

**Alternative Report to the Committee on the Elimination of Racial Discrimination**

Regarding Arbitrary Killings in Violation of the Convention on the Elimination of All Forms of  
Racial Discrimination

To Accompany the Country Review of the Republic of Azerbaijan

107th Session, 08 – 30 August 2022

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## I. Introduction

1. This Report is submitted in advance of the review of the periodic report of the Republic of Azerbaijan (Azerbaijan) by the Committee on the Elimination of Racial Discrimination (CERD Committee) at its 107th Session. It sets forth, *first*, Azerbaijan's legal obligations as a State party to the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in relation to arbitrary killings, *second*, the relevant factual context, and *third*, documented instances in which Azerbaijan has committed arbitrary and racially motivated killings of ethnic Armenian civilians. On these bases, this report requests that the CERD Committee make note of these violations in its concluding observations.
2. Given the serious nature of Azerbaijan's violations of CERD, this report additionally requests that the CERD Committee adopt measures, pursuant to its guidelines under the Early Warning and Urgent Action Procedure,<sup>1</sup> that require Azerbaijan to cease its discriminatory treatment of ethnic Armenians. As Azerbaijan seeks control over the remaining territories of Nagorno Karabakh (the Republic of Artsakh), the ethnic Armenians living there face significant and extreme danger from the illicit acts and omissions of Azerbaijan.

## II. Legal Framework: CERD Protects the Right to Life without Racial Discrimination

3. Article 5 of CERD requires State Parties to "prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of... (b) [t]he right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution."<sup>2</sup>
4. In General Recommendation 20, the CERD Committee stated that Article 5 of CERD "contains the obligation of State parties to guarantee the enjoyment of civil, political, economic, social and cultural rights and freedoms without racial discrimination... Most of these rights have been elaborated in the Covenants... Article 5 assumes the existence and recognition of these rights."<sup>3</sup> Therefore, jurisprudence from the International Covenant on Civil and Political Rights (ICCPR), which protects the right to life in Article 6 and the right to security of person in Article 9,<sup>4</sup> guide considerations of Article 5(b) of CERD.

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<sup>1</sup> Report of the Committee on the Elimination of Racial Discrimination, Annex III, U.N. Doc. A/62/18 (2007).

<sup>2</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, S. Exec. Doc. C, 95-2 (1978), S. Treaty Doc. 95-18, 660 U.N.T.S. 195, 212.

<sup>3</sup> Committee on the Elimination of Racial Discrimination, General Recommendation 20, The guarantee of human rights free from racial discrimination (Forty-eighth session, 1996), U.N. Doc. A/51/18, annex VIII at 124 (1996), para. 1.

<sup>4</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, S. Exec. Doc. E, 95-2 (1978), S. Treaty Doc. 95-20; 6 I.L.M. 368 (1967).

5. The ICCPR protects individuals both from State-inflicted harms<sup>5</sup> and foreseeable threats to life from private actors.<sup>6</sup> States are obligated to take special measures to protect those in vulnerable situations, including members of ethnic and religious minorities.<sup>7</sup> States' obligations in some circumstances apply extraterritorially.<sup>8</sup>
6. Further, the Minnesota Protocol on the Investigation of Potentially Unlawful Death clarifies that the right to life, as protected in instruments such as the ICCPR, requires States to "respect the right to life and not deprive any person of their life arbitrarily... This is particularly the case where... there is a pattern of killings where victims are linked by... race or ethnicity."<sup>9</sup>
7. As the United Nations Educational, Scientific and Cultural Organization (UNESCO) has recognized, racism is the belief in the superiority of one "arbitrarily defined group" over another.<sup>10</sup> Thus, race-based killings are inherently arbitrary.

### III. Factual Background

8. The CERD Committee's most recent concluding observations on Azerbaijan's periodic report in 2016 expressed concern "at the repeated and unpunished use of inflammatory language by politicians speaking about the Nagorno-Karabakh conflict and at its adverse impact on the public's view of ethnic Armenians in the State party."<sup>11</sup> The Committee urged Azerbaijan to condemn statements by politicians that incite racial hatred against ethnic minorities.<sup>12</sup> Similarly, in its 2009 concluding observations, the CERD Committee recommended Azerbaijan take steps "to prevent and combat hostile attitudes toward ethnic Armenians."<sup>13</sup>

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<sup>5</sup> Leehong v. Jamaica, Communication No. 613/1995, U.N. Doc. CCPR/C/66/D/613/1995, para. 9.3 (Aug. 12, 1999).

<sup>6</sup> Marcellana v. Philippines, Communication No. 1560/2007, U.N. Doc. CCPR/C/94/D/1560/2007, para. 7.7 (Oct. 30, 2008). *See also* Human Rights Committee, General comment No. 35 Article 9 (Liberty and security of person), U.N. Doc. CCPR/C/GC/35, para. 9 (Dec. 16, 2014).

