



**Risk Factors and Indicators of the Crime of Genocide in the Republic of  
Artsakh: Applying the UN Framework of Analysis for Atrocity Crimes to the  
Nagorno-Karabakh Conflict**

**REPORT**

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Website: [www.lemkininstitute.com](http://www.lemkininstitute.com)

Contact: [info@lemkininstitute.com](mailto:info@lemkininstitute.com)

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## Abbreviations

**AIOC:** Azerbaijan International Operating Company

**AKP:** Justice and Development Party

**BP:** British Petroleum

**CCW:** Convention on Certain Conventional Weapons

**CERD:** Committee on the Elimination of All Racial Discrimination

**DARVO:** Deny, Attack, Reverse Victim and Offender

**ECHR:** European Convention on Human Rights

**ECtHR:** European Court of Human Rights

**ECRI:** European Commission against Racism and Intolerance

**EU:** European Union

**EUMA:** EU Mission in Armenia

**ICERD:** International Convention on the Elimination of All Racial Discrimination

**ICJ:** International Court of Justice

**ICC:** International Criminal Court

**ICRC:** International Committee of the Red Cross and Red Crescent

**INGO:** International Non-Governmental Organization

**MEP:** EU Member of Parliament

**MHP:** National Movement Party

**NATO:** North Atlantic Treaty Organization

**NKAO:** Nagorno-Karabakh Autonomous Oblast

**NGO:** Non-Governmental Organization

**OSCE:** Organization for Security and Cooperation in Europe

**POWs:** Prisoners Of War

**PSA:** Production Sharing Agreement

**SIPRI:** Stockholm International Peace Research Institute

**SOCAR:** State Oil Company of Azerbaijan Republic

**SSR:** Soviet Socialist Republic

**UAV:** Unmanned Aerial Vehicle

**USSR:** Union of Soviet Socialist Republic

## Executive Summary

This emergency draft version of the *Report on Risk Factors and Indicators of the Crime of Genocide in the Republic of Artsakh: Applying the UN Framework of Analysis for Atrocity Crimes to the Nagorno-Karabakh Conflict* is being released ahead of schedule due to the rapidly intensifying humanitarian crisis in the Republic of Artsakh that is being caused by the Azerbaijani blockade of the country since 12 December 2022.

The Lemkin Institute for Genocide Prevention hopes that this report will contribute to global resolve to protect the lives and the identity of the Armenians of Artsakh, prevent a Second Armenian Genocide, pressure Azerbaijan to accept self-determination for the people of Artsakh, and initiate a long-overdue process of transformative justice in the region that allows Armenians and Azeris to voice their historical grievances and find common ground around accountability, peace-building, and human security.

The Report uses the United Nations's *Framework of Analysis for Atrocity Crimes* to outline and analyze (in detail) the risk factors and indicators for atrocity crimes, with a special focus on the crime of genocide. We have chosen to focus on the crime of genocide because the evidence in this report points to the existence of several serious red flags for genocide, typical genocidal patterns, and evidence of the special intent to commit that crime.

In fact, the evidence presented here suggests that the crime of genocide may already be taking place in the form of the blockade, which is both “Causing serious bodily or mental harm to members of the group” and “[d]eliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” (paragraphs II.b. and II.c. of the 1948 Genocide Convention). Azerbaijan's crimes conform to Patterns 5 (Gross human rights violations + mass cultural destruction), 6 (Man-made famine/”Genocide by Attrition”), 7 (Environmental despoliation /”Ecocide” and land alienation), and 9 (Denial and/or prevention of identity) of the Lemkin Institute's *Ten Patterns of Genocide* and seem to be headed towards patterns 1

(Gender-neutral mass murder characterized by gendered atrocity) and/or 2 (Mass murder of ‘battle-aged men’ + atrocities against women and children).<sup>1</sup>

A particular feature of this report is its documentation of Azerbaijani President Ilham Aliyev’s very public commitment to rid the territory of Nagorno-Karabakh (Artsakh) of any remnant of the autonomous historical and cultural community known as the Armenians of Artsakh, or Artsakhsis. His public speeches, the Azerbaijani blockade of the Lachin Corridor, repeated breaches of the Tripartite Ceasefire Statement of November 2020, and the destruction of Armenian cultural heritage in areas of Artsakh under Azerbaijani occupation appear to show the special intent to commit genocide.

