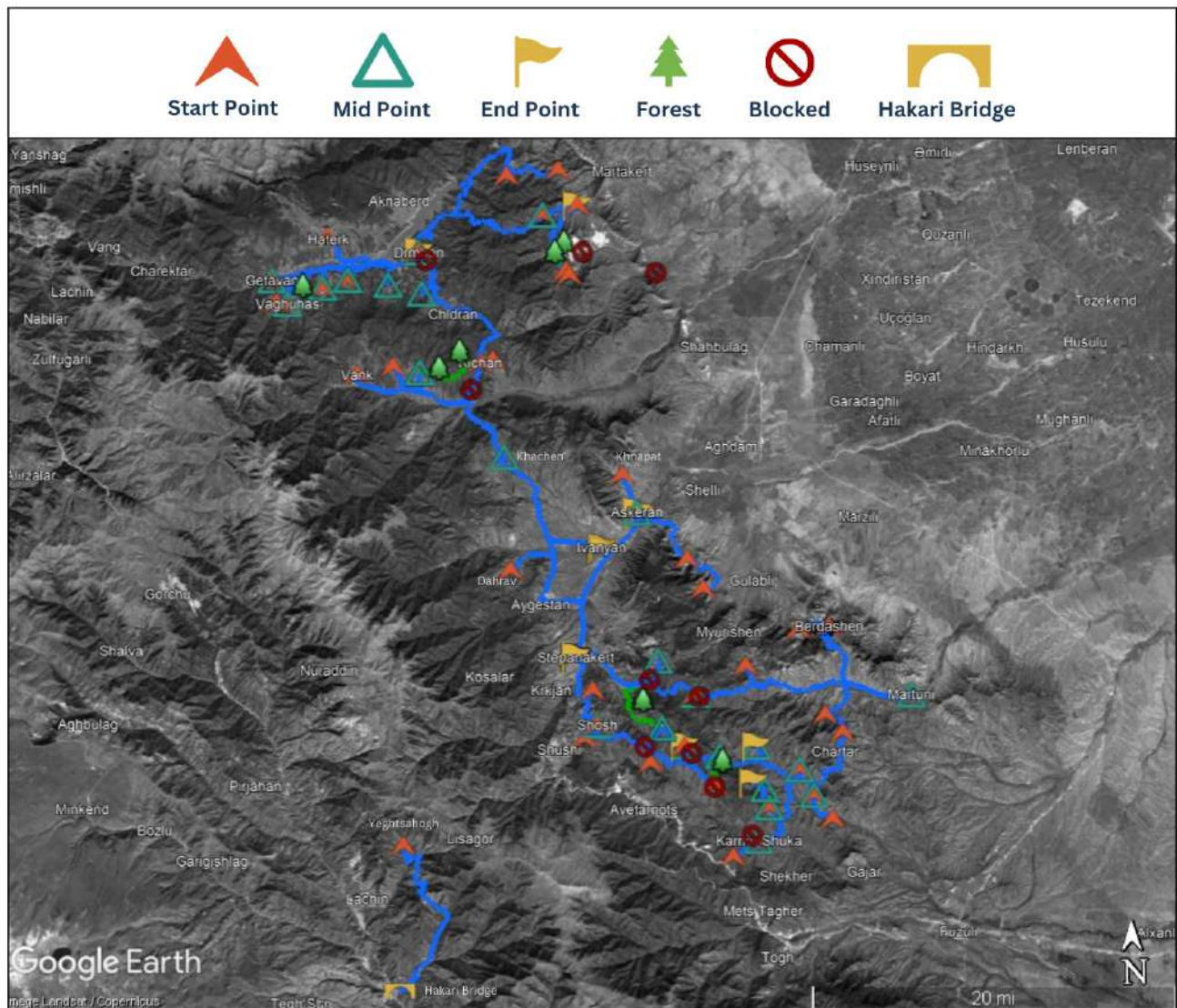


Figure 7: Evacuation routes of interviewed residents of Nagorno-Karabakh from their communities.

Karabakh, which had already been enduring a prolonged humanitarian crisis. Consequently, residents fled their homes in a chaotic manner, with evacuations either haphazard or, at best, coordinated at the community level.

The map above illustrates the evacuation routes taken by Armenians from Nagorno-Karabakh who were interviewed, who came from 71 different communities. It highlights the various areas they reached, designated here as “end points.” Most of them sought refuge

in Stepanakert, Ivanyan, and Askeran. It also illustrates how individuals relocated to nearby villages or towns—referred to as “mid points”—which later had to evacuate as well. Additionally, this visualization highlights how many of the key routes were subsequently blocked (marked as “blocked”), preventing local residents from returning home or evacuating those who had not managed to leave in time. The maps presented below provide a more detailed view of the evacuation from various geographic areas of Nagorno-Karabakh.



Car damaged in Stepanakert due to shelling by the Azerbaijani Armed Forces.
(Photo by Hayk Harutyunyan, September 2023)

Such chaos was evident in Stepanakert, the most populous city in Nagorno-Karabakh. Previously regarded as a relatively safe area, the community came under heavy fire on September 19. The interviewees recollect how they were either seeking refuge in basements or looking for their family members:

I went to get my older daughter [from school] because there was no basement in her school... When I got to the lyceum, I saw the children outside with the teachers. We went to the basement of the dormitory nearby... We counted; they would shoot 27 times then load the Grad [multiple rocket launcher] for 20 minutes. So, we would count and run during this period, hiding in the basements of houses. That is how my older daughter and I got home and hid in our basement with our neighbors—some 15

*people, mostly children.*⁴⁸²

*On September 19, the three of us were home and my grandchild was in school. They had told them to go home early that day. We heard an explosion a few minutes later. We looked out the window and saw that the city was being shelled. The air sirens went on; we went down to the shelter of the building and stayed there all day.*⁴⁸³

*The children started screaming and crying. Our school did not have a shelter. That is why I took them to the ground floor, which was somewhat safer. The shelling did not stop. We couldn't leave the school until around 6:00 p.m.*⁴⁸⁴

Interviewees also reported experiencing or witnessing injuries.⁴⁸⁵ Many of them recalled that accessing first aid was challenging due to the

lack of medical supplies. The fact-finding mission interviewed one of the nurses working at the Republican Medical Center in Stepanakert, who recalled: “There were many wounded and no help from anywhere.”⁴⁸⁶ One of the interviewees, a civilian who had been injured during the attack, stated:

*They [the peacekeepers] took me to their hospital by ambulance. They took an X-ray of my leg and said that an urgent operation was necessary.... They bandaged my leg to send me to Stepanakert for surgery. In the evening, together with other wounded civilians, I was transferred to the Stepanakert hospital. I was told at the hospital that it was not possible to have surgery due to the lack of medicine and necessary conditions. There were many corpses, wounded people; there was no medicine.*⁴⁸⁷

Another interviewee recalls:

*At around 11:30 we reached the Stepanakert hospital, and I was treated there. There was turmoil in the hospital; there were people in much worse conditions. There was a problem with medication. They treated my wounds with iodine, but said that they could not remove the fragments, as there were much more seriously wounded people at that time.*⁴⁸⁸

On September 19, the ICRC made the statement about the situation on the ground:

*Following today’s escalation of hostilities, we are extremely concerned about the humanitarian impact on civilians in the coming hours and days. In the last few months in particular, basic commodities have been hard to find and access to health care extremely limited. These events are likely to deepen their suffering.*⁴⁸⁹

The situation in other communities was considerably more challenging. Sarnaghbyur, a small village northeast of Stepanakert, came under intense fire on September 19. The attack

left over a dozen people injured, mostly children, and five people, including three children, were killed.⁴⁹⁰ On the day of the offensive, many adults from the village had gone to nearby cities to gather food, leaving a few behind to care for the children. When the village was shelled at around 1:00 p.m., the residents gathered in an area they deemed relatively safe, as there was no shelter available. The fact-finding mission interviewed survivors of the attack, who recounted their experiences of coming under fire and fleeing their community:

*The nine of us, myself, my sister, my brother and six of our neighbors’ children, reached the tree. The family of the village head was there—his wife, two children, his father and his mother-in-law. Shortly after, other villagers with children joined us, around 15 people.*⁴⁹¹

*I was surrounded by children and tried to prevent panic. I told them not to be afraid and suggested they pray. And right at that moment we heard an explosion near us.*⁴⁹²

*There were many casualties after the explosion. The village head’s 15-year-old son, his wife’s mother, his father, our neighbors... aged 8 and 10, were killed. All the inhabitants of the village were in ordinary civilian clothes.*⁴⁹³

The interviewees stated that they fled the village, managing to fit 17 people into one of the few available cars—12 children and five adults, mostly wounded women. They first drove to the nearby Russian peacekeepers’ post, then proceeded to a hospital in Askeran. Later, they made their way to Stepanakert. In addition to the other children, two wounded men were evacuated in another vehicle.⁴⁹⁴ Meanwhile, four adults—three women and a seriously injured man—remained in the village, awaiting assistance.

An interviewee reported that the evacuation routes were not safe, as vehicles were frequently targeted by Azerbaijani servicemen:

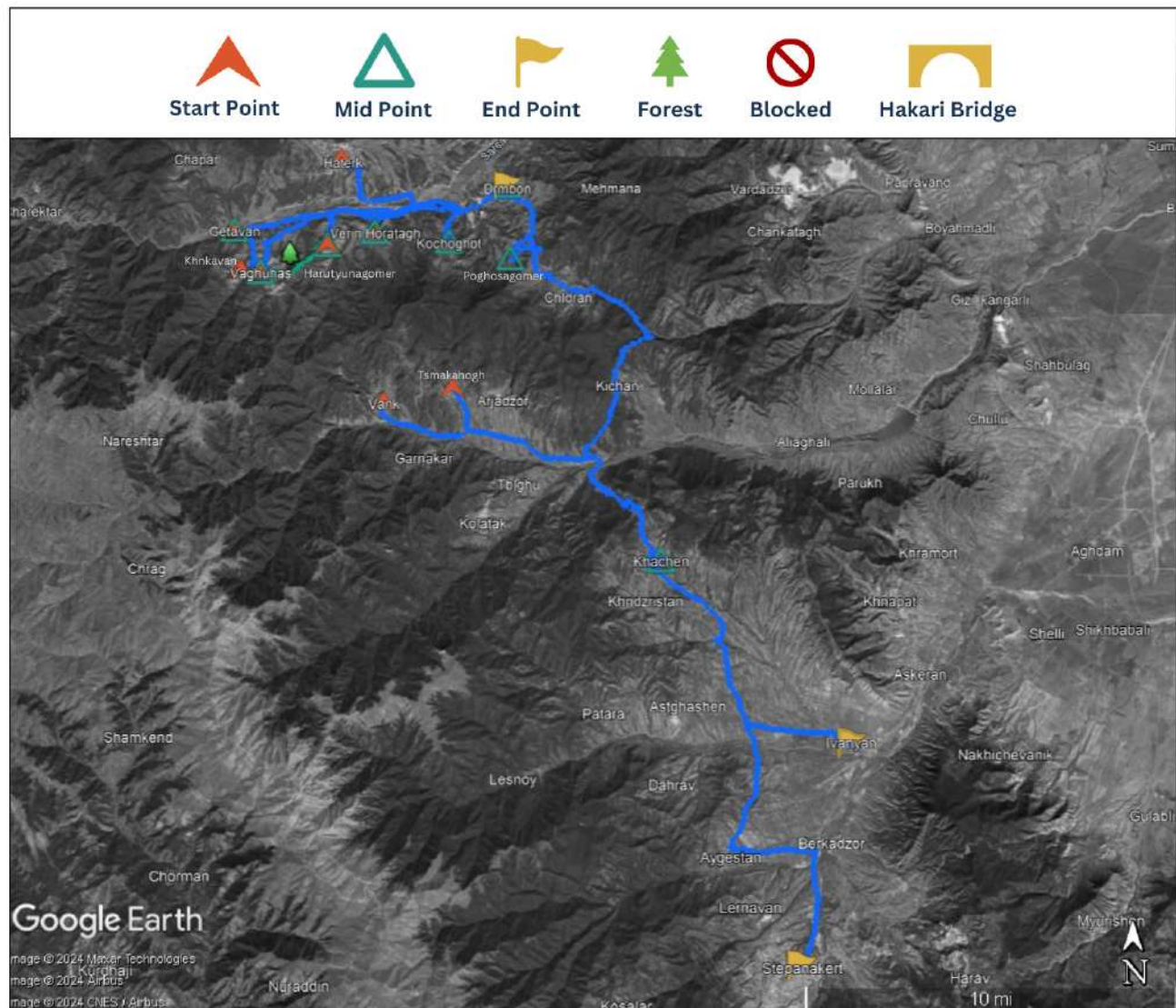


Figure 8: The evacuation from north-western communities in Nagorno-Karabakh according to the collected testimonies.

We told the peacekeepers that there were other villagers remaining in the village, including the dead and wounded. However, the peacekeepers responded that they had not received an order to interfere; thus, they could not help us. According to the peacekeepers, the had Azerbaijanis told them that it did not matter to which party a vehicle belonged—Russian or Armenian. That vehicle would be targeted anyway in case any attempt was made to pass by the road to the village.⁴⁹⁵

Residents from other communities in the north and northeast of Stepanakert faced similar experiences. They witnessed shelling in civilian areas, sought shelter by moving from place to place, and were evacuated along roads under gunfire. Ultimately, most of them found their way to Stepanakert.