<sup>7</sup> Human Rights Committee, General comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life, U.N. Doc. CCPR/C/GC/36, para. 23 (Oct. 30, 2018). *See also*, Human Rights Committee, Concluding observations on France, U.N. Doc. CCPR/C/FRA/CO/4, para. 24 (July 31, 2008).

<sup>8</sup> Human Rights Committee, Concluding observations on the Islamic Republic of Iran, U.N. Doc. CCPR/C/79/Add.25, para. 9 (Aug. 3, 1993) (condemning under ICCPR Article 6 and 9 Iran's issuance of a *fatwa* against a foreign writer).

<sup>9</sup> Office of the United Nations High Commissioner for Human Rights, *The Minnesota protocol on the investigation of potentially unlawful death (2016)*, HR/PUB/17/4 at 3 (2017).

<sup>10</sup> United Nations Educational, Scientific and Cultural Organization, *The Race Question* 3 (1950).

<sup>11</sup> Committee on the Elimination of Racial Discrimination, Concluding observations on the combined seventh to ninth periodic reports of Azerbaijan, CERD/C/AZE/CO/7-9 at ¶ 27 (10 June 2016).

<sup>12</sup> *Id.* at ¶ 28.

<sup>13</sup> Committee on the Elimination of Racial Discrimination, Concluding observations, CERD/C/AZE/CO/6 at ¶ 15 (7 Sept. 2009).

9. Contrary to the CERD Committee’s clear and explicit admonitions, Azerbaijan initiated aggressive physical assaults against ethnic Armenians in Nagorno-Karabakh on September 27, 2020, continuing until November 10, 2020, with the signing of the Trilateral Statement.<sup>14</sup> Betraying the racial genesis of this aggression, after tens of thousands of ethnic Armenians were forced to flee their homes in Nagorno-Karabakh because of Azerbaijan’s invasion, in December 2020 Azerbaijan released and widely promoted a commemorative postage stamp depicting an individual “fumigating” the vilified Nagorno-Karabakh.<sup>15</sup> In April 2021, Azerbaijan opened the so-called “Military Trophies Park” in Baku, which showcased vulgar and grotesque wax mannequins of ethnic Armenian soldiers as cuffed and chained prisoners of war with caricatured faces and abnormal facial features.<sup>16</sup>
10. Prejudice against Armenians in Azerbaijan “is so ingrained that describing someone as an Armenian in the media” is considered to be “an insult that justifies initiating judicial proceedings against the persons making such statements.”<sup>17</sup> Azerbaijani children are indoctrinated with anti-Armenian racism as early as elementary school: the history textbook uses the word for “enemy” in reference to Armenians 187 times in a 391-page book.<sup>18</sup>
11. In this context, from September 27, 2020 to September 27, 2021, at least 80 ethnic Armenian civilians were killed by Azerbaijani Armed Forces, including multiple cases of torture and mutilation.<sup>19</sup> As a result of the hostilities against Armenians, Azerbaijan snatched control of several regions of Nagorno-Karabakh. No ethnic Armenians remain in these territories today, as they were all detained, tortured, killed, and/or expelled.<sup>20</sup> This report sets forth some of the arbitrary, racially motivated killings that took place both during and after the conflict

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<sup>14</sup> See Prime Minister of the Republic of Armenia, Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation (10 November 2020), available at <https://www.primeminister.am/en/pressrelease/item/2020/11/10/Announcement>.

<sup>15</sup> Lucía de la Torre, *Azerbaijani postal stamps accused of spreading anti-Armenian propaganda*, Calvert Journal (12 January 2021), <https://www.calvertjournal.com/articles/show/12442/azerbaijan-stampsnagorno-karabakh-war-anti-armenian-propaganda>.

<sup>16</sup> Neil Hauer, *Azerbaijan's 'Ethnic Hatred' Theme Park Draws Ire, Imperils Reconciliation*, Radio Free Europe (22 April 2021), <https://www.rferl.org/a/azerbaijan-karabakh-theme-park-armenia-ethniCE-hatredaliyev/31217971.html>. 109; *‘War trophies park’ in Baku sparks controversy domestically and abroad*, JAMNews (14 April 2021), <https://jam-news.net/war-trophies-park-in-baku-sparks-controversy-domestically-and-abroad/>.

<sup>17</sup> European Commission against Racism and Intolerance, ECRI Report on Azerbaijan (fourth monitoring cycle) (31 May 2011), available at <https://rm.coe.int/third-report-on-azerbaijan/16808b557e>, para. 99.

<sup>18</sup> Yasemin Kilit Aklar, *Nation and History in Azerbaijani School Textbooks*, 2 AB IMPERIO 469, 491 (2005).