The deep imbrication of eliminationist anti-Armenian hate within the Aliyev regime and Azerbaijani institutions of government leads us to conclude that Azerbaijan is a genocidal state. This fact must be addressed before there can be any peace in the region.

There is alarming evidence that President Aliyev may be planning a military assault on Artsakh in the very near future. As we note in Section 5.4 of our report, on 16 August 2023, President Aliyev signed a new decree ordering all eligible citizens 18 years of age or older to report for military service between 1 October and 31 October 2023. Furthermore, as noted in section 8.1, Azerbaijan is firing on the Gegharkunik Province of the Republic of Armenia with small arms and mortars and has moved and concentrated its forces along the entire line of contact with Artsakh.

A military assault on Artsakh could lead to the mass murder stage of genocide. It would almost assuredly result in the forced displacement of Armenians from Artsakh and the widespread commission of genocidal atrocities, reflecting those committed in the Second Nagorno-Karabakh War of 2020 and subsequent hostilities. If the Armenians of Artsakh were to be displaced, it would not only create an enormous movement of refugees en masse that could further destabilize the region, but also it would result in the genocidal destruction of a people, as the Artsakhs Armenians would lose their distinct identity as Artsakhsis, an identity that has been forged through centuries—millennia—of independent cultural flourishing in their mountains and valleys.

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<sup>1</sup> Joeden-Forgey, Elisa von. (2017.) “Ten Patterns of Genocide.”  
<https://www.lemkininstitute.com/ten-patterns-of-genocide>

## I. Introduction

**The Lemkin Institute for Genocide Prevention** is a US-based non-governmental organization focused on the prevention of genocide worldwide via education and grassroots empowerment, national and international advocacy, and legal accountability. The Lemkin Institute believes that the most important prevention work happens at the grassroots level and that true long-term human security is built over time through broad-based internal social and cultural commitments to justice. The Lemkin Institute aims to prevent genocide globally by fighting for the unrestricted respect for human rights, the eradication of all forms of impunity for international crimes, and an end to all forms of discrimination, especially when the discrimination on which criminal conduct may operate has as a pretext the victims' national origin, ethnicity, sexuality, gender identity, language, religious or philosophical convictions, social or cultural habits, place of residence, and/or any other personal condition or circumstance related to their identity.

The Institute has issued several statements and a Red Flag Alert for Genocide for Azerbaijan highlighting the various issues that are incorporated into this report. Those documents are available at the website: [www.lemkininstitute.com](http://www.lemkininstitute.com).

This report delves into both the risk factors and indicators of genocide currently taking place in the Republic of Artsakh, utilizing the *Framework of Analysis for Atrocity Crimes*, published by the Office of the UN Secretary General on the Prevention of Genocide, to do so. The UN *Framework* is the world's most comprehensive early warning mechanism for genocide and other mass atrocities. The *Framework* requires measured analysis of the broader context in which crises are occurring, so that a deeper picture of the drivers and dynamics of violence can be captured in a way that has the greatest potential to result in peace in the short- and long-term.

In this report, we analyze seven of the eight common risk factors for atrocity crimes as well as the two risk factors specific to the crime of genocide: Risk Factor 9 ("Intergroup tensions or patterns of discrimination against protected groups") and Risk Factor 10 ("Signs of an intent to destroy in whole or in part a protected group"). We have not included an analysis of Risk Factor 3 ("Weakness of state structures"), as Azerbaijan is a strong, authoritarian state

whose institutions explicitly support President Ilham Aliyev’s Armenophobic domestic and foreign policy objectives. However, we think there would be benefit to examining the weaknesses of these strong state structures in terms of their ability to prevent genocide. That task is beyond the scope of this report.

At the end of the report, we offer recommendations for the international community as they address the crisis currently unfolding in the South Caucasus. These recommendations respond to the two principal findings of our report: 1) that genocide already may be ongoing in the Republic of Artsakh as a consequence of the current total blockade by Azerbaijan and 2) that there are deeply concerning indicators of future genocide against Armenians in the South Caucasus more broadly, committed by the regime of Azerbaijani President Ilham Aliyev with support provided by Azerbaijan’s foreign backers.

We wish to reiterate that the goal of this report is to contribute to the peace and security of the collective peoples of the South Caucasus—peoples who have suffered the brunt of the consequences of war and genocide for over a century.