The situation in Vank was also alarming, as indicated by testimonies and reports from open sources. At least four civilians were reported

WHY ARE THERE NO ARMENIANS IN NAGORNO-KARABAKH?

injured, and two were confirmed dead. The fact-finding mission interviewed a resident of Vank whose 16-year-old son was killed during the shelling:

We went out and saw people going to the shelters. I went back to get some clothes, documents, bread, and chargers. Then there was an explosion. I fell onto the ground. I heard my husband scream “my Serozhik, my Serozhik” [their son].... My older son was on the floor with his head on my husband. My

*hands were injured, I was bleeding. I went outside to call for help. Nobody was there.*⁴⁹⁶

Another resident was killed when a shell landed near his house, as recounted by his daughter:

*Less than three minutes after we parted, there was a rocket explosion near our house... Then it turned out that my father had died on the spot from the explosion.*⁴⁹⁷

Other interviews also detailed the ways in which civilian lives were threatened during the attack

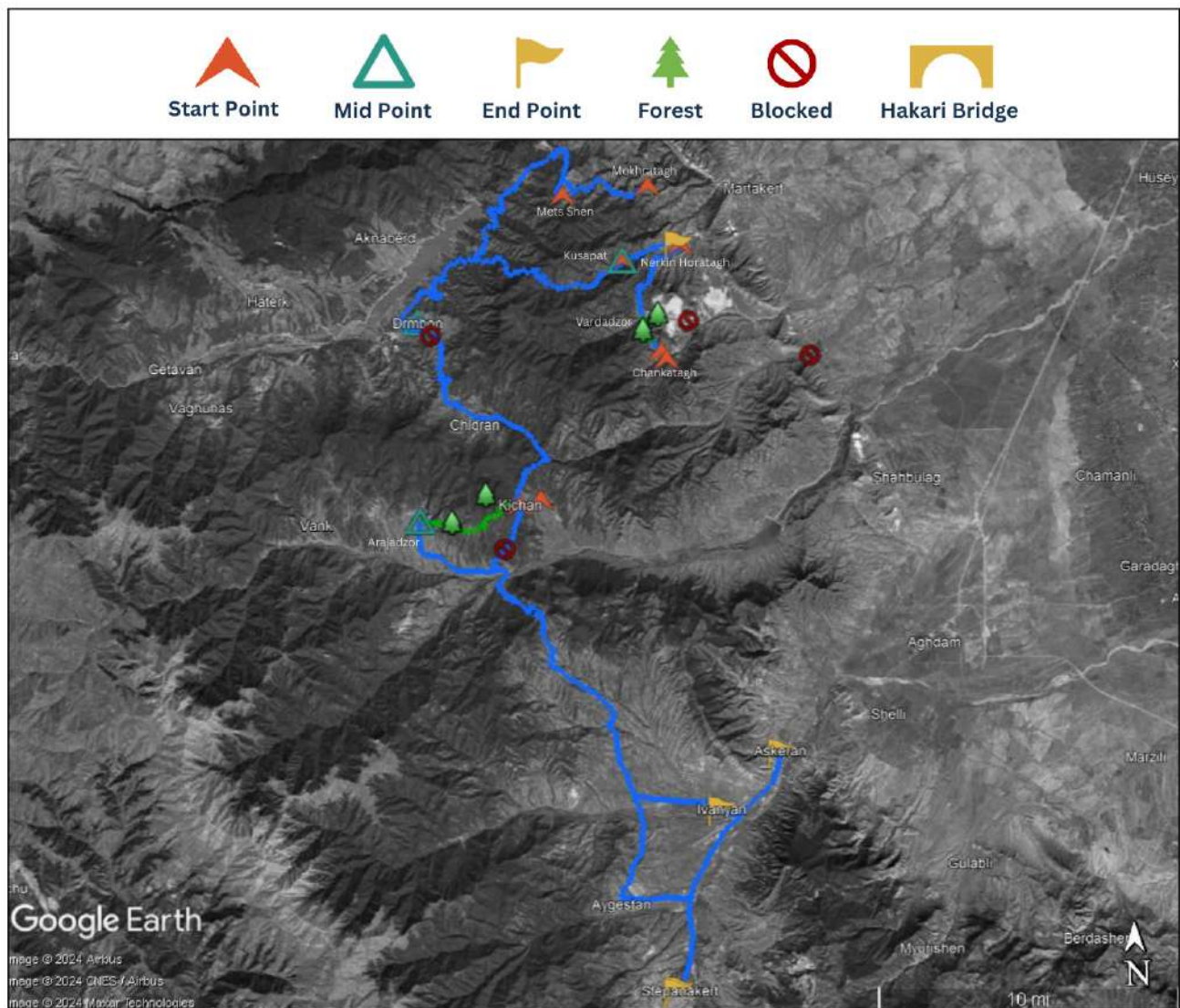


Figure 9: The evacuation from north-eastern communities in Nagorno-Karabakh according to the collected testimonies.

and evacuation.⁴⁹⁸ One interviewee told the fact-finding mission that she had sustained serious injuries during the shelling, including internal bleeding, a broken rib, and a torn lung. During the attack, her family was unable to evacuate her disabled, bedridden father from their house. Two days later, they discovered that her father had passed away. They had to bury him in their backyard before leaving the village, fearing the advancing Azerbaijani forces.⁴⁹⁹

People from several other villages in the northern part of Nagorno-Karabakh shared similar accounts. The testimony of a resident of Verin Horatagh illustrates the evacuation experience:

On September 19, the head of our community told us that the residents of Getavan had been evacuated to our village, but [that] now it was necessary to evacuate our own villagers. My sister reached our village with five other families.... At night, some 30 of us barely squeezed into a Ford Transit van and went to Kchoghut village with the lights off. We stayed there for a few hours and heard from the residents that [the Azerbaijanis] were now there and we had to evacuate from there as well. The children were scared.... We wanted to go to Stepanakert, but the Armenian servicemen told us that it was dangerous; there was shooting on the roads. On September 20, the military took us to the basement of a building in Stepanakert. But later they told us that it was also unsafe.⁵⁰⁰

To the northeast, residents of Martakert, Nerkin Horatagh, Chankatagh, and Nor Ghazanchi reported life-threatening situations, including the direct targeting of civilian vehicles and indiscriminate shelling. An interviewee from Nerkin Horatagh recalled that a shell struck his house around 9:00 p.m. on September 19. He and his family members had taken refuge in the basement. Tragically, part of the basement collapsed on his nine-year-old nephew and mother, leading to their deaths.⁵⁰¹ In another

nearby village, Chankatagh, the residents sought refuge in a pit, which had been dug out after the 2020 war to serve as a shelter. One of them recalls:

Some of the people hiding with us in that pit were even barefoot... We were heading towards the peacekeepers' post. The minivan [transporting around 40 people] left the village with difficulties. I saw that our vehicle was hit. I turned around and saw that my mother-in-law was bleeding. We reached the peacekeepers' post. It appeared that my mother-in-law's hand was wounded. My seven-year-old child was injured from a window splinter as well.⁵⁰²

The story is corroborated by another interview with the injured woman.⁵⁰³ Other residents told the fact-finding mission that they had to leave the village on foot through the forests with their children:

We found refuge in a forest and constantly heard UAVs in the sky. I was pregnant and had to carry my baby as well. I asked my other two children to hold me by my dress so they wouldn't get lost.... There was a pit in the forest where we found refuge for several hours. It was dirty and cold; we were freezing down to our bones. I did not allow my children to sleep so they wouldn't freeze further. We later managed to get to Vardadzor (Gyulatah). On September 20, we left Gyulatah village, too, as the Azerbaijanis had entered the village. When we reached Drmbon, we ran into a civilian truck, a very dirty and rusty one. But we had to be saved as we were exhausted; we had walked for about 70 kilometers. We were taken to the Stepanakert airport. When I think of it now, I cannot imagine how I managed it all.⁵⁰⁴

A woman from Nor Ghazanchi shared a similar story with the fact-finding mission: "It became clear that there was no safe village in Artsakh—the Azerbaijanis shelled everywhere."⁵⁰⁵

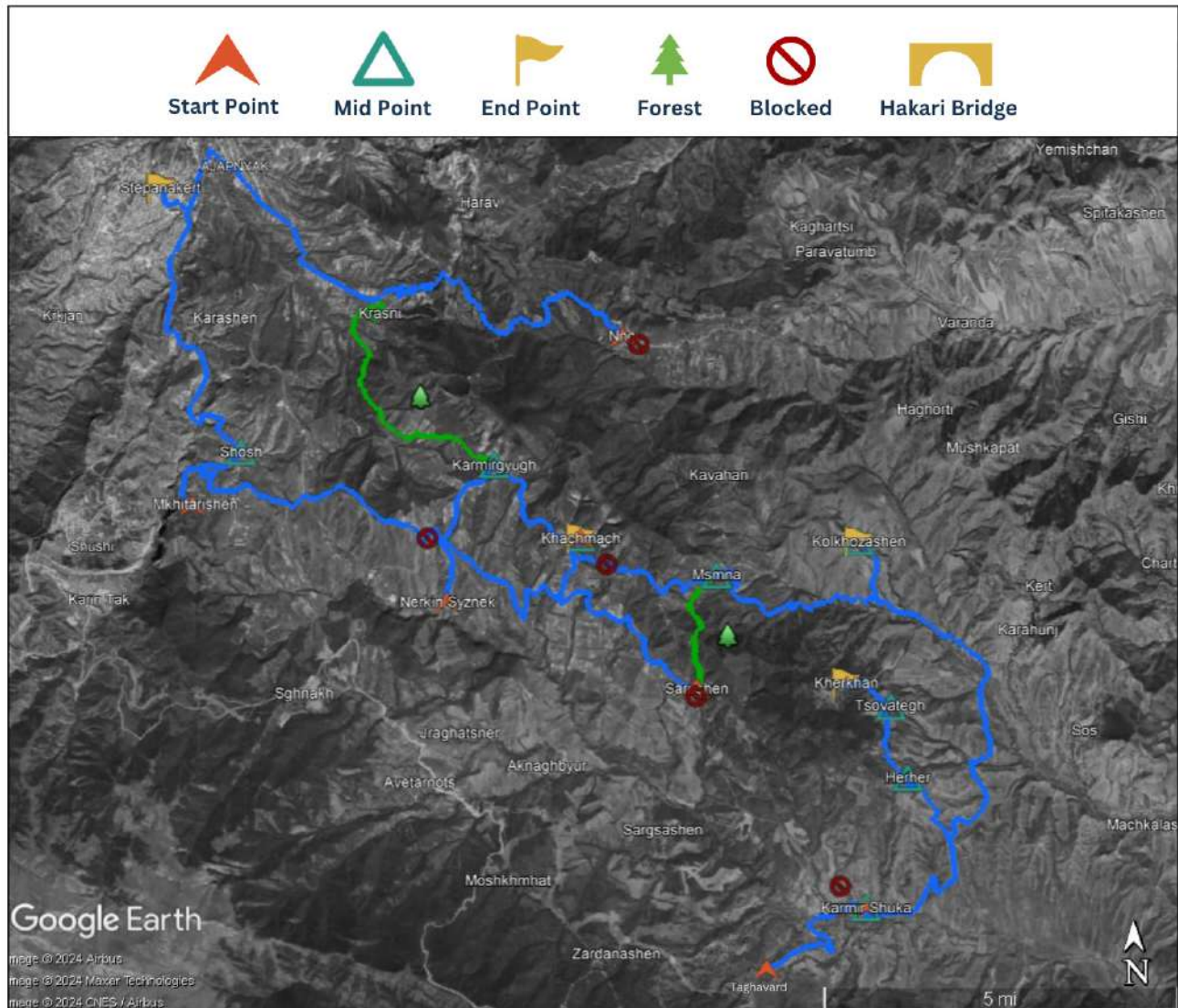


Figure 10: The evacuation from southern communities in Nagorno-Karabakh according to the collected testimonies.

Even the bunker of the Russian peacekeepers, where dozens of residents from Chankatagh sought refuge, offered them no sense of security:

Russian peacekeepers asked us to stay away from the windows. They told us that if the Azerbaijanis entered the territory and killed us, they would not be able to help. Our anxiety escalated. We did not even go to the bathroom.⁵⁰⁶

Interviewees from communities in the southern regions of Nagorno-Karabakh reported that heavy shelling in and around residential areas began on the afternoon of September 19. This attack prompted a rapid evacuation of nearby border communities to what they believed were safer villages. However, these villages had to flee shortly after as well. While the interviews indicate that the Russian peacekeeping contingent assisted with the evacuation, their presence did not ensure the safe transportation of civilians from these areas.

There were also reports of injuries and fatalities in these areas. Interviewees from Shosh village recalled that the local school building, where residents of the neighboring Mkhitarashen community had sought refuge, was struck by the Azerbaijani military. As a result, three adults and one child were injured:

We were helping to accommodate the displaced from Mkhitarashen in the school basement, unarmed, in civilian clothes, when a projectile fired by Azerbaijani forces landed in the schoolyard and detonated. I sustained three shrapnel wounds in the left elbow. Another person sustained shrapnel injuries in the back. A third man sustained shrapnel injuries in both legs and a minor sustained shrapnel injuries in the throat and leg.⁵⁰⁷

We stayed in the basement until 8:00 p.m. in Shosh. We were waiting for the Russian peacekeepers to come and say something so we understood what to do, [that] the war would end. We were waiting for the Russians to come to help. There were elderly people, children, pregnant women, newborns. Everyone was crying—there was panic. I had to run from the school shelter to the basement of the village hall [and then] back to the school shelter to look after the wounded who had lost a lot of blood.⁵⁰⁸

The presence of the Russian peacekeepers in the area did not guarantee the safety of the civilian population. One interviewee notes:

At around 9:00 p.m., Russian peacekeepers arrived and parked near the school. The entire village gathered there to understand what was going on. I personally approached the peacekeepers and asked in Russian why they did not do anything. A peacekeeper replied that they did not have an order to do anything. They simply came to evacuate the village... The Russians inspected all the vehicles before we left and asked us not to use the car lights, though it was very dark at that time.⁵⁰⁹

Residents of Karmir Shuka shared similar experiences. On September 20, they requested the peacekeepers to escort them during their evacuation to avoid being targeted by Azerbaijani servicemen. However, the presence of the peacekeepers did not guarantee safe passage. As one of the interviewees from Karmir Shuka noted:

But even the presence of peacekeepers did not calm the shooting. The projectiles were flying over the cars. Our car was the last one in the convoy, and we had not started moving yet when the projectile exploded behind our car and damaged it. My husband asked the head of the peacekeeping unit to do something so that they would not shoot at the convoy. The peacekeeper said that they could not even guarantee [that they] themselves would not be shot... We continued [on] our way through shelling and reached Kolkhozashen village.⁵¹⁰

Evacuating villages under these circumstances made it challenging to transport residents in an organized manner. In some cases, individuals had to be left behind, while others sought safety in nearby forests. One interviewee shared how she was unable to evacuate her parents from Shosh in time and had to return several days later:

My father could not walk, and my mother would not be able to carry him to the school building. They would not be able to do that without help. I asked around, and no one had seen them, meaning that they had stayed in the village. I applied to the village head, to the Red Cross, to the rescuers to take them out of the village. But it was not allowed to go there; the Turks [Azerbaijanis] were already stationed by “Maz” Bridge. The village head would call me several times saying that today they would go and take them out. Then he would call and say that it was not possible as the Turks would not allow it. Eventually, they were evacuated on September 24.⁵¹¹

The challenges and safety concerns surrounding the evacuation of civilians were echoed by residents of other villages in the area. On September 19, amid shelling and with Azerbaijani forces advancing, the residents of Nerkin Sznek village attempted to flee to the neighboring village of Khachmach, located several kilometers away, in search of refuge. One resident recalls:

Only three cars were able to leave the village. The road was shelled; people fled through the forest. We did not have even an hour to organize a proper evacuation. The entire evacuation was under shelling... It was not possible to take anything with us—documents, photos, valuables, my car. Everything was left in the village. I did not manage to say goodbye to our house...⁵¹²

When they reached Khachmach, the situation there had already deteriorated:

We saw that the situation was bad and decided to evacuate women, children and people with disabilities. There were around 220 people living in the village. Nine of them got in one of my vehicles, and around 60 got in my truck, including people with disabilities. There were vehicles in the village, but no fuel. I got fuel as I had reserved it in advance. If we had not had that truck, I have no clue how we would have managed to evacuate so many people from the village. As we had to flee very quickly, no one was able to take anything with them, neither cash nor gold. In addition to our villagers, there were villagers from Sznek in our village. I transferred three women from Sznek in my vehicle.⁵¹³

At least one person fleeing Nerkin Sznek village fell victim to a deliberate killing. Part of a group of six, mostly elderly, the 88-year-old initially sought refuge in Khachmach but had to flee again as Azerbaijani forces advanced. Along the way, two men from the group separated. One was captured by Azerbaijani forces, while the body of the 88-year-old was later discovered during a search and recovery operation in the

forest near Karmir village after hostilities ceased. The location was indicated by Azerbaijani forces. According to forensic examinations, the elderly man had sustained a head injury from a blunt object.⁵¹⁴

The attack also resulted in civilian casualties in other areas. The fact-finding mission gathered testimonies from a family member and witnesses regarding the death of a civilian man killed in the center of Martuni on September 20, 2023, by a shell explosion when he reportedly left the shelter to fetch bread. This incident was also reported by Armenian media.⁵¹⁵ The attack caught residents off guard, leaving some with little time to seek shelter. Additionally, a civilian was found dead in the pasture of the village of Murishen. As one resident stated:

Around 12:30 p.m. on September 19, we heard the sound of shooting. I am not sure what kind of weapon it was, but not rifles—the sound was louder. On that day, one of our villagers... was killed. His son later found his body during a search and recovery operation with the rescue service.⁵¹⁶

These testimonies illustrate how people in Nagorno-Karabakh were forced to flee their homes en masse under duress. The proximity of shelling and frequent gunfire along communication routes compelled civilians to leave their houses quickly and seek safety farther from the frontline. Although a ceasefire was established the day after the attack, localized shootings continued.⁵¹⁷

Civilians sought shelter at the posts of the Russian peacekeeping contingent. Thousands fled to the airport near Stepanakert, where the main base of the peacekeeping force was located.⁵¹⁸ As an interviewee from Sarnaghbyur recounts:

The village [Sarnaghbyur] mayor told us to go to the Russian peacekeepers, where it would be safe for us. We went there and saw that

some of our fellow villagers were also there. I told the Russian peacekeepers to go to our village and save the people still there. But they told me that there was no order to help the Armenians. The Russian peacekeepers took us to the airport.⁵¹⁹

A woman from Haterk shared her experience of being transported to the main base of the peacekeeping contingent:

I was asleep at the hospital [in Martakert] on the 19th, when I saw everyone running.

The doctor opened the door and said that I should run to the basement since there was a war ... On the 20th, the doctor came and said that if I am not delivering the baby now, she will take me to Stepanakert... My husband came with a loaf of bread, six eggs, and a box of medicine. I was not in labor, so the doctor took me to the airport. We didn't enter the airport; there were too many people gathered mostly from villages but also from Stepanakert... There was no water or food at the airport. My husband told the Russians that we needed food, but they did not give us anything. We did not stay there.⁵²⁰

Some interviewees also reached out to the peacekeepers to inquire about the possibility of returning to their communities and whether peacekeepers could be stationed there for safety. In this context, the head of the Harav community stated:

I asked to leave one Russian APC [armored personnel carrier] in the village. Our side [Nagorno-Karabakh officials] turned to Kulakov [the commander of the peacekeeping contingent]. They asked for an APC to stay so that people felt safe... This was on the 21st. They agreed, and one Russian APC remained in the center of the village.... But then on the 23rd I came to the center of the village and saw that the Russians—who were standing there by the APC—were getting ready to leave. I asked them: “Where are you going?” They said: “That’s it; we have an order to be

at the base at the airport at 2 o'clock.’ I asked them to wait; I went up the hill to get a signal to be able to call. I called the state minister. He told me that maybe it was just a shift change.... Just pointless. I got back. They left at around 2 o'clock. Nobody came back.⁵²¹

Overall, the attack on September 19 led to the exodus of most of the population of Nagorno-Karabakh from their communities. As evacuation routes indicate, many fled to Stepanakert, hoping to find temporary refuge there. Testimonies reveal that the aftermath of the attack was marked by several days of uncertainty. Many were unable to return home, as the roads were blocked by the Azerbaijani Armed Forces following the evacuation. As one interviewee stated, “Even if we wanted, we would not be able to return to Khachmach as Azerbaijanis [had] blocked the road. If we tried, I believe we would have been killed.”⁵²² Furthermore, it remained unclear where they could go next.

The parties to an armed conflict are not completely free in their choice of means and methods of warfare, and they must “at all times distinguish between civilians and combatants, civilian and military objects, direct attacks only against combatants.”⁵²³ IHL prohibits both direct attacks against civilians⁵²⁴ and indiscriminate attacks.⁵²⁵ Moreover, the parties must adhere to the principles of proportionality and military necessity during attacks. States are obligated to consistently take measures to protect the civilian population and civilian objects during military operations. IHL prohibits the launch of “an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”⁵²⁶ IHL mandates the parties to take all feasible precautionary measures “to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to



*Residents of Nagorno-Karabakh seek refuge at the Stepanakert airport.
(Photo by Ashot Gabrielyan, September 2023)*

civilian objects.”⁵²⁷ Concurrently, IHL mandates that parties to a conflict must “avoid locating military objectives within or near densely populated areas, to the extent feasible.”⁵²⁸

The Azerbaijani Armed Forces failed to adhere to these principles. Even before the offensive, since the end of 2020, they deliberately positioned military outposts in close proximity to villages and towns throughout Nagorno-Karabakh, sometimes as near as a couple of hundred

meters, as highlighted in other sections of this report. This action endangered the lives and safety of residents rather than minimizing risk. Given the proximity of military outposts to residential areas, the Azerbaijani military had a responsibility to exercise particular care in their choice of means and methods of warfare to avoid, and at the very least minimize, incidental loss of civilian life, injury to civilians, and damage to civilian objects.

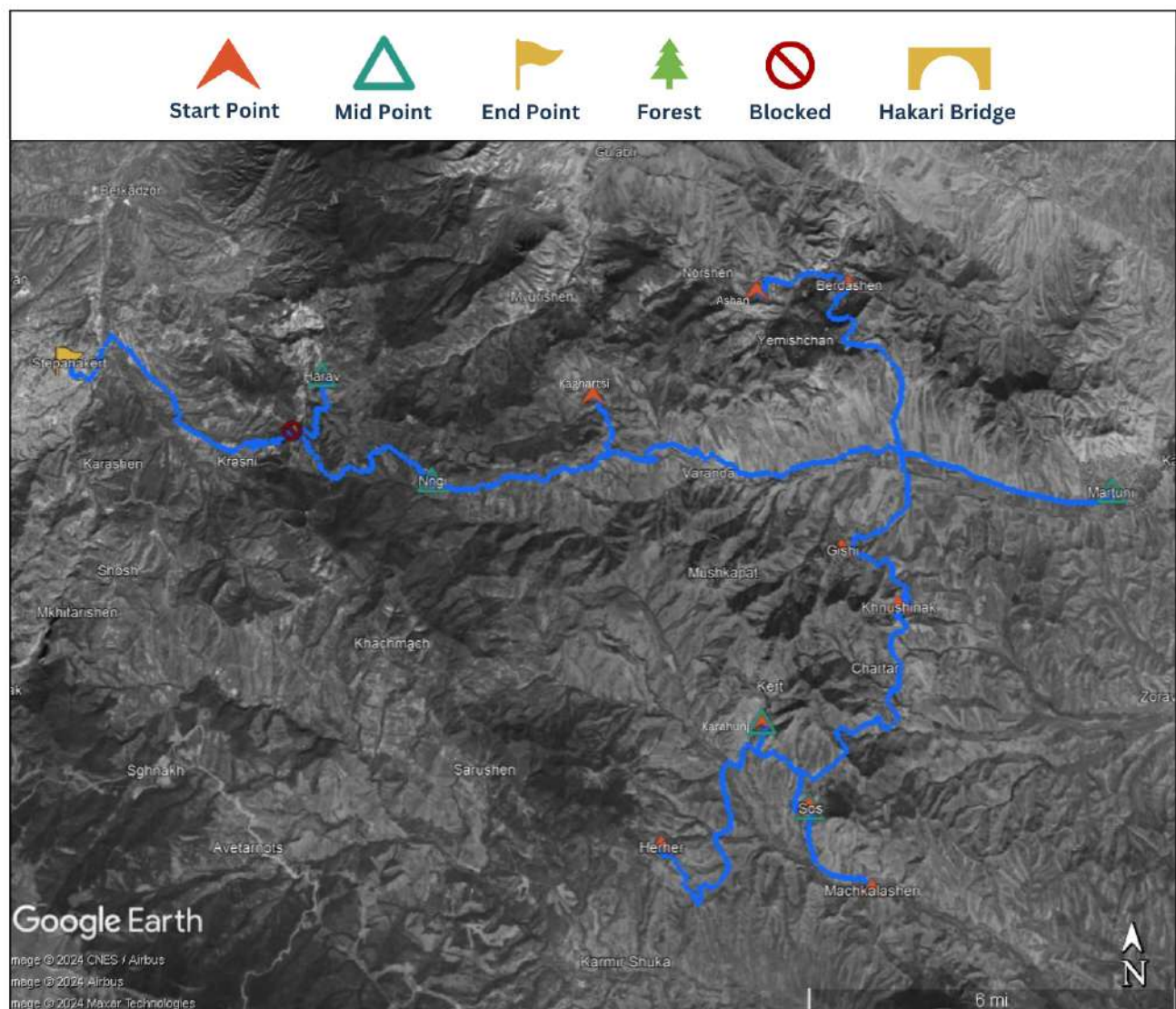


Figure 11: The evacuation from south-eastern communities in Nagorno-Karabakh according to the collected testimonies.

The prohibition of “arbitrary deprivation of the right to life” under human rights law includes unlawful killings during hostilities, specifically the killing of civilians and persons hors de combat who are not under the control of a party to the conflict, and that are not justified under the rules governing the conduct of hostilities. The killing of civilians resulting from direct attacks, indiscriminate attacks, or attacks against military objectives that cause excessive civilian casualties constitutes unlawful killing, all of which are prohibited by the rules on the conduct of hostilities. As defined by the ECtHR, failing to take all feasible precautions in the choice of means and methods against an opposing group to avoid, or at least minimize, incidental loss of civilian life may lead to a violation of the right to life.⁵²⁹

The situation was further exacerbated by a lack of fuel and the exhaustion of civilians due to the months-long blockade, which hindered their ability to flee—a fact well known to the Azerbaijani authorities planning and executing the offensive.

As demonstrated above, the Azerbaijani military launched a large-scale military offensive across the entire territory of Nagorno-Karabakh on a weekday in the afternoon. They failed to fulfill their obligation to take all feasible precautions to protect the civilian population and civilian objects under their control from the effects of attacks. No advance warning was provided to civilians to evacuate or seek shelter. No precautionary measures were implemented to minimize incidental loss of life, and the fact-finding mission documented numerous incidents of indiscriminate shelling throughout Nagorno-Karabakh, resulting in casualties, including among children. Moreover, all potential escape routes were targeted, with civilian vehicles coming under direct attack, leading to loss of life and injuries. As a result of the military operation, most roads between communities were cut off,

disregarding the need to facilitate the evacuation of civilians. Even those attempting to flee on foot through the forests fell victim to indiscriminate attacks, leaving civilians with no safe routes.

Even in cases where peacekeepers facilitated the evacuation of civilians, their safety was not guaranteed, and they were attacked by Azerbaijani servicemen. Documented incidents included instances of loss of life due to direct attacks on civilians, indiscriminate attacks, or strikes against military objectives that caused excessive civilian casualties, all of which are prohibited by the rules governing the conduct of hostilities. Moreover, under human rights law, the right to life is violated if actions inherently put a victim’s life at risk, regardless of whether the authorities intended to kill the victim, even if the individual ultimately survived.⁵³⁰ According to General Comment no. 26 on Article 6 (right to life) of the International Covenant on Civil and Political Rights, “[t]he obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life.”⁵³¹

Thus, the military operations conducted by Azerbaijani forces in Nagorno-Karabakh on September 19 and 20, 2023, resulted in serious violations of the right to life under international humanitarian and human rights law. Despite claims by the Azerbaijani government that their actions targeted only legitimate military objectives, evidence and eyewitness testimonies reveal a troubling pattern of indiscriminate attacks that failed to distinguish between military and civilian targets. The shelling of villages and towns led to significant civilian casualties, including the deaths and injuries of numerous non-combatants, among them children and elderly individuals. In some instances, civilians and civilian objects were directly targeted.

Furthermore, the blockade of external borders and the lack of escape routes from Nagorno-Karabakh contributed to a sense of being trapped, compounded by explicit messages from the peacekeepers indicating their inability to protect the population. This situation significantly heightened fears and panic among residents.