<sup>19</sup> The Republic of Artsakh Human Rights Ombudsman, Interim Report (Sept. 27, 2021), <https://artsakhombuds.am/en/document/785> at 3.

<sup>20</sup> See Freedom House, Nagorno-Karabakh, <https://freedomhouse.org/country/nagorno-karabakh/freedom-world/2022> (last accessed June 25, 2022); see also, Abramian, *supra* note 11.

#### **IV. Azerbaijan Has Arbitrarily Killed Ethnic Armenians in Violation of Article 5(b) of CERD**

12. During the 2020 Nagorno Karabakh War, Azerbaijan committed clear violations of Article 5(b) of CERD by disregarding the right to life of noncombatants based on their ethnicity. Not only did Azerbaijan intentionally aim its rockets and artillery at purely civilian infrastructure and residential areas,<sup>21</sup> but its military forces, on multiple, repeated occasions, tortured and executed those ethnically Armenian civilians whom it captured, as described below.
13. Based on the investigative work of the Human Rights Ombudsman of the Republic of Artsakh, this portion of this report seeks to shed light on dozens of examples of civilian deaths needlessly, recklessly, and disturbingly, often intentionally, caused by the military of Azerbaijan.
14. Notably, these killings and the flouting of their legal consequences have unfolded with complete impunity: Azerbaijan has not announced the prosecution of any Azerbaijani servicemen in relation to the torture and killing of ethnic Armenian civilians.<sup>22</sup> The December 2020 announcement of the prosecution of four Azeri servicemen in relation to the treatment of Armenian servicemen has not been updated.<sup>23</sup> The unfettered license enjoyed by the perpetrators of this racial violence and terror is an indicator that the CERD Committee's Early Warning and Urgent Action Procedure must be used to prevent further racial discrimination.<sup>24</sup>

##### **A. Arbitrary Killings of Ethnic Armenians in Azerbaijan-Controlled Territory**

15. There is overwhelming evidence of the torture and execution of ethnic Armenians committed by Azerbaijani servicemen.
16. In some instances, the killings and/or torture were video recorded. Analysts have noted that the number and frequency of such videos indicate that "the Azerbaijani state has given its tacit approval to these war crimes."<sup>25</sup> These killings are extremely troubling, particularly considering that propaganda inciting violence against minority groups, and statements that

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<sup>21</sup> See, e.g., Azerbaijan: Unlawful Strikes in Nagorno-Karabakh Investigate Alleged Indiscriminate Attacks, Use of Explosive Weapons, Human Rights Watch (Dec. 11, 2020), <https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>.

<sup>22</sup> Ulkar Natiqzizi, *One year after arrests for war crimes, Azerbaijan remains silent* (Dec 15, 2021), <https://eurasianet.org/one-year-after-arrests-for-war-crimes-azerbaijan-remains-silent>.

<sup>23</sup> *Id.*

<sup>24</sup> Report of the Committee on the Elimination of Racial Discrimination, Annex III at 117, U.N. Doc. A/62/18 (2007).

<sup>25</sup> Ulkar Natiqzizi & Joshua Kucera, *Evidence of widespread atrocities emerges following Karabakh war* (Dec. 9 2020), <https://eurasianet.org/evidence-of-widespread-atrocities-emerges-following-karabakh-war>.

dehumanize minorities, are some of the CERD Committee's key indicators that a country situation may be approaching genocide.<sup>26</sup>

- a. **G.P.** was a pensioner in Askeran region. He was captured by Azeri soldiers in October 2020. In November, a video was posted showing G.P. being beheaded, his body and severed head being placed next to the body of a pig.<sup>27</sup> In the video, an off-camera voice says: "This is how we get revenge – by cutting off heads."<sup>28</sup>
- b. **A.G.**, a 46-year-old husband and father of three, was found dead on January 19, 2021, in Hadrut during a search operation for human casualties.<sup>29</sup> A.G. had entered Hadrut to evacuate his elderly father and was captured by the Azerbaijani Armed Forces.<sup>30</sup> On January 1, 2021, and on January 16, 2021, two videos were published to the Azerbaijani social media, featuring A.G. being forced to say "Karabakh is Azerbaijan" and call a town formerly inhabited by Nagorno-Karabakh Armenians by its Azeri name.<sup>31</sup> According to the forensic examination's preliminary conclusion, A.G. died as a result of torture, and the gunshot wounds to his forehead and chin had been inflicted posthumously.<sup>32</sup> Notably, A.G. was killed just days after the European Court of Human Rights asked Azerbaijan to provide information about his whereabouts.<sup>33</sup>
- c. **Y.A.**, a pensioner born in 1938, was unable to leave his home in the Azokh village of Hadrut region after the Azerbaijani Armed Forces wrenched control in October 2020. Y.A. was single and had health problems which prevented his escape from his home. Y.A. was captured on October 21, 2020, shortly after the invasion, and in December 2020, a video of his beheading was posted to the internet. Y.A. was pinned down by members of the Azerbaijani Armed Forces.<sup>34</sup> Y.A. repeatedly asked not to be beheaded in the name of "Allah", but despite his pleas, an

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<sup>26</sup> Committee on the Elimination of Racial Discrimination, Decision on follow-up to the declaration on the prevention of genocide: indicators of patterns of systemic and massive racial discrimination, CERD/C/67/1 at 2 (Oct. 14, 2005).