## **II. Relevant Common Risk Factors**

### **Risk Factor 1: Situations of armed conflict or other forms of instability**

*Risk factor 1 examines “Situations that place a State under stress and generate an environment conducive to atrocity crimes.”*

*The crisis in Nagorno-Karabakh particularly exhibits indicators 1.1, 1.2, 1.3, 1.5, 1.6, 1.7, and 1.11, as outlined below.*

#### **1.1 International and non international armed conflict.**

The territorial unit referred to in this report as “Artsakh,” as it is known to its majority Armenian inhabitants, is also known as “Nagorno-Karabakh” within the wider international community. This report will refer to the specific conflicts in Artsakh with internationally-salient terminology, such as the First (1988/1991-1994)



and Second (2020) Nagorno-Karabakh Wars. In Azerbaijan, Artsakh/Nagorno-Karabakh is commonly referred to solely as “Karabakh.”<sup>2</sup> Although the territory of the Republic of Artsakh is almost completely surrounded by Azerbaijan, Artsakh has never been an *integral* part of the Azerbaijan state or nation in that citizens of Artsakh have never been governed directly by Azerbaijanis.

The region of Artsakh has historically been populated by an ethnically Armenian majority who were self-governing for much of their history, even when incorporated into various non-Armenian empires.<sup>3</sup> Since the First World War, the Armenians of Artsakh have consistently expressed popular support for both independence and a closer association with the independent Republic of Armenia in its prior and current incarnations. Armenians consider themselves to be indigenous to the territory and the historical record supports evidence of an Armenian presence in Artsakh since before the first millennium BCE.<sup>4</sup> Many Armenian institutions, such as ancient monasteries and schools constructed by Meshrop Mashtots (the founder of the Armenian alphabet), are spread across the region.<sup>5</sup>

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<sup>2</sup> The toponym “Karabakh” is highly politicized, representing the complex history and ethnic composition of the South Caucasus. There is no official demarcation of an historical territory called Karabakh, though the borders of the smaller, and historically predominantly Armenian, territory of Nagorno-Karabakh were recognized by the Soviet Union as the Nagorno-Karabakh Autonomous Oblast (NKAO). The 18th-century Karabakh Khanate extended from the Zangezur mountains in the West (present-day Syunik in Armenia) to the intersection of the Aras and Kura rivers in the East (present-day Azerbaijan). Azerbaijani officials use this maximalist concept of “Karabakh” to refer to Nagorno-Karabakh in order to underscore Azerbaijani expansionist claims to that territory and link it with the current Azeri economic region of Karabakh that lies to the east of Artsakh. Their use of “Karabakh” by Azerbaijani expansionists is also meant to signal Azerbaijani state claims to the Armenian Syunik province in the Republic of Armenia.

<sup>3</sup> In the 1920s, the population of Artsakh was estimated to be 94.4 percent Armenian and 5.6 percent Azeri. During the Soviet period, the percentage of Armenians dropped to 76.9 while the percentage of Azeris grew to 21.5. Herzig, Edmund; Kurkchian, Marina (2005). “The Armenians: Past and Present in the Making of National Identity”. London: *Routledge*, pp. 66 & 121. In 1989, 77% of Artsakh’s population was Armenian. In 2015, the population of Artsakh was estimated to be 99.7% Armenian. In Henze, P. B. (1991). “The demography of the Caucasus according to 1989 Soviet census data”. *Central Asian Survey*. 10 (1–2): 147–170. doi:10.1080/02634939108400741.

<sup>4</sup> New England Center for International Law and Policy. (2000). “The Nagorno-Karabagh Crisis: A Blueprint for Resolution.” [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2033347](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2033347)

<sup>5</sup> Armenian Institute. (2020). “Artsakh/Nagorno-Karabakh: A Brief History Part 1.” October 2. <https://www.armenianinstitute.org.uk/viewstext/artsakh-part1>

Geopolitical relations in the Artsakh region are currently determined by a ceasefire signed in 2020 between Armenia, Azerbaijan, and Russia.<sup>6</sup> Despite this ceasefire, as this report will show, the territory of Artsakh is constantly threatened by Azerbaijani violations of its terms, successive threats made by Azerbaijani officials to the lives of Armenians in the Republics of Artsakh and of Armenia, the imposition of a crippling blockade on Artsakh by Azerbaijan, and Azerbaijani military attacks on Armenians located both in Artsakh and the sovereign territory of the Republic of Armenia. These acts of antagonism all violate the 2020 Tripartite Ceasefire Statement and international law.