Detentions and enforced disappearances

People in Nagorno-Karabakh were particularly apprehensive about encountering Azerbaijani servicemen during and after the attack on September 19, given the treatment of civilians in 2020, which included torture, arbitrary detention, and extrajudicial executions. These fears were heightened by the potential threats of detention and prosecution facing Armenian men in Nagorno-Karabakh who had participated, or could have participated, in military operations. This anxiety was further fueled by Azerbaijani authorities' claims that they possessed a list of wanted Armenians.⁵³² Since they did not specify whom they intended to arrest, this uncertainty led to the proliferation of various theories among the Armenians of Nagorno-Karabakh.⁵³³ Many interviewees believed they and their family members could be potential targets. Considering this possibility, along with the experiences of the 2020 war and the subsequent developments, most civilians rapidly evacuated their communities. However, some were unable to avoid encounters with Azerbaijani servicemen. This section highlights those cases, which resulted in both short and long-term detentions, arrests, and enforced disappearances.

Civilians detained

The collected testimonies reveal that Azerbaijani servicemen rounded up civilians and transported them to their bases, including those in Aghdam, Shushi, and Kelbajar, where they were detained for up to ten days. The fact-finding mission has collected evidence of 13 such cases from interviews with detainees or their family members. Most of these detainees were women, the oldest of whom was 91 years old. In all cases, the detained civilians were forcibly transported out of their communities with no opportunity to return. Additionally, all the interviewed former detainees reported experiencing or witnessing harassment and/or physical violence.

One of the female civilians, who was detained in Sarnaghbyur, stated:

I was lying there [in the house], injured, when four to five Azeri soldiers entered the house. I was scared that they were going to kill us, but there was nothing we could do. Judging by the flag on the soldiers' uniform, I realized that they were Azerbaijanis. Scared, I went under the bed so that they could not see me. They came in, walked towards us and instructed me to stand up, speaking in Russian. I responded that I was injured, that I was unable to get up. They took me by the arms and dragged me outside, to the yard. While we were seated there, I looked around and saw Azerbaijanis walking around the village. They had entered people's houses and taken their belongings, including ours.... They took everything. Then they saw my ID as a member of an electoral commission and started asserting that I was a sniper. I answered that we were peaceful residents, that I was not a sniper. I was trying to explain, in Russian, that I had never participated in a war.... They drove us away from the village. On the way, we stopped at a military post. There, they started checking my documents again, asking whether I was a sniper again. I was frightened that they would take me to prison, like they did with Vagif

Khachatryan. They were trying to bandage my injury, but I was scared. There, an Azerbaijani serviceman told us that they could kill us should they wish to do so. I told them we were peaceful civilians; they should not kill us. He started swearing at us but did not assault [us] physically. They dragged me to another military post, swearing at me all the way. In the evening of September 22, we were driven to Aghdam.⁵³⁴

Another interviewee, who was captured near Chldran, stated that he was subjected to physical violence: “They captured me and dragged me, beating [me] along the way. Each of them came and hit me... There were lots of them. I do not want to say much in detail.”⁵³⁵

The testimonies indicate that Azerbaijani servicemen specifically targeted men in their acts of physical violence:

There [at the Azerbaijani base] I saw two Armenians, a woman and a man. The man had also been severely beaten. They called me to interpret the conversation with the detained man into Russian. They asked whether his pants were military, but he said that he was simply a pastor and was wearing military-like [camouflage] pants. The other man... was also beaten simply because he had military-like clothing. I explained to them that those men were pastors. Both men were not in very good condition, as they had been beaten.⁵³⁶

We were taken to Shushi, inside a building. There were two elderly Armenian women and four to five Armenian men. [I could tell that] all the men had been beaten, because I saw bruises on them. One of the Azerbaijani soldiers was talking to one of the Armenian women in the Azerbaijani language—I have a bit of understanding of the Azerbaijani language—and accusing Armenians of having initiated the war. While there, they threatened that they were going to kill us.⁵³⁷

They hit my face with a rifle. I had an injury on my head. I had marks of ill-treatment all over

my body upon release. But we did not take photos of them. Who had any battery left on their phones at that time so that we could do that?⁵³⁸

Additionally, the interviewed former detainees reported instances of degrading treatment:

Azerbaijanis started bandaging my hand, though I did not have any injury on my hand. When I asked about the reason for bandaging my hand despite not having any injury, I was told to remain silent and was hit on my hand. They were recording the process, and once they were done recording, they loosened the bandage in a manner that hurt. Then they started laughing at us. One of the nurses told me that I had to sing so that she could sleep. In this manner, they were making fun of us.⁵³⁹

When they were giving us food—and recording the process—they told us that we were going to be interviewed on TV. When the interviewers came, they asked us questions about how we were being treated there. I told the truth, that we were being treated well, but that in Aghdam a doctor had hit me on the head a couple of times. My neighbor did not feel well, because they had tied a ribbon to her hair during the recording and they were laughing at her. They told us in advance to smile when we were filmed but I was not able to.⁵⁴⁰

The testimonies gathered from the family members of the detained individuals also provide insights into mistreatment. For example, Azerbaijani servicemen forced one detainee to do push-ups despite both of his hands being injured, and they did not allow him to sleep.⁵⁴¹ Other interviewees stated that their family members were in a state of trauma upon their release.⁵⁴²

The experiences shared by the interviewees align with testimonies from other former detainees provided to media outlets. They reported being subjected to humiliation, sleep deprivation, and physical violence.⁵⁴³ One former

detainee recounted that Azerbaijani servicemen asked him where he wanted to go, to which he responded that he wished to return to Artsakh. They responded: “No, no Artsakh anymore.” Then he asked to be sent to Yerevan, and they responded: “Yes, we will send you to Yerevan.”⁵⁴⁴

No grounds for their detention were provided at any stage, nor were they given the opportunity to inform their families of their whereabouts. As one interviewee noted:

*All this time, they did not tell us why they took us to Aghdam but did not hand us over to the Armenians or Russian peacekeepers. Neither did they tell us anything about our future at any point... For the entire period, they did not tell us what they were going to do with us. When they recorded a video of us, I felt relieved. To me, that meant that they would most probably not kill us as the video would be shared on social media, and my family would see it.*⁵⁴⁵

In all cases observed, those who had encounters with Azerbaijani servicemen were eventually handed over from their areas of detention to the ICRC, the peacekeepers, or the Nagorno-Karabakh Rescue Service.⁵⁴⁶ They were not permitted to return to their communities and instead ended up in Stepanakert or one of the few areas where civilians sought refuge following Azerbaijan’s offensive.

The treatment of Armenians taken hostage—including acts of beating and mocking prisoners—constitutes degrading treatment and punishment. Both international IHRL and IHL stipulate that detention must not be arbitrary (Art. 9, ICCPR; Art. 5, ECHR). To determine whether the detention of a person in an armed conflict is arbitrary, both branches of law are applicable. However, a person’s status under IHL is crucial for establishing the legitimate grounds for detention. IHL permits a party to an armed conflict to detain individuals for non-criminal reasons, known as internment. The Fourth

Geneva Convention specifies that a civilian may only be interned or placed in assigned residence if “the security of the Detaining Power makes it absolutely necessary” (Article 42) or, in occupied territory, for “imperative reasons of security” (Article 78). Detention that is not in conformity with the various rules provided by the Geneva Conventions is referred to as “unlawful confinement.”⁵⁴⁷ “Unlawful confinement” of civilians is a grave breach of the Fourth Geneva Convention (Article 147). The need for a valid reason for the deprivation of liberty concerns both the initial reason for such deprivation and the continuation of such deprivation. As defined by the UN Human Rights Committee, “detention which continues beyond that provided for by law amounts to arbitrary detention.”⁵⁴⁸ Both IHL and human rights law prohibit inhuman treatment of persons deprived of liberty that is incompatible with lawful detention.⁵⁴⁹

In all documented instances of civilian detention by the fact-finding mission, Azerbaijani authorities failed to provide justifiable grounds, rendering these detentions arbitrary under both IHL and IHRL. The practice of arbitrary detention of remaining residents in Nagorno-Karabakh villages, coupled with the ill-treatment of civilian detainees, validated the population’s concerns about potential human rights violations if they were to fall under Azerbaijani custody. This includes violations of the right to liberty and security, as well as the right not to be subjected to torture and ill-treatment.

Arrests and persecution

In certain cases, encounters with Azerbaijani servicemen led to long-term detentions, contributing to the number of Armenians held in Azerbaijani prisons. As of May 2024, Azerbaijan acknowledges the detention of 23 ethnic Armenians.⁵⁵⁰ Of these, five have been detained since 2020, two elderly civilians were arrested

during the blockade, and 16 were captured on September 19 and in the immediate aftermath. Among the 16 detainees, eight are former high-ranking officials of Nagorno-Karabakh. All detainees are men, and most face charges of terrorism and similar offenses. While the charges against nine of the 16 have been made public, there is no available information regarding the status of the remaining seven men. One serviceman captured during the September 19 attack was handed over to Armenia along with 31 other previously detained Armenians as part of a deal between the Armenian and Azerbaijani governments in December 2023.⁵⁵¹

Many detention cases have remained opaque, with little access to fair justice. For instance, on November 2, 2023, the Azerbaijani State Security Service released a video announcing the detention of 71-year-old Madat Babayan, a resident of Getavan village in Nagorno-Karabakh, during the military attack on September 19. In the video, Babayan is seen handcuffed to a uniformed member of the Azerbaijani special forces, flanked by three other Azerbaijani officials. A voiceover states that Babayan confessed to the mass killing of Azerbaijanis in Khojaly in February 1992.⁵⁵² According to his family, he was last seen in his village on the evening of September 19, 2023.⁵⁵³ Babayan was considered missing until October 9, 2023, when Baku contacted his family, informing them of his detention. Since November 2, no information regarding the criminal investigation or Babayan's status has been made publicly available.

Another example is the detention and arrest of Davit Allahverdyan, Garik Martirosyan and Gurgen Stepanyan. All three were members of volunteer units formed to defend their villages. They were last seen on September 19, 2023, in Nerkin Sznek, and their whereabouts remained unknown for over two weeks. Davit Allahverdyan's family received a call from Baku and spoke with him for a few minutes on

October 7, 2023. They learned about the charges against him through the European Court of Human Rights, as this information was shared during communication exchanges. He is accused of terrorism, the creation of illegal armed groups, and the illegal acquisition of arms,⁵⁵⁴ charges that are commonly applied to Armenian detainees in Azerbaijan.⁵⁵⁵ There is no publicly available information regarding the grounds for his detention, and the other two detainees face similar circumstances.

After their military offensive, Azerbaijan also arrested eight representatives of the former political and military leadership of Nagorno-Karabakh. On September 27, 2023, Ruben Vardanyan, who served as the State Minister (equivalent to a Prime Minister) of Nagorno-Karabakh from November 2022 to February 2023, and David Manukyan, a former Deputy Chief Commander of the Nagorno-Karabakh Defense Army, were apprehended by the Azerbaijani State Security Service while attempting to cross from the Lachin Corridor into Armenia. The following day, David Babayan, a former Minister of Foreign Affairs of Nagorno-Karabakh, announced on his Facebook page that he would voluntarily surrender to Azerbaijani authorities, citing threats of repercussions against others if he did not comply.⁵⁵⁶ The Azerbaijani General Prosecutor's Office later announced that Babayan was arrested on September 29.⁵⁵⁷ On September 30, Azerbaijani media reported the arrest of Levon "Lyova" Mnatsakanyan, the former Defense Minister of Nagorno-Karabakh, at the Hakari Bridge checkpoint.⁵⁵⁸ Unlike other high-ranking officials who were filmed by Azerbaijani authorities and whose footage was widely disseminated, Mnatsakanyan was not seen for extended periods. It was only months after his arrest that photos and videos of him were released by Azerbaijani authorities. Finally, on October 3, Azerbaijani media reported the arrests of three former presidents of Nagorno-Karabakh:

Bako Sahakyan, Arkadi Ghukasyan, and Arayik Harutyunyan, as well as Davit Ishkhanyan, the Speaker of the Nagorno-Karabakh Parliament.⁵⁵⁹

The pre-trial detentions of the eight former officials were repeatedly extended.⁵⁶⁰ Finally, on June 24, 2024, the Azerbaijani Prosecutor General announced that the investigation into 15 Armenians—including the eight former officials and seven other men from Nagorno-Karabakh—was complete and would soon be sent to court.⁵⁶¹ Throughout this period, there has been little publicly available and credible information regarding their wellbeing and treatment. The detainees also refrain from discussing their treatment with family members. However, testimonies from repatriated Armenian prisoners of war (POWs) indicate a systematic practice of ill-treatment, including instances of torture.⁵⁶²

Interviews with former captives reveal these practices:

They would open the door of the cell and demand that we say “Karabakh is Azerbaijan,” and in case we refused to say so, they would beat us. They blindfolded us during transfers to court, and kept our eyes open only in the presence of ICRC representatives. The ICRC representative told me that I could file a claim in relation to my broken arm and require transfer to the hospital, but I was afraid because the ICRC representatives were not always present, so I was not sure what would happen if I did file such a claim.⁵⁶³

All the prisoners were subjected to violence. Everyone had different injuries. One had a broken nose; another was beaten so severely that he lost his sight. The violence was predominantly carried out by military police—one could hear how other captives were being beaten in neighboring rooms.⁵⁶⁴

Notably, concern about torture and other ill-treatment perpetrated by Azerbaijani military against ethnic Armenian prisoners/captives has

been voiced by the Committee Against Torture. In its concluding observations on the fifth periodic report of Azerbaijan, the Committee stated that it is:

Deeply concerned by reports of severe and grave violations of international humanitarian law and human rights law committed by Azerbaijani military forces against prisoners of war and other protected persons of Armenian ethnic or national origin, including extrajudicial killings, torture and other ill-treatment, and the recording and dissemination of videos that appear to depict horrifying acts.⁵⁶⁵

Enforced disappearances

As of May 2024, data from the Investigative Committee of Armenia indicates that at least 15 residents of Nagorno-Karabakh, including four civilians, are missing as a result of the September 19 attack.⁵⁶⁶ Additionally, at least 20 residents are missing due to the explosion of a fuel tank in Haikazov, Nagorno-Karabakh, on September 25, 2023. The fact-finding mission contacted witnesses and family members of several missing persons to gather information about the circumstances surrounding these disappearances.