<sup>27</sup> *Id.* at 17.

<sup>28</sup> Andrew Roth, *Two men beheaded in videos from Nagorno-Karabakh war identified*, THE GUARDIAN (Dec. 15, 2020), <https://www.theguardian.com/world/2020/dec/15/two-men-beheaded-in-videos-from-nagorno-karabakh-war-identified>.

<sup>29</sup> Interim Report, *supra* note 19, at 19.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*; see also Tanya Lokshina, *Survivors of unlawful detention in Nagorno-Karabakh speak out about war crimes: New evidence of torture and inhumane treatment of civilians by Azerbaijani forces emerges*, Human Rights Watch (Mar. 12, 2021), <https://www.hrw.org/news/2021/03/12/survivors-unlawful-detention-nagorno-karabakh-speak-out-about-war-crimes>.

<sup>32</sup> Interim Report, *supra* note 19, at 19.

<sup>33</sup> Lokshina, *supra* note 31.

<sup>34</sup> Roth, *supra* note 28.

Azerbaijani Armed Forces member proceeded to behead Y.A. His body was later found on January 21, 2021.<sup>35</sup>

- d. **Y.A.** was a cattle breeder, and **B.H.** was a pensioner, in Hadrut region who were captured by Azerbaijani military after Azerbaijan's incursion into that region on October 10, 2020. They were shot in Hadrut town square between October 12 and 14, and the video of the shooting was posted to Azerbaijani social networks on October 15. B.H. was the husband of E.H., whose story is relayed below.<sup>36</sup>

17. The bodies themselves of victims provide further evidence of Azerbaijan's killings of ethnic Armenians on Azerbaijan-controlled territory. In various instances, there was clear evidence of torture, again indicating a pattern of racial hatred and violence:

- a. **V.P.**, a pensioner born in 1946, according to forensic medical examinations, was killed on November 18, 2020, in Shushi by Azerbaijani Armed Forces. V.P.'s body, returned to the Armenian side on May 12, 2020, had suffered a gunshot wound to the thigh and a cut abdomen with the use of a cutting-piercing tool.<sup>37</sup>
- b. **V.A.**, born in 1958, was returned dead to the Armenian side by Azerbaijan. V.A.'s body had suffered a gunshot wound to the back and a wound to the abdomen inflicted by a cutting-piercing tool.<sup>38</sup>
- c. **N.D.**, a woman born in 1938, was found dead on December 19, 2020, during a search for corpses in the Vardashat community of Hadrut. N.D.'s head was barbarically ripped from her body and her hands were broken.<sup>39</sup>
- d. **R.S.**, a disabled man born in 1937, was found dead in Hadrut on December 19, 2020, with his head missing and legs broken. R.S. had stayed in the village of Togh in Hadrut after the takeover of the region by Azerbaijani Armed Forces on October 10, 2020.<sup>40</sup>
- e. **A.T.**, a woman born in 1963, who suffered from a mental illness, was found dead on January 13, 2021, during a search of the village of Karin Tak in the Shushi region. A forensic examination of A.T. revealed obvious signs of torture, with her left ear

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<sup>35</sup> The Republic of Artsakh Human Rights Ombudsman, Interim Report at 15 (Sept. 27, 2021), <https://artsakhombuds.am/en/document/785>.

<sup>36</sup> *Id.* at 15.

<sup>37</sup> Interim Report, *supra* note 19, at 16.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 18.



and tongue cut out. A.T. was identified by relatives and comparative examinations of DNA samples.<sup>41</sup>

- f. **E.H.**, a woman born in 1953, was found dead January 4, 2021, during a search operation for corpses in the Hadrut region. E.H. was found with her legs tied together with rope and her head separated from her body. E.H.'s neighbor identified her.<sup>42</sup>
- g. **M.M.** was a pensioner in Hadrut region. He was captured by Azerbaijan and reported dead at the time his body was returned. Forensic examination revealed the cause was traumatic brain injury.<sup>43</sup>
- h. **E.Z.** was a pensioner in Shushi. He was captured on November 8, 2020, and his body was returned on December 4, 2020. He had an open cranio-cerebral injury on the left side of his head.<sup>44</sup>
- i. **A.M.** was a pensioner who was captured in Shushi by the Azerbaijani military on November 8, 2020. His body was returned on December 4, 2020, with a gunshot wound, and with his left ear cut off.<sup>45</sup>
- j. **E.M.** was born in 1938 in Hadrut. He remained in the area after Azerbaijan took control of the territory in October 2020. He was killed on October 29, 2020, from multiple fractures of the skull and skeletal bones. His body was found March 3, 2021.<sup>46</sup>