The conflict surrounding Artsakh extends back to the turn of the 20th century, when territories in the South Caucasus were being claimed by newly-formed, rival nation-states. After the Russian withdrawal from the First World War, the people of the South Caucasus initially organized themselves into the Transcaucasian Democratic Federative Republic. This cosmopolitan initiative was ultimately short-lived, however, and it dissolved in May 1918—after which the First Republic of Armenia and the Azerbaijan Democratic Republic both proclaimed independence. The territory of Artsakh was claimed by both of these fledgling states.<sup>7</sup> Yet despite these overlapping territorial claims, the Armenians of Artsakh, who comprised large majority of the population of Artsakh at that time,<sup>8</sup> declared independence and self-governed during this period under the jurisdiction of the Karabakh National Council.<sup>9</sup>

On 22 August 1919, the Karabakh National Council signed a provisional accord with the Azerbaijan Democratic Republic under the supervision of the British occupying forces. This accord guaranteed Armenians in this region cultural autonomy and the right to a six-person council

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<sup>6</sup>President of Russia. (2023). “Meeting of the State Council Presidium on the development of public transport”. <http://en.kremlin.ru/events/president/news/64384> or <https://www.peaceagreements.org/viewmasterdocument/2324>

<sup>7</sup> Holding, N & Holding D. (2011). “Armenia with Nagorno-Karabakh”. *Bradt Travel Guides*; 3rd Edition.

<sup>8</sup> Hovannisian, Richard G. (1971). ‘The Republic of Armenia: Volume I, the First Year, 1918-1919.’ *University of California Press*. NOTE: The ethnic composition of Artsakh has fluctuated over time, but Armenians appear to have comprised a large majority for most if not all of its known history. A 1823 Russian demographic survey documents that Armenians made up 97 percent of the population of Nagorno-Karabakh at the time. Javanshir, M, J; Adigözal, B, M.(2004). “Two Chronicles On The History of Karabakh”.

<sup>9</sup> Declaration of the People's Government of Karabakh, in Mikaelyan, V.A. (1992). “Nagorno Karabakh in 1918-1923”. *Collection of Documents and Materials. Armenian Academy of Sciences*. p. 13-15.

overseeing administration of the region in which three of the six appointees would be ethnically Armenian. This provision did not necessitate the Karabakh National Council's permanent absorption into Azerbaijan.<sup>10</sup> Later demands by Azerbaijan that the territory of Artsakh be permanently annexed into Azerbaijan were rejected by the Council.<sup>11</sup>

At the Eighth Assembly of the Armenians of Karabakh, delegates expressed discontent with the Azerbaijani government's continuous violations of the accord, stating that future threats to their survival would be met with countermeasures.<sup>12</sup> The Azerbaijan Democratic Republic responded by relocating the majority of its forces to Artsakh, including 5,000 armed soldiers.<sup>13</sup> Armenian attempts to disarm the soldiers were met with extreme violence, culminating in the Shushi pogrom of March of 1920, in which between five hundred and 20,000 Armenians were killed, and the entire Armenian section of Shushi was razed.<sup>14</sup> In response, the Ninth Assembly of the Armenians of Karabakh immediately nullified the accord and declared unification with the Republic of Armenia.

In 1918, there were an estimated 330,000 Armenians living in Artsakh, comprising 95 percent of the region's total population. Between 1918 and 1920, massacres of Armenians by Azerbaijani and Turkish forces reduced the Armenian population of the region by 20 percent.<sup>15</sup>

Following the Sovietization of Azerbaijan and Armenia, Artsakh was placed within the territory of the Azerbaijani Soviet Socialist Republic (SSR).<sup>16</sup> It maintained the status of an Autonomous Oblast and self-governed during the entirety of the Soviet period. While the Soviet incorporation of Armenia and Azerbaijan froze the armed conflicts, the

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<sup>10</sup> Hovannisian, R. (1971). *The Republic of Armenia, Vol. I: The First Year, 1918-1919*. University of California Press.