The testimonies shed light on several missing persons, some of whom may have been victims of enforced disappearances. Two elderly men attempted to flee Nerkin Sznek on foot with other residents when the Azerbaijani offensive began, but they were forced to stay behind due to exhaustion.⁵⁶⁷ Eyewitnesses reported that the area where they remained was quickly taken over by the Azerbaijani military, and since then, there has been no information about their whereabouts. The other two missing individuals were part of a volunteer unit that armed itself to defend their village from advancing Azerbaijani forces; eyewitness accounts indicate that their position was captured, leading to their

detention.⁵⁶⁸ A search operation, which included a relative of one of the missing men, visited the site but found no evidence of their deaths.⁵⁶⁹ Despite these circumstances, Azerbaijani authorities have claimed they do not have these two men in custody.

Participants in the search and rescue missions reported to the fact-finding mission that their movements were severely restricted by the Azerbaijani Armed Forces. Although search operations were conducted across Nagorno-Karabakh, access to specific locations was often limited for these groups.

In this context, a member of one of the search teams stated:

The Russians told us that there were restrictions. They specified some locations beforehand, so we were only supposed to go to those specific locations. We were not allowed to move in any other direction. On September 29, the Azerbaijanis did not allow us to go for search operations. They stated that all those who were meant to be found had been found... September 28 was the last day for the search operations.⁵⁷⁰

These issues were also raised by the family members of the missing persons:

I learned from the woman who was captured and then released that my father had stayed behind—not in the village, but in the forest. During the search operations, they only looked for him in the village. When I later applied to the ICRC, they told me that they did not have the right to search outside the village—in the forest.⁵⁷¹

They searched for Marat and Albert at the post, but found no body, no blood, no clothes there. There is a gorge over there; however, they were not allowed by the Azerbaijanis to search in that area. They authorized search operations only in the area where the post was.⁵⁷²

In addition to geographic restrictions, Azerbaijan permitted search and recovery operations for only a limited duration and took no steps to determine the whereabouts of the missing residents of Nagorno-Karabakh. Displaced residents involved in these operations informed the fact-finding mission that activities lasted approximately five days, concluding on September 28, 2023. A few days later, the final group of officers from the Nagorno-Karabakh Ministry for Emergency Situations, who had been conducting these efforts alongside Azerbaijani officials and representatives from Russian peacekeepers or the ICRC, were forced to leave Nagorno-Karabakh.⁵⁷³

The lack of information about these individuals has caused significant distress for their families. One family member expressed her anguish to an Armenian outlet: “This uncertainty makes me crazy. The waiting is unbearable. I wish I had learned he was in captivity.”⁵⁷⁴ Due to the rapid displacement, families did not have the chance to stay and search for their loved ones. Another relative of two missing individuals shared: “We were on the road for 48 hours. I was in a very poor psychological state. I was crying during the entire trip. I was thinking I left them there and I am leaving.”⁵⁷⁵

Enforced disappearance is prohibited under both IHL and IHRL.⁵⁷⁶ Similarly, the UN Human Rights Committee and the ECHR have determined that the enforced disappearance of a close family member constitutes inhuman treatment for the next of kin.⁵⁷⁷ Furthermore, the UN Working Group on Enforced or Involuntary Disappearances has emphasized that States “cannot restrict the right to know the truth about the fate and the whereabouts of the disappeared as such restriction only adds to, and prolongs, the continuous torture inflicted upon the relatives.”⁵⁷⁸

Analysis of the conduct suggests that Azerbaijan did not fulfill its obligation to ensure accountability. This is evident in the failure of Azerbaijani authorities to conduct search and recovery operations in conflict-affected areas, as well as their prohibition of such activities by other parties, including third-party actors. Although Azerbaijan permitted search and recovery operations for a limited time, it did not take continuous steps to determine the whereabouts of missing residents of Nagorno-Karabakh. A similar pattern of withholding information about individuals who disappeared under circumstances suggesting they were alive when they came under Azerbaijani custody was documented during the 44-day war in 2020. Following Azerbaijan's non-compliance with information requests under interim measures granted by the ECtHR—which ordered the country to disclose the whereabouts of missing Armenians—the court notified the Committee of Ministers of the Council of Europe on March 9, 2021. The ECtHR concluded that Azerbaijan had not complied with these measures, characterizing the information provided as too general, limited, or outright denying the captivity of victims.⁵⁷⁹ This lack of engagement suggests a deliberate intention either to cover up potential war crimes or to inflict additional suffering on families by keeping them in a state of uncertainty, demonstrating a disregard for their anguish.

Additionally, Azerbaijan's practice of not notifying families and the opposing party about the capture of civilians and servicemen for extended periods heightens the risk of enforced disappearances. Dozens of such instances have been documented in relation to the 44-day war and its aftermath.⁵⁸⁰

The mass exodus

The days following the September 19 attack were harrowing for the people of Nagorno-Karabakh. Most fled their homes within matter hours or days, seeking refuge in basements, forests, and Russian peacekeeping posts, as they witnessed the Azerbaijani Armed Forces take control of the entire region. All interviewees viewed this as a life-threatening situation for themselves and their families, making the difficult decision to flee to Armenia the only viable option once Azerbaijan opened the road.

Many viewed the attack as part of a broader effort to drive Armenians from their ancestral homes. As one individual remarked: “They starved us for nine months and waged a war to scare us, so that people are terrified, so that they want to leave on their own, to run away.”⁵⁸¹ Other interviewees expressed similar sentiments, indicating that the sense of threat was widespread:

How could I live with them after what I saw with my eyes? We buried my brother [who was killed while in Azerbaijani captivity] on his birthday.⁵⁸²

I cannot put the lives of my children in danger. I was afraid that if we stayed in Artsakh, there would be nobody to help us in case we were taken captive by Azerbaijanis.⁵⁸³

How could we stay? If we stayed, they would humiliate us. There would be murders in the villages. To stay would mean that you must live in fear that at any moment someone could enter and do whatever they want. Living with such fear is more difficult than to be at war. In this case, you will be a victim. I believe this is why people fled.⁵⁸⁴

We left Artsakh because otherwise, the Azerbaijanis would have killed us...⁵⁸⁵

Azerbaijanis are a threat to my family. They shot the vehicle transporting my mother. Can you imagine what would happen if we stayed?

They would have killed us. Such incidents have happened before; the entire internet is full of those videos.⁵⁸⁶

Our life was in danger; that is why we decided to flee. To stay with someone who killed your friend, your neighbor, your classmate, means that they would kill you one day.⁵⁸⁷

I believe that there was a risk of falling in captivity or being killed had we stayed, considering the atrocities committed by Azerbaijanis and Azerbaijan's genocidal policy.⁵⁸⁸

If we stayed in Artsakh—considering all these years, there has never been such a case when someone encountered Azerbaijanis and has not been injured or killed or taken prisoner. They would have killed us if we had stayed. I feel that I've aged during those few days.⁵⁸⁹

The fact that Nagorno-Karabakh was no longer safe for Armenians became evident when some interviewees attempted to return to their homes to collect their belongings or visit the graves of their loved ones.⁵⁹⁰ As one interviewee recalls: “I was not able to say farewell to my husband's grave. There were Azerbaijanis stationed there. When my son attempted to visit the cemetery, a Russian peacekeeper told him not to take a risk as the Azerbaijanis were there.”⁵⁹¹ Similar remarks were made in other testimonies:

My father-in-law wanted to go to our house to take photos, but he saw that Azerbaijanis had already surrounded the village. Russian peacekeepers by the Khachen Bridge told him not to return to the village, as the Azerbaijanis were already there. Azerbaijanis even deployed a post in the forest. Seeing all that, my father-in-law returned to Stepanakert.⁵⁹²

On September 26, I left Martuni, alone. [I] went to Stepanakert to find buses and return to be able to transport all the residents.... There were no obstacles on my way to Stepanakert, but the Azerbaijanis did not allow me to return; they said the road was closed.⁵⁹³

After the ceasefire, we were never able to return to the village and collect our documents and personal belongings. Only the head of the village was allowed to return—accompanied by Russian peacekeepers and rescuers—to take out the bodies of those killed and evacuate three residents who had stayed in the village.⁵⁹⁴

As many others recalled, people were in a state of panic and no longer felt safe in Nagorno-Karabakh.⁵⁹⁵

The overwhelming sense of fear became evident when the Azerbaijani government opened the Lachin Corridor for Armenians in Nagorno-Karabakh to leave. Within just a few days, more than 100,000 Armenians fled to Armenia. Uncertain about how long the Corridor would remain open, thousands rushed to cross it as quickly as possible. As of October 2023, only several dozen Armenians reportedly remained in Nagorno-Karabakh.⁵⁹⁶

The exodus began on September 24, 2023, as the Azerbaijani Armed Forces established several checkpoints along the roads, with the final one located at the Hakari Bridge. The peacekeeping contingent facilitated the process:

We left Martakert for Stepanakert in a convoy accompanied by the Russians. It was a Sedan with six of us in it. We took some of our clothing and a blanket. We saw Azerbaijanis on the way from Martakert, around Drmbon—there was a checkpoint. They did not stop us, but the servicemen at the checkpoint made insulting gestures at us, showing their weapons.⁵⁹⁷

On September 24, I saw Azerbaijani vehicles accompanied by Russian peacekeepers go through our village in the direction of Martakert to evacuate people—two Russian military vehicles and two Azerbaijani military buses.⁵⁹⁸

People who stayed in Martakert were taken directly to Armenia by Russian peacekeepers.

Initially, we thought they would not allow anyone to leave, that they would kill everyone. Then we saw that people were moving to Armenia, and there was no choice.⁵⁹⁹

Explosion at a fuel depot

During the displacement, the state of panic and depleted resources led to a tragic incident. Due to the blockade, fuel was in short supply, prompting many to rush to the Haykazov fuel depot in the Askeran region. On September 25, 2023, an explosion occurred at the depot, likely because people did not follow safety protocols in their panic. As one interviewee noted: “Just imagine: people are in panic, petrol is the only means for salvation; there are rumors that the road will be closed, so you must hurry.⁶⁰⁰

Approximately 1,000 people were in the area, and 290 were admitted to nearby hospitals with varying degrees of burns. Most were transferred to the Republican Medical Center in Stepanakert.⁶⁰¹ Testimonies collected indicate that medical institutions in Nagorno-Karabakh were understaffed and lacked the necessary resources to effectively respond to such a crisis, a situation exacerbated by the blockade:

It was an indescribably hard period. People were burned, naked. The... level of burns were extensive. There was no place on the body where we could make an injection. There were only 45 staff members in the hospital, and it was objectively impossible to provide assistance to a large number of people under such conditions, but with immense difficulty we managed to provide medical assistance to everyone. There was an extreme need for specialists as only 15 out of 45 were doctors. Nineteen deaths from burns were recorded in one day. [The] next day we received around 50 patients from Arevik medical center. The scene in the hospital was terrible; it was very difficult for the staff to get over it. Our staff was working in an emergency mode. Starting

from September 19, we did not even have time to eat properly for several days. Many of the employees themselves had health problems, losses in their own families.⁶⁰²

My daughter was working in the maternity hospital; she was helping victims of the explosion. When she returned home, she was exhausted, psychologically disturbed and in very bad condition.⁶⁰³

I was in the hospital on the day of the explosion; it was a terrible scene. It was already evening, people were burned and naked, there was no free place in the hospital, people were lying everywhere possible, even on the floor. Everyone was helping them however they could. Medicines were brought from various hospitals, but there was no medicine to heal the burns and to soothe them. I was scared. I called my husband to come and take me out of the hospital because I couldn't see it all. My husband went to get fuel from the place of that explosion—the wave of the explosion threw him to the other side. However, my husband was not physically injured; only his clothes were torn. He somehow made it out of the area. My husband came and took me away.⁶⁰⁴

Fortunately, my friend was there and took me to the hospital. There was a traffic jam; we could not reach the hospital for an hour. In the hospital, the situation was very bad. There was a lack of medicine and doctors. I was injected with morphine, and I slept. I was taken from Artsakh in a helicopter on the third day. I spent 25 days in intensive care in Armenia and 25 days in the outpatient clinic. Then I was discharged and now I regularly go for checkups. I was operated on six to seven times.⁶⁰⁵

The explosion claimed the lives of 220 people, and around 20 individuals are still considered missing.⁶⁰⁶



*Explosion at a fuel depot located in the Askeran region.
(Photo by David Simonyan, September 2023)*



*People gathered at the emergency unit of the Republican Medical Center in Stepanakert after
the explosion at the fuel depot. (Photo by David Simonyan, September 2023)*

The long road to Armenia

The journey to Armenia was incredibly challenging. The distance from Stepanakert to Kornidzor, the first village in Armenia after crossing the Lachin Corridor, is only 80 kilometers. However, due to severe traffic congestion, it took thousands of people nearly two days to make the crossing. Many were on the road without food, which was in short supply due to the blockade. They were scared, exhausted, and hungry, and 69 individuals died before reaching Armenia.⁶⁰⁷ The fact-finding mission collected witness testimonies regarding several of these cases:

*Before reaching the bridge, my grandfather put his head on my mother's shoulder. Already at the Hakari Bridge, my mother realized that my grandfather had died, but she did not say anything so that the people on the bus would not be afraid.*⁶⁰⁸

*On the way from Stepanakert to Yerevan, there was a 45-year-old woman in the car ahead of us. She got out of the car to get some fresh air. I saw how she felt on the ground.... She got a stroke and died.*⁶⁰⁹

*Before we reached Shushi, there was a lot of traffic. A woman approached me and asked for water. I gave water to her. In a couple of minutes, she fell on the ground. Her son ran to her and shouted "Mama! Mama!" She died from a heart attack.*⁶¹⁰

*On the way, near Lachin, we heard how a man was screaming, "People, I feel bad, I feel bad!" People could not help him, and he died. Then Russian peacekeepers approached to help, but he was already dead. They asked for a sheet to cover him.*⁶¹¹

In the car next to ours, an elder died. We knew it from the voices—they were screaming "Grandpa, Grandpa!" There were also four- to five-year-old children and a pregnant woman in their car. They brought a blanket from

*another car, took out the corpse, wrapped it in the blanket, and put it in the trunk.*⁶¹²

The interviews also reveal that harassment, intimidation, and threats were common in encounters between Armenian civilians and Azerbaijani servicemen, similar to previous incidents:

*Azerbaijanis were telling us in Armenian on our way out: "Kina, kina (Go, go)." If we had stayed, we would have been massacred. We fled out of this fear and [sense of] threat.*⁶¹³