## **B. Arbitrary Killings of Ethnic Armenians by Azerbaijani Armed Forces on Territory Presently or Formerly held by the Republic of Artsakh**

18. The following civilians were confirmed as having been killed by the Azerbaijani Armed Forces in territory presently or formerly held by Nagorno-Karabakh. Human Rights Watch reported that Azerbaijan intentionally aimed its rockets and artillery at purely civilian

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<sup>41</sup> *Id.* at 19.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 15.

<sup>44</sup> *Id.* at 15.

<sup>45</sup> *Id.* at 16.

<sup>46</sup> *Id.* at 21.

infrastructure and residential areas;<sup>47</sup> therefore, deaths from this shelling can be directly attributed to Azerbaijan and constitute a violation of Article 5(b) of CERD.

- a. **V.G.** was born in 2011 and was among the earliest and youngest victims of Azerbaijan's aggression. She died on September 27, 2020, when the Azerbaijani Armed Forces launched a projectile into the middle of Martuni, a large town. Her two-year-old brother, her mother, and a neighbor were also injured in the attack.<sup>48</sup>
- b. **V.P.** was killed on October 10, 2020, by an advance group of the Azerbaijani Armed Forces that had penetrated the town of Hadrut. V.P.'s was shot in the yard of his house by a sniper. His son, E.P., was also seriously injured in the shooting. V.P. was a resident of Hadrut, having been born in the town in 1963.<sup>49</sup>
- c. **M.M.** was killed on October 10, 2020, by an advance group of the Azerbaijani Armed Forces that had penetrated that town of Hadrut. M.M. was born in 1990 in Hadrut and had mental disabilities. He was executed in his apartment by the Azerbaijani Armed Forces, being shot three times. His mother, A.M., was also wounded by gunfire and survived due to timely medical intervention.<sup>50</sup>
- d. **A.M.** was killed on October 10, 2020, by an advance group of the Azerbaijani Armed Forces that had penetrated that town of Hadrut. A.M. was born in Hadrut in 1997 and had mental disabilities. He was shot in the yard of his home. His grievously disfigured body was found on October 19, 2020, as a result of a search operation.<sup>51</sup>
- e. **N.G.** was killed on October 10, 2020, by an advance group of the Azerbaijani Armed Forces that had penetrated that town of Hadrut. N.G. was born in 1976 in Hadrut and was serving as the Deputy Head of the Regional Administration of Hadrut at the time he was killed. During the incursion by the Azerbaijani Armed Forces, N.G. was trying to organize the evacuation of civilians from Hadrut. The Azerbaijani Armed Forces, taking notice of his efforts, shot N.G. to death.<sup>52</sup>
- f. **G.N.** was killed by the Azerbaijani Armed Forces while escorting a group of Armenian and foreign media on October 1, 2020 in Martuni. G.N., born in 1992, died as a result of shrapnel injuries from Azerbaijani shelling. Four journalists were

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<sup>47</sup> See, e.g., Azerbaijan: Unlawful Strikes in Nagorno-Karabakh Investigate Alleged Indiscriminate Attacks, Use of Explosive Weapons, Human Rights Watch (Dec. 11, 2020), <https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>.

<sup>48</sup> Interim Report, *supra* note 19, at 7.

<sup>49</sup> *Id.* at 10.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 11.

<sup>52</sup> *Id.*

also injured in this attack.<sup>53</sup> One of the injured journalists, A.K. of Le Monde, expressed gratitude to G.N. on Facebook, saying “My thoughts go to him and his family every day. [G.N.] died because he wanted the outside world to know what his people were going through.”<sup>54</sup>