<sup>11</sup> Mikaelyan (1992). "Report of the Karabakh Armenian National Council to the Government of Armenia on the political and military events since December 1917." Cited in "Nagorno Karabakh in 1918-1923," p. 67. *Armenian Academy of Sciences*.

<sup>12</sup> Op. Cit.

<sup>13</sup> Hovannisian, R. (1971). *The Republic of Armenia, Vol. I: The First Year, 1918-1919*. University of California Press.

<sup>14</sup> Van der Leeuw, C. (2000) *Azerbaijan: A Quest for Identity: A Short History*.

<sup>15</sup> New England Center for International Law and Policy (2000). "The Nagorno-Karabagh Crisis: A Blueprint for Resolution". SSRN. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2033347](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2033347)

<sup>16</sup> Kazemzadeh, F. (1951). "The Struggle for Transcaucasia, 1917-1921." *University of Michigan Philosophical Library*.

underlying causes of these conflicts were never addressed by Soviet leadership. The frozen status of the Nagorno-Karabakh Autonomous Oblast (NKAO), combined with the continued poor treatment of ethnic Armenians under Azerbaijani governance, caused tensions surrounding this issue to continue to build during the Soviet period.<sup>17</sup> Tensions between Armenians and Azerbaijan in the Soviet Union would ultimately erupt into the First War of Nagorno-Karabakh from 1988 to 1994.

Through a resolution passed in 1988, the Nagorno-Karabakh Autonomous Oblast ultimately requested a transfer in jurisdiction from the Azerbaijani SSR to the Armenian SSR.<sup>1819</sup> Resistance from Azerbaijani authorities would trigger hostilities and violence between both groups.<sup>20</sup> Pogroms against Armenians emerged throughout the South Caucasus, including (but not limited to) Sumgait (1988), Kirovabad (1988), Baku (1990), and Maraga (1992), leading to the deaths of between 178 and 520 Armenians.<sup>2122</sup> The killings of Armenians appear to have been supported by Azerbaijani state authorities and involved cruelties usually only observed in genocides.<sup>23</sup> The violence inflicted on the Armenian communities in these pogroms resulted in the flight of nearly the entire Armenian population of Azerbaijan, which was estimated at 500,000 people. After the Sumgait pogrom against Armenians, Azeris were also attacked in Gugark, Armenia, in 1988; these attacks led to the deaths of between 11 and 21 Azeris and the exodus of Azeris from Armenia and the NKAO/Republic of Artsakh.<sup>24</sup> Interethnic violence that erupted at the end of Soviet rule

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<sup>17</sup> Raymond, A. H. (1977). "Armenians Ask Moscow for Help, Charging Azerbaijan With Bias." *The New York Times*.

<https://www.nytimes.com/1977/12/11/archives/armenians-ask-moscow-for-help-charging-azerbaijan-wi-th-bias.html>

<sup>18</sup> Center for Preventive Action. (2023). "Nagorno-Karabakh Conflict."

<https://www.cfr.org/global-conflict-tracker/conflict/nagorno-karabakh-conflict>

<sup>19</sup> Kocharyan, S. (2016). "Why is the Nagorno-Karabakh Conflict still not Resolved?" *Foreign Ministry of Armenia*. [https://www.mfa.am/filemanager/Statics/A\\_nkr\\_en.pdf](https://www.mfa.am/filemanager/Statics/A_nkr_en.pdf)

<sup>20</sup> Croissant, M. (1998). "The Armenia-Azerbaijan Conflict: Causes and Implications." *Prager*.

<sup>21</sup> Office of the Nagorno Karabakh Republic. (1988), "A Genocide Gone Unpunished Pogroms of Armenians in Sumgait." [http://www.nkrusa.org/nk\\_conflict/sumgait\\_massacre.shtml](http://www.nkrusa.org/nk_conflict/sumgait_massacre.shtml).

<sup>22</sup> Armenian Weekly. (2020). "Reflections on the Baku and Sumgait Pogroms: 30 Years Later." <https://armenianweekly.com/2020/01/18/reflections-on-the-baku-and-sumgait-pogroms-30-years-later/>

<sup>23</sup> Shahmuratyan, S. Ed. (1990). "The Sumgait Tragedy: Pogroms Against Armenians in Soviet Azerbaijan." *Aristide D. Caratzas/Zoryan Institute*. New Rochelle, NY/Cambridge, MA.