*On the road there was an Azerbaijani truck with servicemen ahead of us. They were mocking us, pointing the weapons at us and filming.*⁶¹⁴

*When we were leaving Martakert, they were entering it [Martakert] from Drmbon. They turned up the music loud, yelled something at us, insulted us with finger gestures and told us: "Leave, leave!"*⁶¹⁵

*When people were leaving, Azerbaijanis would not allow them to repair a car that would break down on the way. The tire of my son-in-law's vehicle was damaged. They pointed a gun at him and told him to leave the car and go.*⁶¹⁶

*There were Azerbaijani roadblocks on the way. They stopped us and asked where we were coming from. They insisted that we call out the locations in Azerbaijani names. For example, Chartar is called Chertaz. My father called out the name in Azerbaijani. We had to humiliate ourselves to be able to pass.*⁶¹⁷

*They are armed. If you do not say what they want, you do not know what will happen.*⁶¹⁸

*"When crossing the Hakari checkpoint, the Azerbaijani officers behaved very badly; they laughed, kicked the car. They hurried us, asking how many people were left to cross the checkpoint. Their uniforms had the flags of both Turkey and Azerbaijan.*⁶¹⁹



*Traffic congestion on the Lachin Corridor in September 2023.
(Photo by Photolure Agency, September 2023)*

*We were stopped twice near the villages of Nngi and Krasni. We rolled down our windows; they looked inside and let us pass. There were around a hundred cars coming from our village. They took the ring off a woman from our village and tore the gold chain off of her neck.*⁶²⁰

While most of the population in Nagorno-Karabakh sought to move to Armenia as quickly as possible, some individuals attempted to remain. Later, they requested transportation from the ICRC as well. The fact-finding mission interviewed several of these individuals, who reported that harassment, intimidation, and pressure to leave Nagorno-Karabakh were common. As one of them recalled:

*...on September 23, they caught me on the road, twisted my arms, and took me to their superiors.... When they took me away, they asked “why aren’t you moving out of here?” I explained, “It’s my house, it’s my land; where can I go? ... Then there were other times when they came to our house. I was not at home. Papa was told to leave... So, we did. The Red Cross called us twice to take us out of Karabakh. I said no. We agreed for the third time... We did the right thing... The circumstances were such that it was necessary to leave.”*⁶²¹

There were also reports of movement restrictions in Stepanakert for those who chose to stay, particularly during visits by the Azerbaijani President and related media coverage activities.⁶²²

Overall, people in Nagorno-Karabakh could no longer live secure and dignified lives in their homes. They were forced to flee to Armenia, leaving behind their houses, most of their belongings, and the graves of their loved ones. As noted in the section on the legal framework, deportation or forcible transfer of population refers to “the forced displacement of the persons concerned by expulsion or other

coercive acts from the area in which they are lawfully present, without grounds permitted under international law.”⁶²³ Such coercive acts may include measures designed to compel the affected group to flee and prevent their return through various means, where actions taken by the perpetrator directly resulted in the deportation or forcible transfer of the victims.

Azerbaijan’s actions, including the large-scale military offensive, sweep operations in villages, arbitrary detention and ill-treatment of civilians, and the arbitrary prosecution of Armenians, contributed to a climate of fear and psychological oppression. Blocking roads and entrances to villages, preventing the return of local residents after the cessation of hostilities, and harassing Armenians further exacerbated the situation. These actions, coupled with a failure to hold violators accountable for human rights abuses, including war crimes against Armenians, left ethnic Armenians in Nagorno-Karabakh feeling they had no choice but to leave. Consequently, these actions constitute the forcible displacement of people.

Nagorno-Karabakh erased

A year after the displacement of the population of Nagorno-Karabakh, President Aliyev stated:

*If we analyze all our steps and the work we did from November 2020 to September 2023, we can see that each step was a logical continuation of the previous step, and the ultimate goal of each step was September 20, State Sovereignty Day.*⁶²⁴

The statement reflects the overall tone and attitude of the Azerbaijani government, suggesting that a deliberately planned policy reached its final “resolution” in September 2023.⁶²⁵ A symbolic nod to this sentiment, Aliyev made a speech from Stepanakert on March 18, 2024, stating that “The Novruz bonfire is also

WHY ARE THERE NO ARMENIANS IN NAGORNO-KARABAKH?



Figure 12: Kanach Zham Church before and after destruction.



Figure 13: Karin Tak village before and after demolition.



Figure 14: Belongings in Stepanakert apartments are thrown outside.

doing the final cleansing.” He later shared this line on his X account.⁶²⁶

These words are accompanied by historically revisionist narratives that challenge the legitimacy of the Armenian presence in Nagorno-Karabakh—a trend that has become common in Azerbaijani media and government discourse. Aliyev frequently asserts that Armenians never lived in Karabakh in pre-modern times, a talking point used to promote an exclusionary sense of ownership over the contested territory.⁶²⁷

The questioning of the Armenian presence in Nagorno-Karabakh is further coupled with ongoing policies of cultural erasure, as well as the destruction and appropriation of private properties.⁶²⁸ Actions taken by the Azerbaijani state in the newly captured territories serve as additional evidence of its intent: Nagorno-Karabakh was not meant for Armenians to remain.

Open-source materials, including satellite imagery from various periods acquired by the fact-finding mission, demonstrate the planned destruction of cultural monuments, cemeteries, and residential buildings previously inhabited by Armenians. The patterns of destruction following the displacement mirror those observed in 2021, immediately after Azerbaijan took control of territories as a result of the 44-day war. At least two 18th and 19th-century cemeteries have been demolished.⁶²⁹

The Kanach Zham Church in Shushi, which was damaged during the war and later designated as an Orthodox religious monument, was also demolished.⁶³⁰

Additionally, the entire village of Karin Tak was razed to the ground.

According to the Caucasus Heritage Watch, two historic schools located in Chrag (Chirag) and

Tsar (Zar) villages were destroyed as well, a claim supported by satellite imagery acquired by the fact-finding mission.⁶³¹

The destruction of private property has been widespread, particularly in Stepanakert. Satellite imagery, along with photos and videos shared on social media, show apartment buildings stripped of their owners’ belongings.

Azerbaijan has also begun the destruction of an entire residential neighborhood in Stepanakert.⁶³² Residential areas have been demolished in other formerly Armenian-populated communities in Nagorno-Karabakh.⁶³³

This policy of erasure stands in stark contradiction to Azerbaijan’s proclaimed “reintegration plan” for Armenians, the details of which were only revealed on October 2, 2023, by which time most of the population of Nagorno-Karabakh had already fled.⁶³⁴ The “plan” lacks specifics regarding the potential reintegration process and merely asserts “equality of rights and freedoms.” Furthermore, the destruction of property and cultural rights directly contradicts Aliyev’s claim that “Their property is duly protected. All the historical and religious sites are duly protected.”⁶³⁵ The collected testimonies and open-source data present a different narrative. The experiences shared by over 330 interviewed Armenians from Nagorno-Karabakh raise serious questions about the statements made by Azerbaijani government representatives.

Conclusion

The analysis of the situations described above leads to the conclusion that the population of Nagorno-Karabakh has faced ongoing and widespread human rights violations by Azerbaijan in various forms. Beyond acts of physical mistreatment, the entire population endured significant psychological suffering due to the nine-month blockade imposed by Azerbaijan, which resulted in shortages of food, medicine, heating, power, and fuel. This blockade also imposed severe restrictions on freedom of movement, hindered opportunities for income generation, harmed physical and mental health, and led to loss of life. The prolonged psychological distress was exacerbated by a coordinated campaign of harassment and intimidation along the line of contact, involving regular gunfire, explicit calls for evacuation, prevention of agricultural activities, and threats of imminent attack, all contributing to profound anguish. The ICJ acknowledged that the “operation commenced by Azerbaijan in Nagorno-Karabakh on 19 September 19 2023 took place in the context of the long-standing exposure of the population of Nagorno-Karabakh to a situation of vulnerability and social precariousness.”⁶³⁶

The fact-finding mission documented a pattern of arbitrary detention, torture, and ill-treatment of Armenians who fell into Azerbaijani custody, highlighting a clear discriminatory dimension. The reported incidents also included violations of the right to life, such as the willful killing of civilians—even in the presence of peacekeepers—and individuals hors de combat, with perpetrators enjoying absolute impunity for their actions. While these instances may not have been large-scale, they were widely

publicized and had a chilling effect, heightening feelings of insecurity among many, particularly in light of past experiences, including those from fall 2020.

Regular military escalations by the Azerbaijani military, along with ongoing harassment of residents along the line of contact, led to loss of lives and the displacement of the local civilian population prior to the September 19 offensive. This pattern of behavior, combined with the blockade and deliberate violations of basic rights, fostered a pervasive sense of insecurity and mistrust in the Azerbaijani authorities’ stated commitment to safeguarding the rights of ethnic Armenians. The actions on the ground starkly contradicted these declarations.

All the aforementioned acts represent severe interference with the enjoyment of human rights and fundamental freedoms, rooted in discrimination. Some constitute gross violations of the 1949 Geneva Conventions and qualify as war crimes. Additionally, due to their nature and intent, these actions resulted in the mass forced displacement of the Armenian population of Nagorno-Karabakh, which constitutes a crime of deportation under the Rome Statute. Furthermore, the conduct of Azerbaijani authorities and its consequences amount to ethnic cleansing, given the context, policy, and practices aimed at intimidating and driving the Armenian population out of Nagorno-Karabakh.

The available information, including the public statements of high-ranking Azerbaijani officials, indicates that the practices used to attack and intimidate the civilian population were well-organized, coordinated, and systematic. These actions aimed to drive Armenians out

of Nagorno-Karabakh by creating conditions of severe insecurity, hardship, psychological duress, and genuine threats to life, health, and liberty for those remaining under Azerbaijani jurisdiction. The blatant denial of existing human rights violations by Azerbaijani authorities further solidified the perception that they had no intention of effectively addressing these issues or ensuring respect for the human rights of Armenians, nor providing access to effective remedies in cases of violations under their jurisdiction.

As previously mentioned, the term “ethnic cleansing” refers to the practice of rendering a region ethnically homogeneous by using force or intimidation to remove specific groups from that area.⁶³⁷ The methods employed can vary based on context and the resources available to the perpetrators. Ethnic cleansing can be executed through direct means, such as organized deportation, or through indirect means that coerce the victim group to flee and prevent their return. Azerbaijan has employed such practices, including the use of violence or the threat thereof, unlawful deprivation of life, torture, arbitrary detention, and a nine-month blockade that severely interfered with the enjoyment of human rights and fundamental freedoms based on discrimination. These actions were coupled with a narrative asserting that Armenians did not belong in the region, alongside the alteration or destruction of cultural property and the looting of private property. Furthermore, these practices occurred despite an explicit, legally binding commitment made by Azerbaijani authorities before the ICJ not to engage in such actions, in addition to their existing obligations under international human rights instruments.⁶³⁸

In contexts where ethnic cleansing has been established, perpetrators often resort to large-scale violent actions. However, in Nagorno-Karabakh, Azerbaijani authorities have employed a more insidious approach, utilizing prolonged

intimidation and blockade to wear down the population. Fears and anguish were regularly heightened by acts of violence, incitement to hatred, and threats shared on social media. These fears were further exacerbated by the absence of any escape routes for the population, as the entire territory was surrounded by Azerbaijani military forces, who made it clear that they were prepared to “solve” the issue through military action at any moment.

In the context of Nagorno-Karabakh during the reviewed period, the policy of ethnic cleansing was executed through a combination of meticulously planned violent and non-violent measures that have been in place since 2020. Violent actions included targeted killings, shootings, and military offensives. Non-violent coercive tactics involved harassment of farmers and residents along the line of contact and on routes used by Azerbaijani servicemen, as well as cutting off access to water and pastures. The blockade and its dire consequences severely interfered with the exercise of fundamental rights and freedoms, leading to arbitrary bans on humanitarian aid deliveries and the transfer of patients, arbitrary detention of civilians with instances of ill-treatment or death in custody, and forced displacement following military offensives. These actions were accompanied by repeated threats of force and public statements from the President of Azerbaijan indicating that access to and from Nagorno-Karabakh was only permissible in one direction—outward.

These practices culminated in the large-scale offensive on September 19, which affected all residents of Nagorno-Karabakh. The Azerbaijani authorities failed to prevent or punish previous mistreatment of Armenian civilians and prisoners of war by their servicemen. The destruction and alteration of Armenian cultural sites and cemeteries, alongside a deliberate policy of erasing Armenian heritage and other acts of intimidation—actions that Azerbaijan committed

not to undertake under both international human rights and humanitarian law, as well as explicitly before the ICJ—became commonplace after the 2020 war. As a result, Armenians were compelled to flee Nagorno-Karabakh in September 2023.

Public statements from President Aliyev confirm the planned nature of the actions mentioned above. Furthermore, Azerbaijani authorities facilitated the movement of fleeing Armenians by providing fuel to those unable to leave otherwise, although many reported experiencing intimidation and harassment along the way. Similar to the situation in the former Yugoslavia, the ethnic cleansing of Armenians in Nagorno-Karabakh was executed “in the name of misguided nationalism, historic grievances, and a powerful driving sense of revenge.”⁶³⁹ This sentiment is echoed in the words of Aliyev: “We are filled with anger, and this anger will not let up even after 300 years, not just 30.”⁶⁴⁰

Azerbaijani authorities have repeatedly claimed that all Nagorno-Karabakh Armenians left voluntarily. They even produced video footage at the Hakari checkpoint showing fleeing Armenians being prompted to state on camera that their departure was of their own accord. However, testimonies collected indicate that these statements were made under duress, with interviewees perceiving a real threat to their lives. An analysis of case law from international criminal tribunals reveals that in previous instances of ethnic cleansing, perpetrators often employed similar defenses, asserting that the population’s departure was not forced and that they were merely “facilitating the voluntary movement of people wishing to leave the territory,” thereby ensuring “a decent departure at their personal wish and request.”⁶⁴¹

As mentioned above, case law clearly indicates that the term “forced” encompasses not only physical force but also the threat of force or

coercion, which can take various forms. The absence of a genuine choice for the victim renders the displacement forced. Even if victims express consent or request to leave the territory, this does not negate the forced nature of their displacement if such consent or requests are not given voluntarily and do not reflect a true expression of free will. In such instances, the assessment must consider the broader context and surrounding circumstances. Testimonies regarding these circumstances suggest that the population believed they had no genuine choice.