- g. **A.H.** was wounded by a rocket-propelled grenade fired by the Azerbaijani Armed Forces on October 25, 2020. In addition to his shrapnel wounds, the Azerbaijani Armed Forces also shot A.H. in the chest, abdomen, and lower extremities, killing him.<sup>55</sup>
- h. **H.A.** was killed on October 2, 2020, when the Azerbaijani Armed Forces launched a rocket attack on the Artsakh State Emergency Situation Services in Stepanakert. H.A., born in 1994 and an employee of this governmental organization which provided humanitarian aid, died as a result of shrapnel injuries from the rocket’s explosion. Six other employees of the Artsakh State Emergency Situation Services were injured in this attack.<sup>56</sup>
- i. **H.A.** was killed on October 28, 2020, while tending to civilians in the village of Sghnakh. H.A., born in 1985 and an employee of the Artsakh State Emergency Situation Services, was in Sghnakh to manage the aftermath of an attack on the village by the Azerbaijani Armed Forces. H.A. was killed by Azerbaijan when its armed forces launched a follow up attack on the village, being hit by a projectile while helping a resident out of a vehicle.<sup>57</sup>
- j. **S.M.** was killed on November 6, 2020, when Azerbaijan launched a large-scale missile attack against Stepanakert. Her house was completely destroyed, and her body was pulled the following day from the rubble, along with those of two of her grandsons: **E.H.** born 1992, and **A.H.** born 2000.<sup>58</sup>
- k. **E.B.** was killed on September 27, 2020, when Azerbaijan launched a projectile into the middle of Martuni. She was killed along with her neighbor, V.G., one of the youngest casualties of the war.<sup>59</sup>
- l. **L.S.** – born in 1941, Ms. Stepanyan lived alone in the town of Hadrut. L.S. was killed on September 27, 2020 as she was standing in her yard when an Azerbaijani drone targeted her house.<sup>60</sup>

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<sup>53</sup> *Id.* at 9.

<sup>54</sup> Allan Kaval, FACEBOOK (Oct. 8, 2020), <https://www.facebook.com/allan.kaval/posts/10158545812272226>.

<sup>55</sup> Interim Report, *supra* note 19, at 14.

<sup>56</sup> *Id.* at 9.

<sup>57</sup> *Id.* at 12.

<sup>58</sup> *Id.* at 13-14.

<sup>59</sup> *Id.* at 7.

<sup>60</sup> *Id.*

- m. **E.G.** died on September 27, 2020, as a result of Azerbaijani shelling. E.G., born in 1996, was visiting a friend in the village of Mets Shen and died in his friend's home as a result of shrapnel injuries.<sup>61</sup>
- n. **A.S.** died on September 29, 2020, as a result of Azerbaijani shelling. A.S., born in 1942, was tending to cattle when an Azerbaijani rocket exploded nearby, dismembering his body.<sup>62</sup>
- o. **L.M.** was killed in the Nerkin Horatagh village in the Martakert region on September 30, 2020. L.M., born in 1957, was killed along with her husband and sister due to Azerbaijani shelling. Her son, while seriously wounded, survived. All of them sustained severe shrapnel wounds.<sup>63</sup>
- p. **L.H.** was killed in the Nerkin Horatagh village in the Martakert region on September 30, 2020. L.H., born in 1959, was killed along with her sister and brother-in-law due to Azerbaijani shelling. Her nephew, while seriously wounded, survived. All of them sustained severe shrapnel wounds.<sup>64</sup>
- q. **H.K.** was killed in the Nerkin Horatagh village in the Martakert region on September 30, 2020. H.K., born in 1955, was killed along with his wife and sister-in-law due to Azerbaijani shelling. His son, while seriously wounded, survived. All of them sustained severe shrapnel wounds.<sup>65</sup>
- r. **A.H.** was killed on October 1, 2020, while driving in the town of Martuni, when his car was hit by shrapnel from a projectile.<sup>66</sup>
- s. **V.D.** died in the town of Martuni while standing in the yard of his house. An Azerbaijani projectile landed nearby causing severe shrapnel wounds to V.D., born in 1951.<sup>67</sup>
- t. **A.H.** was killed on October 2, 2020, when the Azerbaijani Armed Forces shelled several residential buildings in the center of Stepanakert. A.H., born in 1966, was killed in her apartment, dying as a result of shrapnel wounds.<sup>68</sup>

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<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.* at 8.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at 9.

- u. **R.D.** was killed on October 2, 2020, due to the shelling of central Stepanakert by the Azerbaijani Armed Forces. R.D., born in 1949, was killed in the street, dying as a result of shrapnel wounds.<sup>69</sup>
- v. **S.M.** was killed on October 4, 2020, when the Azerbaijani Armed Forces attacked Artsakh's energy company with a rocket attack, specifically targeting a complex of electrical substations. A co-worker of S.M. was also killed while another co-worker was injured in the same attack.<sup>70</sup>
- w. **A.G.** was killed on October 4, 2020, when the Azerbaijani Armed Forces attacked Artsakh's energy company with a rocket attack, specifically targeting a complex of electrical substations. A.G. was born in 2001. A co-worker of A.G.'s was also killed while another co-worker was injured in the same attack.<sup>71</sup>
- x. **A.L.** died on October 4, 2020, as a result of an Azerbaijani rocket attack on Stepanakert. A.L., born in 1951, was killed while on the balcony of his apartment. A.L.'s relatives found him on the balcony with substantial blood loss due to the shrapnel wounds he sustained.<sup>72</sup>
- y. **A.G.**, born in 1971, was killed while visiting his mother on October 4, 2020. Mr. Galstyan died as a result of an Azerbaijani rocket attack on the city of Stepanakert.<sup>73</sup>
- z. **S.K.** was killed on October 5, 2020, in the Aygestan village in the Askeran region while at his workplace. S.K., born in 1953, was killed along with a co-worker due to an Azerbaijani rocket attack.<sup>74</sup>
- aa. **J.N.** was killed on October 5, 2020, in the Aygestan village in the Askeran region while at his workplace. Mr. Nikoghosyan, born in 1979, was killed along with a co-worker due to an Azerbaijani rocket attack.<sup>75</sup>
- bb. **P.S.** was killed on October 10, 2020, as a result of strikes directed at the town of Martuni. The apartment of P.S., who was born in 1945, was completely destroyed, his body being pulled from the rubble by residents of the town and the rescue forces of the Artsakh State Emergency Situations Service.<sup>76</sup>