<sup>24</sup> Paryan, M. (2015). "События в Гугарке. Как громили азербайджанцев в Армении." *epress.am*. Cited at: <https://shorturl.at/gkBE8>. NOTE: Many Azeris who were forced out of Armenia were able to sell their property later or were compensated for property lost after the Spitak earthquake in 1988.

and the ensuing flight of local populations resulted in greater ethnic homogeneity within Armenia, Artsakh, and Azerbaijan.

Both Azerbaijan and Armenia would go on to declare independence from the USSR in 1991. However, Artsakh never accepted Azerbaijan's post-Soviet claims to the territory, leading to the outbreak of the First Nagorno-Karabakh War between Azerbaijan and Artsakh, which was fought between 1988 and 1994 and ended in a ceasefire.<sup>25262728</sup> The ceasefire did not clarify Artsakh's status,<sup>29</sup> but did create the conditions for the emergence of the Republic of Artsakh, an autonomous democratic government run by the residents of Artsakh.

The Republic of Artsakh was officially established in 2 September 1991, when a joint session of deputies of all levels of the Nagorno-Karabakh Autonomous Region and the Shahumyan region proclaimed the Nagorno-Karabakh Republic, laying the foundation for the creation of an independent democratic state. The decision to create an independent state was confirmed on 10 December 1991 through the expression of the will of the people of Artsakh (Nagorno-Karabakh) in the nationwide referendum discussed in greater detail above.

Efforts to resolve the conflict have continued to the present day. Negotiations have primarily taken place within the jurisdiction of the OSCE Minsk Group, headed by Russia, France and the United States. Yet, despite continuous efforts from stakeholders to resolve the conflict, an enduring solution to the conflict has not surfaced. Artsakh's very existence remains an issue of debate: Azerbaijani authorities have continued pushing to annex the territory, arguing that "Karabakh is Azerbaijan," while Artsakh itself has simultaneously fought for its right to self-determination and for global recognition of its government from the international community of the Republic of Artsakh as a state.

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<sup>25</sup> Bishkek Protocol. (1994). <https://peacemaker.un.org/armeniaazerbaijan-bishkekprotocol94>

<sup>26</sup> Ministry of Foreign Affairs Artsakh. (1994). <https://web.archive.org/web/20140814055406/http://www.nkr.am/en/document/43>.

<sup>27</sup> See *ut supra* note 14.

<sup>28</sup> Center for Preventive Action (2023). "Nagorno-Karabakh Conflict." <https://www.cfr.org/global-conflict-tracker/conflict/nagorno-karabakh-conflict>

<sup>29</sup> *Id.*; Paragraph 3 mentions that both sides should commit to "reaching an appropriate agreement as soon as possible"

Azerbaijan's most recent push to annex Artsakh took place in September of 2020, in which it launched an attack on both Artsakh and the Republic of Armenia, triggering the Second Nagorno-Karabakh War in which genocidal atrocities were committed against Armenian soldiers and civilians alike within and beyond Artsakh. Following six weeks of brutal fighting, the war ended with a ceasefire statement on 9 November 2020, in which Russian peacekeeping contingents were deployed to the region to ensure compliance with the accord.<sup>30</sup> In what Azerbaijan claims as a decisive victory, it gained large swaths of territory in the conflict. Almost two-thirds of the territory of the Republic of Artsakh fell under occupation.<sup>31</sup>

Furthermore, the widespread use of Turkish weapons in Azerbaijan's campaign reflects the ongoing cooperation between the two countries and Türkiye's steadfast support in for Azerbaijani seizure of the region of Artsakh—a notion repeatedly stressed by Recept Tayyip Erdogan,<sup>32</sup> as well as then-Turkish Minister of National Defense Hulusi Akar.<sup>33</sup> Türkiye sold \$123 million worth of Turkish military exports to Azerbaijan in the first nine months of 2020 alone, over half of which was recorded to be purchased only one month before the outbreak of the conflict.<sup>34</sup>

At present, the Republic of Artsakh's future is uncertain amid persistent instability on the ground. While negotiations to broker a multilateral settlement to the conflict have continued, the cessation of the war and subsequent peacekeeping presence has not brought peace to the region. Geopolitical turbulence remains as Azerbaijani forces have continued to threaten civilians to the present day through harassment, sporadic attacks

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<sup>30</sup> Guerin, O. (2020). "Nagorno-Karabakh: Russia deploys peacekeeping troops to region". *BBC*. November 10th. <https://www.bbc.com/news/world-europe-54885906>

<sup>31</sup> CIA World Factbook. (2023). "Armenia—Country Profile." *Central Intelligence Agency*. <https://www.cia.gov/the-world-factbook/countries/armenia/>

<sup>32</sup> Soylu, R. (2020). "Turkish F-16s kept in Azerbaijan 'as deterrent against Armenian attacks.'" *Middle East Eye*. 8 October 2020.