The ICJ’s assessment of the events indicates that the surrounding circumstances compelled more than 100,000 Armenians to leave their homes and reach the Armenian border since Azerbaijan’s operation began in Nagorno-Karabakh on September 19, 2023. The Court determined that both those of Armenian ethnic origin who left Nagorno-Karabakh and those who remained were in a vulnerable position.⁶⁴² The prevalence of fear of violence, along with concerns about being deprived of their rights, language, and religion, among the Armenians of Nagorno-Karabakh was acknowledged by the UN Security Council.⁶⁴³ Additionally, the European parliament recognized that the exodus of the Armenian population from Nagorno-Karabakh was forced, constituting ethnic cleansing.⁶⁴⁴

While ethnic cleansing is not a standalone crime under international law, the actions leading to it—specifically, the forced displacement of the population—constitute a crime of deportation. The conduct described above includes all the elements of the crime of deportation: Azerbaijani authorities forcibly expelled one or more individuals to another state—Armenia—without any grounds permitted under international law. Azerbaijan has failed to provide any justification to demonstrate that such displacement was lawful, such as claiming that the civilian population was moved for security reasons or imperative military necessities.

In such cases, the displacement is considered temporary, with the expectation that the population will return to their homes as soon as the situation allows. However, no steps were taken to facilitate the return of the population either immediately after the ceasefire or in its aftermath. On the contrary, organized “evacuations” occurred after the cessation of hostilities. As demonstrated above, the internal displacement of the population served as a prelude to the subsequent deportation of individuals. In fact, Azerbaijan used these evacuation measures as a pretext to remove the civilian population and unlawfully seize control over the desired territory. As noted in the legal section, displacement conducted under an agreement between officials or organized by the ICRC or another entity does not imply that it is voluntary. In this case, the involvement of Russian peacekeepers and, in some instances, the ICRC in facilitating the displacement does not render it voluntary.

The displaced residents of Nagorno-Karabakh were lawfully present in the region, and the officials involved were fully aware of this fact. The Armenians of Nagorno-Karabakh were protected persons under the Geneva Conventions of 1949. The conduct occurred within the context of an international armed conflict, and the perpetrators were cognizant of the circumstances that established this conflict. Furthermore, according to the case law of the ICTY, there is no minimum number of displaced individuals required to qualify for a crime of deportation, and the mens rea of the offense does not necessitate that the perpetrator intends for the individual to be displaced permanently across the border.”⁶⁴⁵

In summary, the displacement of the ethnic Armenians of Nagorno-Karabakh (1) was not voluntary, (2) was not permitted under international law, (3) continued beyond the

period of active hostilities, and (4) the victims were ultimately unable to return to their original places of residence.

The conduct and means employed by Azerbaijan were explicitly condemned. The ICJ has recognized that:

... individuals forced to leave their own place of residence without the possibility of return could be subject to a serious risk of irreparable prejudice. It is of the view that similar considerations apply to the persons of Armenian national or ethnic origin who found themselves compelled to flee their place of residence for fear that they will be targeted because they belong to a protected group under CERD.⁶⁴⁶

Despite clear condemnation of the use of force to resolve the dispute, Azerbaijani representatives repeatedly suggested—especially in the period immediately preceding the September 2023 displacement—that similar actions could be expected in the future. They showed no remorse for their actions and dismissed allegations of rights abuses, framing the situation as an internal issue.⁶⁴⁷

The collected information leads to a reasonable conclusion that more than 100,000 Armenians from Nagorno-Karabakh were deported by Azerbaijan to Armenia in 2023 through a range of coercive acts and intimidation. This has resulted in significant suffering and serious injury to the Armenians of Nagorno-Karabakh by violating their right to return to their places of permanent residence.



*Displaced people from Nagorno-Karabakh in Goris, Armenia.
(Photo by Avet Avetisyan, September 2023)*

Recommendations

To Individual States:

- Support international efforts to prosecute crimes against humanity and war crimes committed against the population of Nagorno-Karabakh, including by making a state referral to the International Criminal Court (ICC).
- Advocate within the Human Rights Council for the establishment of a country mechanism and a Special Procedure to investigate systemic human rights violations in Azerbaijan and report them to the Human Rights Council, General Assembly, and other UN bodies.
- Urge the UN Human Rights Council and OHCHR to investigate the war crimes and human rights violations documented in this report. Request that they recommend referral of these matters to the ICC by the UN General Assembly and Security Council.
- Implement targeted sanctions, such as travel bans and asset freezes, against Azerbaijani officials, military leaders, and individuals implicated in gross human rights violations and war crimes. Extend sanctions to include key Azerbaijani entities and companies involved in these crimes.
- Act collectively and individually to halt the sale, supply, or transfer of offensive military equipment, technology, and intelligence to Azerbaijan. This measure is critical to preventing further aggression and human rights violations.
- Urge Azerbaijan to immediately release and repatriate all detained ethnic Armenians, regardless of their ascribed status.
- Leverage diplomatic channels to urge Azerbaijan to uphold international cultural preservation standards and prevent further destruction or modification of Armenian cultural properties. Advocate for Azerbaijan's cooperation with UNESCO and other relevant bodies to facilitate independent monitoring missions and promote international dialogue for the protection and restoration of these sites.
- Urge governments to keep the issues of war crimes, crimes against humanity, and the destruction of Armenian cultural heritage in Nagorno-Karabakh at the forefront of international attention. This includes raising these topics during major international events, forums, and initiatives to build leverage and pressure for decisive action, such as accountability measures, protection of cultural sites, and support for the rights of displaced persons.

To the Government of the Republic of Azerbaijan:

- Ensure accountability for those responsible for war crimes, crimes against humanity, and other human rights violations, including both direct perpetrators and officials under the principle of command responsibility. This includes conducting thorough, impartial investigations, prosecuting those involved,

and ensuring justice for victims and adherence to international legal standards.

- Engage in negotiations with Armenia, including the involvement of relevant international bodies and Armenians from Nagorno-Karabakh, to establish conditions for the safe, dignified and voluntary return of the displaced population to Nagorno-Karabakh. Ensure that this process is transparent and includes robust safety guarantees, protection from discrimination and respect for the fundamental rights of returnees.
- Implement comprehensive measures to monitor, prevent, and address hate speech and incitement to racial hatred and discrimination against individuals of Armenian national or ethnic origin, including by high-ranking officials. Ensure that such actions, including those perpetuated by public officials and institutions, are thoroughly investigated and, when warranted, prosecuted with appropriate penalties.
- Ensure unrestricted access to Armenian religious and cultural monuments as well as cemeteries in Nagorno-Karabakh for the displaced Armenian population. Guarantee their right to visit, preserve, and maintain their cultural and religious heritage without discrimination or restriction.
- Ensure the protection and preservation of Armenian cultural and religious heritage in Nagorno-Karabakh and adjacent territories. Prevent any acts of destruction, alteration, or appropriation, and cooperate with relevant international organizations to safeguard these sites and maintain their historical and cultural integrity.
- Conduct thorough investigations into the reported destruction and damage to Armenian cultural and religious heritage sites in Nagorno-Karabakh and surrounding areas, including churches, monuments, and cemeteries.
- Provide access to international monitoring initiatives to investigate the state of cultural and religious monuments in Nagorno-Karabakh and adjacent territories.
- Provide secure access to Armenians from Nagorno-Karabakh to visit their homes and collect their belongings, while their safe, dignified and voluntary return is being addressed.
- Provide adequate financial compensation and remedies to displaced Armenians from Nagorno-Karabakh who choose not to return to their homes. These measures should include compensation for lost property, livelihoods, and other damages incurred as a result of displacement, ensuring their dignity and right to an effective remedy.
- Ensure that activists and individuals exercising their rights to freedom of speech and peaceful assembly, including those opposed to the war in Nagorno-Karabakh or in favor of person-to-person relationships with Armenians, are not censored, silenced, or detained.

To the Government of the Republic of Armenia:

- Continue pursuing international legal avenues to seek accountability measures and remedies for the gross violations of human rights, forced deportation, and

ethnic cleansing in Nagorno-Karabakh. This includes ongoing efforts at the International Court of Justice (ICJ) and the European Court of Human Rights (ECHR), as well as the need to use the International Criminal Court (ICC) mechanisms.

- In partnership with international donors, strengthen the national judicial and prosecutorial capacities to investigate and prosecute gross violations of human rights, war crimes and crimes against humanity, ensuring adherence to the ICC standards.
- Continuously report the destruction and alterations of the Armenian cultural and religious monuments in Nagorno-Karabakh to UNESCO, the Council of Europe's Committee for Culture, Heritage, and Landscape, and other institutions, and seek international support for the restoration and protection of those monuments.
- Engage in negotiations with Azerbaijan and relevant international organizations to establish conditions for the safe and voluntary return of displaced Armenians to Nagorno-Karabakh. Ensure that this process is transparent and includes robust safety guarantees and assurances of non-discrimination and respect for fundamental rights from Azerbaijan.
- Cooperate with Armenian civil society organizations in their accountability efforts and avoid censoring anti-war activists for exercising their rights and freedom of speech.
- Incentivize more effective engagement of the refugee population from Nagorno-

Karabakh in processes aimed at upholding their rights and meeting their fundamental needs.

To the Governments of the Republic of Armenia and the Republic of Azerbaijan:

- Facilitate reconciliation between Armenian and Azerbaijani societies by actively engaging in transitional justice mechanisms, such as truth-seeking initiatives, dialogue platforms, and reparative processes. Collaborate with civil society, international organizations, and affected communities to address grievances, acknowledge past injustices, and promote mutual understanding. Implement measures that ensure accountability, provide reparations for victims, and prevent future conflicts, thereby laying the groundwork for sustainable peace and coexistence.

To International Organizations and UN Bodies:

To the Committee on the Elimination of Racial Discrimination (CERD):

- Utilize the follow-up procedure to rigorously monitor Azerbaijan's compliance with the recommendations from the 2022 concluding observations. Request detailed updates from Azerbaijan on specific measures taken to address anti-Armenian racism, including the prevention of hate speech and discrimination. Encourage the state to adopt effective policies and practices in line with CERD's recommendations, and, if non-compliance persists, consider further actions, such as notifying the Human Rights Council, the General Assembly,

and other State Parties to escalate accountability measures.

To the Committee Against Torture (CAT) and the Committee on Enforced Disappearances:

- Inquire, investigate, and demand remedial action from Azerbaijan for documented acts of mutilations, torture, and ill-treatment of ethnic Armenians, including civilian hostages, POWs, and others. Demand the immediate release and repatriation of all ethnic Armenians detained by Azerbaijan, irrespective of the status ascribed to them by Azerbaijan. Investigate Azerbaijan's failure to provide notification of these detentions and report to the Human Rights Council, the General Assembly, and the Security Council, recommending the establishment of a Special Procedure on the human rights situation in Azerbaijan.

To the Subcommittee on the Prevention of Torture (SPT):

- Conduct immediate country visits to Azerbaijan to assess the conditions of all ethnic Armenians detained in Azerbaijan, regardless of their assigned status, to ensure their humane treatment. Advocate for their release and repatriation without delay.

To All Relevant UN Committees:

- Encourage and facilitate comprehensive documentation and reporting of human rights abuses committed by Azerbaijan, ensuring that all violations are systematically recorded and analyzed for future accountability efforts.

To the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance:

- Conduct a country visit based on the standing invitation by Azerbaijan; monitor and document incidents of racial discrimination, hate speech, and xenophobia targeted at individuals of Armenian ethnic origin in Azerbaijan, including in public discourse, media, and official statements. Report these findings to the Human Rights Council and relevant UN bodies to highlight systemic patterns of racism and promote international awareness and action.
- Recommend that the Human Rights Council, the General Assembly, and the Security Council take concrete actions to establish accountability, potentially by creating a Special Procedure on the human rights situation in Azerbaijan.

To the Special Rapporteur in the Field of Cultural Rights:

- Monitor and document the destruction, damage, and alteration of Armenian cultural heritage in Nagorno-Karabakh and adjacent territories, including churches, monasteries, monuments, and cemeteries. Compile and present evidence in thematic reports to the Human Rights Council and the General Assembly, highlighting the cultural rights violations and the impact on the cultural identity of displaced Armenians. Advocate for increased international attention and cooperation to safeguard these sites and preserve the cultural heritage of the Armenian community.

To the Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Recurrence:

- Advocate for the establishment of a comprehensive accountability framework to address the grave human rights violations committed against the Armenian population in Nagorno-Karabakh. Recommend the creation of independent truth-seeking mechanisms to document and acknowledge past atrocities, ensuring victims and their families have access to justice, reparation, and guarantees of non-recurrence.
- Highlight the importance of including the voices and testimonies of victims and affected communities in these processes. Encourage the development and implementation of transitional justice initiatives aimed at fostering societal healing and reconciliation between Armenian and Azerbaijani communities.
- Promote dialogue between all stakeholders, including civil society and affected communities, to address grievances and prevent future violence. Advocate for the inclusion of these measures in any peacebuilding efforts, emphasizing that sustainable peace is not possible without truth, justice, and accountability for past violations.

To UNESCO:

- Conduct an on-site mission to Nagorno-Karabakh and adjacent areas to document and report on the status of Armenian cultural and religious heritage, monuments, and cemeteries.

- Establish a fund that protects these cultural assets, along with other measures to prevent further destruction and ensure preservation.

To the Council of Europe Committee of Ministers:

- Maintain enhanced supervision over the execution of ECtHR judgments against Azerbaijan, particularly those relating to violations during armed conflicts and those based on racial hatred and discrimination against Armenians. Demand specific actions and detailed reports from the Azerbaijani government regarding their compliance and execution of these judgments.

To the Council of Europe Commissioner for Human Rights:

- Call for an urgent, comprehensive investigation into the human rights situation following the ethnic cleansing of Armenians in Nagorno-Karabakh. Issue a public statement urging member states to take coordinated action to address the ongoing human rights violations and ensure accountability. Advocate for the implementation of protective measures to prevent further abuses, while promoting dialogue and reconciliation between affected communities.

To the European Commission on Racism and Intolerance (ECRI):

- Considering Azerbaijan's long history of anti-Armenian racism, the recent war crimes as a manifestation of such racism, and President Aliyev's continued hate speech and incitement to discrimination

and violence, call upon the Committee of Ministers to take up this and related issues and to create accountability for Azerbaijan's continued violations.