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<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* at 10.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.* at 11.

- cc. **A.H.**, born in 1958, was killed on October 10, 2020, while transporting food in a civilian truck to Martakert. The Azerbaijani Armed Forces deliberately targeted his vehicle, blowing it up with munitions.<sup>77</sup>
- dd. **N.G.** was killed on October 14, 2020, when an Azerbaijani projectile hit the power pole N.G., born in 1975, was working on in Martakert. N.G. was on the power pole attempting to restore power to the town.<sup>78</sup>
- ee. **A.K.** was killed by the Azerbaijani Armed Forces on October 15, 2020. A.K., born in 1970, died as a result of “Smerch” cluster missiles launched by Azerbaijan towards the village of Karmir Shuka. A.K. was in his car when he was killed.<sup>79</sup>
- ff. **K.G.** was killed by the Azerbaijani Armed Forces on October 15, 2020. K.G., born in 1984, was driving from the village of Karmir Shuka to Shekher when an Azerbaijani UAV took notice of K.G.’s movements. The UAV thereafter fired on K.G.’s vehicle, killing him and causing injuries to his passengers.<sup>80</sup>
- gg. **V.M.** was killed as a result of shrapnel wounds caused by Azerbaijani shelling on October 17, 2020. V.M., born in 1955, lived in the town of Martuni.<sup>81</sup>
- hh. **G.H.** was killed by the Azerbaijani Armed Forces on October 25, 2020, as a result of an attack with rocket-propelled grenades. G.H., born in 1983, died in the center of Avetaranots village in Askeran region.<sup>82</sup>
- ii. **E.K.** was killed on October 28, 2020. E.K., born in 1967, was driving from the village of Khanapat in Askeran region to Martuni. An Azerbaijani UAV noticed E.K.’s vehicle and fired upon it, killing him.<sup>83</sup>
- jj. **S.B.** was killed by an Azerbaijani UAV in the village of Aknaghbyur. S.B., born in 1960, had previously evacuated from the village of Taghavard, and he along with another group of villages were gathered in Aknaghbyur, hoping to return to their homes, when the Azerbaijani Armed Forces launched their attack against this group of civilians.<sup>84</sup>

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<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 11-12.

<sup>80</sup> *Id.* at 12.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 12-13.

- kk. **A.A.** was killed on October 30, 2020, as a result of shelling by the Azerbaijani Armed Forces in the village of Herher in Martuni region. A.A.'s body was found with shrapnel wounds and having sustained multiple fractures.<sup>85</sup>
- ll. **A.A.**, born in 1967, was killed on November 2, 2020, as a result of Azerbaijani shelling which hit his vehicle as he was attempting to leave his village and go to a safer location.<sup>86</sup>
- mm. **V.B.** was killed on November 8, 2020, while repairing a gas pipeline in Berdzor. V.B., born in 1988, was killed by a projectile fired by the Azerbaijani Armed Forces, sustaining severe shrapnel wounds.<sup>87</sup>
- nn. **S.D.** was killed on November 9, 2020, when an Azerbaijani rocket attack struck his vehicle near Shushi. S.D., born in 1960, left behind various minor children.<sup>88</sup>

## **V. Application of the Early Warning and Urgent Action Procedure**

19. The Early Warning and Urgent Action Procedure enables the CERD Committee to address serious violations of CERD in an urgent manner.<sup>89</sup> The CERD Committee assesses the gravity and scale of a situation, including irreparable harm that may be caused to victims of discrimination.<sup>90</sup> The International Court of Justice has recognized that violations of the right to life as protected by CERD Article 5(b) give rise to irreparable harm.<sup>91</sup>
20. Azerbaijan has committed grave violations of ethnic Armenians' right to life as protected by CERD Article 5(b), causing irreparable harm. The incidents detailed above prompt the CERD Committee's Early Warning and Urgent Action Procedure because they indicate (1) a persistent design of racial discrimination against ethnic Armenians; (2) a pattern of escalating racial hatred and violence against ethnic Armenians; and, (3) wanton disregard for and impunity with respect to violence targeting ethnic Armenians.<sup>92</sup>
21. Further underscoring the risk for continued irreparable harm, Azerbaijan has continued to fire munitions toward and target civilian communities:

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<sup>85</sup> *Id.* at 13.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.* at 14.