To the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):

- Conduct immediate and regular inspections of detention facilities in Azerbaijan where ethnic Armenians and other detainees are held. Report on the conditions and treatment within these facilities and advocate for adherence to international standards, including the humane treatment and timely release of detainees.

To the International Council of Museums (ICOM):

- Include Armenian cultural and religious portable monuments of Nagorno-Karabakh into ICOM's Red List. Publicly denounce the destruction of Armenian monuments in Nagorno-Karabakh and adjacent territories.

To the International Council of Monuments and Sites (ICOMOS):

- Pass a resolution condemning the destruction and vandalism of the Armenian cultural and religious heritage in Nagorno-Karabakh and adjacent territories. Mobilize ICOMOS Scientific Committees and National Committees to assess and confirm the significance and threats to at-risk cultural and religious heritage. Utilize ICOMOS networks to raise public awareness and selectively support conservation efforts for endangered cultural sites.

To Civil Society and Donors:

Azerbaijani Civil Society:

- Advocate for a dignified peace deal between the governments of Azerbaijan and Armenia that ensures long-lasting peace in the region.
- Lay the groundwork for a broader societal acknowledgment of the human rights violations against the Nagorno-Karabakh Armenians and work towards dispelling hateful rhetoric and discrimination against the community at social, political, and educational levels.
- Recognizing the challenges faced by Azerbaijani civil society in speaking openly at home, Azerbaijani civil society in exile should take a more proactive role in supporting the peace process by countering nationalist rhetoric and promoting people-to-people dialogue.

Armenian Civil Society:

- Promote people-to-people dialogue and advocate to the Armenian government for greater involvement in the peacebuilding process for various segments of society, including women, people living in the border regions, and the displaced population from Nagorno-Karabakh.
- Continue initiatives to safeguard the rights of forcibly displaced people through active engagement with international mechanisms, including the European Court of Human Rights. Advocate for the implementation of robust legal protections and support services, ensuring that the voices of the affected population are heard and their rights upheld in all relevant international forums.

Utilize strategic litigation and advocacy to secure justice and effective remedies for violations of refugee rights and collaborate with international partners to amplify these efforts.

- Collaborate with international organizations to create archives that memorialize the experiences and testimonies of Nagorno-Karabakh Armenians.

Global Civil Society:

- Continue efforts targeted at remembering, documenting, and raising awareness regarding the experiences, memories, and testimonies of Nagorno-Karabakh Armenians.
- Engage with Nagorno-Karabakh ethnic Armenian cultural workers and community members to hold installations, exhibitions, and cultural initiatives aimed at raising awareness of the experiences of Nagorno-Karabakh ethnic Armenians.
- Engage in advocacy efforts with their governments to ensure perpetrators are held accountable, including through targeted sanctions and engagement via international legal mechanisms.
- Advocate for the establishment of transitional justice initiatives, such as truth and reconciliation commissions, to address grievances on both sides of the conflict to heal societal wounds and pave the way toward sustainable peace.

Donors:

- Pool funds to support forcibly displaced people from Nagorno-Karabakh through activities aimed at legal and rights awareness and support civil society organizations that work closely with them.
- Target funding and support aimed at Nagorno-Karabakh civil society, ensuring their access, awareness, and training on how to apply for such funds. Focus funds on refugee-led initiatives and community building so that Nagorno-Karabakh civil society leads efforts on livelihoods, adaptation to the host country, and protection of their fundamental rights.

Endnotes

- 1 Here, the term Nagorno-Karabakh refers to the area of the former Nagorno-Karabakh Autonomous Oblast (NKAO). The territories that came under the control of local Armenian authorities after the 1992–1994 war but were outside the boundaries of the former NKAO are called adjacent districts or territories. The NKAO was formed under Soviet rule as an autonomous region within the Azerbaijani Soviet Socialist Republic. It had a majority Armenian population and included several Azerbaijani communities.
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- 3 Laurence Broers, *Armenia and Azerbaijan: Anatomy of a Rivalry* (Edinburgh: Edinburgh University Press, 2019), <https://www.jstor.org/stable/10.3366/j.ctvrs91nw>.
- 4 According to the 1926 Soviet Census, 89.1 percent of the population in the newly formed Nagorno-Karabakh Autonomous Oblast (NKAO) was ethnically Armenian. See “Всесоюзная перепись населения 1926 года. Национальный состав населения по регионам республик СССР,” Demoscope Weekly, https://www.demoscope.ru/weekly/ssp/sng_nac_26.php?reg=2304.
- 5 Arsène Saparov, *From Conflict to Autonomy in the Caucasus: The Soviet Union and the Making of Abkhazia, South Ossetia and Nagorno Karabakh* (London: Routledge, 2019).
- 6 P. L. Dash, “Nationalities Problem in USSR: Discord over Nagorno-Karabakh,” *Economic and Political Weekly* 24, no. 2 (1989): 72–74, <http://www.jstor.org/stable/4394241>.
- 7 Gerard J. Libaridian, ed, *The Karabagh File: Documents and Facts on the Question of Mountainous Karabagh, 1918-1988*. Zoryan Institute for Contemporary Armenian Research & Documentation, 1988.
- 8 “From the Archives: The May 1994 Cease-Fire and How it Came About,” USC Dornsife Institute of Armenian Studies, May 9, 2019, <https://armenian.usc.edu/from-the-archives-the-may-1994-cease-fire-and-how-it-came-about/>.
- 9 “The Armenian-Azerbaijani conflict in focus,” Conciliation Resources, <https://www.c-r.org/programme/caucasus/nagorny-karabakh-conflict-focus>.
- 10 “OSCE Minsk Group,” Organization for Security and Cooperation in Europe (OSCE), <https://www.osce.org/mg>.
- 11 The 1993 UN Security Council Resolutions urged the conflicting sides to settle the disputes in the framework of the Minsk Group. See “1993 UN Security Council Resolutions on Nagorno-Karabakh,” U.S. Department of State Archive, <https://2001-2009.state.gov/p/eur/rls/or/13508.htm#884>.
- 12 “Statement by the OSCE Minsk Group Co-Chair countries,” OSCE, July 10, 2009, para. 6, <https://www.osce.org/mg/51152/>.
- 13 Joshua Kucera, “Azerbaijan Blusters, But Would They Win a War with Armenia?” Eurasianet, February 14, 2011, <https://eurasianet.org/azerbaijan-blusters-but-would-they-win-a-war-with-armenia>.
- 14 Daisy Sindelar, “In Azerbaijan, Anger at An Author, But Not Necessarily at His Argument,” Radio Free Europe/Radio Liberty (RFE/RL), February 8, 2013, <https://www.rferl.org/a/azerbaijan-author-akram-aylisli/24897008.html>.
- 15 The European Commission against Racism and Intolerance (ECRI), ECRI Report on the Azerbaijan (fifth monitoring cycle): Adopted on 17 March 2016, June 7, 2016, p. 17, <https://www.refworld.org/reference/countryrep/coecri/2016/en/114162>; See also The European Commission against Racism and Intolerance (ECRI), ECRI Report on Armenia (fifth monitoring cycle) : Adopted on 28 June 2016, October 4, 2016, <https://www.refworld.org/reference/countryrep/coecri/2016/en/113919>.
- 16 “Արցախյան պատերազմում և 1994-ից ի վեր հայկական կողմի զոհերի ընդհանուր թիվը՝ 9.700,” Ani Armenian Research Center, March 21, 2017, <https://www.aniarc.am/2017/03/21/tatul-hakobyan-article-1990-2016-victims-in-nk-and-armenia-and-diaspora-march-2017/>; “Արցախյան պատերազմում և 1994-ի զինադադարից ի վեր Ադրբեջանը սովել է առնվազն 18 հազար զոհ,” Ani Armenian Research Center, June 17, 2017, <https://www.aniarc.am/2017/06/17/azerbaijan-18-thousand-civilians-killed-since-1994/>.

- www.aniarc.am/2017/06/17/azerbaijan-war-victims-about-20-000/.
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 - 18 Laurence Broers, *Armenia and Azerbaijan: Anatomy of a Rivalry* (Edinburgh: Edinburgh University Press, 2019), <https://www.jstor.org/stable/10.3366/j.ctvrs91nw>.
 - 19 Here, the signifier “peacekeepers” is used to demonstrate the formal role of the Russian contingent as per the Trilateral Statement and does not carry an implication of their effectiveness in maintaining peace on the ground.
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 - 25 From September through October 2023, more than 115,000 Armenians fled to Armenia through the Lachin Corridor; see Nane Manasyan, “How many forcibly displaced residents of Nagorno Karabakh left Armenia?” Fact Investigation Platform, January 25, 2024, <https://fip.am/en/38310>.
 - 26 “Elchin Amirbayov: Reintegration of Karabakh Armenians - internal matter of Azerbaijan,” Report News Agency, September 21, 2023, <https://report.az/en/foreign-politics/elchin-amirbayov-reintegration-of-karabakh-armenians-internal-matter-of-azerbaijan/>.
 - 27 The fact-finding mission prioritizes community-level collective self-identification when referring to the communities in Nagorno-Karabakh. In this regard, the interviewees used both the Armenian and the Soviet-era names. Hence, in cases where the Armenian and the names used in the former NKAO do not match, the report mentions both versions.
 - 28 United Nations (UN) Human Rights Office of the High Commissioner, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*, (New York and Geneva, 2015), chap. 4, https://www.ohchr.org/sites/default/files/Documents/Publications/CoI_Guidance_and_Practice.pdf.
 - 29 Office of the UN High Commissioner for Human Rights, “Status of Ratification: Interactive Dashboard,” <https://indicators.ohchr.org/>.
 - 30 Azerbaijan signed the Convention on January 25, 2000 and ratified it on April 15, 2002. In the instrument of ratification deposited on April 15, 2002, Azerbaijan made a declaration that “The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation,” <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=005>.
 - 31 Azerbaijan signed the Convention in 2007, <https://indicators.ohchr.org/>.
 - 32 Ceasefire agreement signed by the representatives of Armenia, Azerbaijan, and Nagorno-Karabakh, May 12, 1994, <https://www.peaceagreements.org/viewmasterdocument/990>.
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- item/2020/11/10/Announcement/.
- 34 There have been regular escalations both against the territory of the Republic of Armenia and Nagorno-Karabakh since November 2020, resulting in casualties. They further attest to the continuation of the armed conflict. In addition, Azerbaijan continues to occupy parts of the territory of the Republic of Armenia, a situation that constitutes an international armed conflict per se.
 - 35 As defined by the International Criminal Tribunal for the former Yugoslavia (ICTY), “[IHL] applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a general conclusion of peace is reached.... Until that moment, [IHL] continues to apply in the whole territory of the warring States ..., whether or not actual combat takes place there.” See Decision on the Defense Motion for interlocutory appeal on jurisdiction, *The Prosecutor v. Dusko Tadic a/k/a “Dule”*, Case no. IT-94-1-AR72, para. 70, October 2, 1995, <https://www.icty.org/x/cases/tadic/acdec/en/51002.htm>.
 - 36 See ratification status here: <https://ihl-databases.icrc.org/en/ihl-treaties/treaties-and-states-parties>.
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 - 38 See Veronika Bílková, Dr. Cecilie Hellestveit, and Dr. Elina Šteinerte, OSCE, “Moscow Mechanism: ‘Report on Violations and Abuses of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity, Related to the Arbitrary Deprivation of Liberty of Ukrainian Civilians by the Russian Federation,’” April 2024, p.8. <https://www.osce.org/odihr/567367>.
 - 39 UNHCR - The UN Refugee Agency, “Mid-Year Trends | UNHCR,” UNHCR, <https://www.unhcr.org/mid-year-trends>.
 - 40 See, Art. Art. 7(1)(d) and Art. 8(2)(a)(vii). UN General Assembly, *Rome Statute of the International Criminal Court* (last amended 2010), ISBN No. 92-9227-227-6, UN General Assembly, July 17, 1998, see also International Criminal Court (ICC), *Elements of Crimes*, ISBN No. 92-9227-232-2, 2011, pp.4-5, 11 <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>.
 - 41 Final Report of the Commission of Experts Established Pursuant to UN Security Council, Resolution 780 (1992). UN Security Council. May 27, 1994. p. 33. Para. 129. https://www.icty.org/x/file/About/OTP/un_commission_of_experts_report1994_en.pdf.
 - 42 Interim report of the Commission of Experts established pursuant to Security Council Resolution 780 (1992), S/25274, January 26, 1993, para.56, <https://documents.un.org/doc/undoc/gen/n93/o83/51/img/n93o8351.pdf>; On the difference between ethnic cleansing and genocide, see *Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Bosnia and Herzegovina v Serbia and Montenegro*, Judgment, Merits, ICJ GL No 91, ICGJ 70 (ICJ 2007), 26th February 2007, UN; International Court of Justice (ICJ), para. 19, <https://www.icj-cij.org/sites/default/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>.
 - 43 Final Report of the Commission of Experts Established Pursuant to UN Security Council, Resolution 780 (1992), para. 130.
 - 44 Ibid. paras. 129-130.
 - 45 ICTY, *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-T, Judgment (TC), May 30, 2013, paras. 992-993. https://www.icty.org/x/cases/stanisic_simatovic/tjug/en/130530_judgement_p1.pdf
 - 46 “We Will Erase You from This Land,” Human Rights Watch, March 28, 2023. <https://www.hrw.org/report/2022/04/06/we-will-erase-you-land/crimes-against-humanity-and-ethnic-cleansing-ethiopia>; U.S. Department of State, “War Crimes, Crimes Against Humanity, and Ethnic Cleansing Determination in Sudan - United States Department of State,” December 6, 2023, <https://www.state.gov/war-crimes-crimes-against-humanity-and-ethnic-cleansing-determination-in-sudan/>; U.S. Department of State, “Burma - United States Department of State,” December 7, 2023, <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/burma/>.
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- 50 Ibid, para. 245.
- 51 Prosecutor v. Milomir Stakic (Appeal Judgement), IT-97-24-A, ICTY, March 22, 2006, paras 278, 300; Prosecutor v. Gotovina et al., (Judgement), IT-06-90-T, April 15, 2001, para. 1738.
- 52 ICTY, Prosecutor v. Jovica Stanišić and Franko Simatović, paras. 992-993.
- 53 Ibid, para. 994.
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