<sup>88</sup> *Id.*

<sup>89</sup> Report of the Committee on the Elimination of Racial Discrimination, Annex III at 117, U.N. Doc. A/62/18 (2007).

<sup>90</sup> *Id.*

<sup>91</sup> Application of the International Convention on the Elimination of all Forms of Racial Discrimination (Georgia v. Russian Federation), Provisional Measures, Order of 15 October 2008, I.C.J. Reports 2008, p. 353, ¶¶ 142-43.

<sup>92</sup> Report of the Committee on the Elimination of Racial Discrimination, Annex III at 117, U.N. Doc. A/62/18 (2007).

- a. On March 7, 2022, at approximately 17:30, the Azerbaijani Armed Forces fired 3 projectiles from a 60mm caliber grenade launcher in the administrative area of Khramort community of Askeran region. The mines exploded near the village cemetery.<sup>93</sup>
- b. On March 9, 2022, at approximately 14:20, the Azerbaijani Armed Forces fired 4 projectiles from a 6 mm caliber grenade launcher in the direction of the gardens and nearby bases in the administrative area of Khnushinak community of Martuni region. Agricultural work was stopped immediately to avoid casualties.<sup>94</sup> Also on March 9, 2022, at approximately 22:50, the Azerbaijani Armed Forces positioned two combat tanks near the Khramort community in the Askeran region, which were withdrawn at around 07:50 the next morning.<sup>95</sup>
- c. From March 9th through March 10th, 2022, a total of 24 projectiles were fired 16 times from a 60mm caliber grenade launcher in the direction of Khramort and Khnapat communities in the Askeran region. On both nights, women and children of the Khramort community (about 150 people) were evacuated to nearby villages.<sup>96</sup> Also from March 9th through March 10th, 2022, a tractor parked in a field in the administrative territory of Nakhichevanik community of Askeran region was fired upon and damaged by the Azerbaijani Armed Forces.<sup>97</sup>
- d. On March 10, 2022, at approximately 10:00, the Azerbaijani Armed Forces fired a projectile in the direction of Khramort community using a 60mm caliber grenade launcher, which exploded and wounded a resident of the same community, S.B. (born in 1971).<sup>98</sup> Forty-five minutes later, at about 10:45, two projectiles were fired in the direction of the forests adjacent to Parukh community of Askeran region, and 10 minutes later, one projectile was fired in the direction of Khramort community and one in the direction of the defense positions of Artsakh Defense Forces.<sup>99</sup>
- e. On March 11, 2022, at approximately 10:00, the Azerbaijani Armed Forces fired two projectiles from a 60mm caliber grenade launcher in the direction of the gorge near the school of Khnapat community in Askeran region. Classes were stopped, and schoolchildren and teachers were evacuated immediately.<sup>100</sup>

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<sup>93</sup> The Republic of Artsakh Human Rights Ombudsman, Interim Report (Feb.-Mar. 2022), <https://artsakhombuds.am/en/document/910> at 7.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*



- f. On March 11, 2022, at approximately 16:00, two projectiles exploded in the administrative areas of Khramort and Khnapat communities.<sup>101</sup>
- g. On March 11, 2022, at 16:05, 19:57, and 20:54, four projectiles exploded in the administrative territory of Khnapat community.<sup>102</sup>
- h. On March 11, 2022, at about 16:20, 16:30, 17:15, 17:20, 17:28, 18:00, six projectiles exploded in the direction of Askeran town.<sup>103</sup>
- i. On March 11, 2022, between 12:00-19:00, seven projectiles exploded in the direction of Parukh village of Askeran region.<sup>104</sup>

## **VI. Conclusion**

- 22. Azerbaijan has tortured, mutilated, and killed ethnic Armenians in violation of the State's international legal obligations, simply stated, not to do so and, by definition, contrary to its CERD commitment to protect against such bodily injury and violence. These transgressions include video-recorded beheadings and explicit evidence of the torture of Armenians. The Armenian Bar Association respectfully requests that the CERD Committee take this evidence into consideration on the occasion of Azerbaijan's country review.
- 23. Additionally, based upon the compelling factual record, this report requests that the Committee on the Elimination of Racial Discrimination implement Early Warning and Urgent Action Procedures to prevent the further violation of the rights of the ethnic Armenian civilian population remaining in Nagorno Karabakh as to the security of their personhood as enshrined by the CERD in Article 5(b).

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<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.* at 8.