<https://www.middleeasteye.net/news/turkey-armenia-azerbaijan-f16-deterrent-against-attacks>

<sup>33</sup> Middle East Eye. (2020). "Azerbaijan bought \$77m worth of arms from Turkey a month before fighting."

<https://www.middleeasteye.net/news/azerbaijan-bought-77-million-worth-turkish-arms-month-fighting>

<sup>34</sup> Toksabay, E. (2020). "Turkish arms sales to Azerbaijan surged before Nagorno-Karabakh fighting." *Reuters*.

<https://www.reuters.com/article/us-armenia-azerbaijan-turkey-arms/turkish-arms-sales-to-azerbaijan-surged-before-nagorno-karabakh-fighting-idUSKBN26Z237>

on the Republics of Artsakh and Armenia, killing and abduction of Armenians, and violations of the Tripartite Ceasefire Statement.

1.2 Security crisis caused by, among other factors, defection from peace agreements, armed conflict in neighboring countries, threats of external interventions, or acts of terrorism.

Azerbaijan has routinely violated the 2020 Tripartite Ceasefire Statement that ended the most recent war between Azerbaijan on the one hand and Artsakh and Armenia on the other.<sup>3536</sup> Azerbaijan's ceasefire violations are a component of its larger goal of fully conquering and annexing the territory of the Republic of Artsakh and—according to repeated threats made by Aliyev—sovereign territory within the Republic of Armenia as well, including large swaths of Armenia's Syunik Province in particular, as documented in Sections 1.7, 4.2, and 4.3 below.

Azerbaijan's ceasefire violations include:

- The killing and abductions of Armenian soldiers and civilians.<sup>3738</sup>
- Repeated incursions into the territory of the Republic of Armenia.<sup>394041</sup>

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<sup>35</sup> Council for Foreign Relations. (2023). "Nagorno-Karabakh Conflict". *Global Conflict Tracker* <https://www.cfr.org/global-conflict-tracker/conflict/nagorno-karabakh-conflict#RecentDevelopments-2>

<sup>36</sup> Lemkin Institute for Genocide Prevention. (2022). "Statement on Azerbaijan's breach of the established ceasefire agreement and its unprovoked attack on Armenia" <https://www.lemkininstitute.com/statements-new-page/lemkin-institute-statement-on-azerbaijan-s-breach-of-the-established-ceasefire-agreement-and-its-unprovoked-attack-on-armenia>

<sup>37</sup> Human Rights Watch. (2020). "Azerbaijan: Unlawful Strikes in Nagorno-Karabakh - Investigate Alleged Indiscriminate Attacks, Use of Explosive Weapons" <https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>

<sup>38</sup> Khulian, A., & Badalian, S. (2023). "Two Armenian soldiers captured by Azerbaijan." *Radio Free Europe/Radio Liberty*. <https://www.azatutyun.am/a/32432864.html>

<sup>39</sup>Khudoyan, K. (2022). "Will Armenia and Azerbaijan reach a peace deal?" *OpenDemocracy.net*. <https://www.opendemocracy.net/en/odr/armenia-azerbaijan-peace-deal-nagorno-karabakh-border/>; "In September [2022], Azerbaijani forces advanced ten square kilometres into Armenian territory in one of the most violent incursions since the Second Karabakh War (...). Azerbaijan has now occupied roughly 50 square kilometres of Armenian territory since the 2020 conflict."

<sup>40</sup>Kucera, J. (2021). "Armenia and Azerbaijan in new border crisis." *Eurasia.net*. <https://eurasianet.org/armenia-and-azerbaijan-in-new-border-crisis>

<sup>41</sup> Al Jazeera. (2022). "Armenia reports new border clashes with Azerbaijan forces." <https://www.aljazeera.com/news/2023/5/12/armenia-reports-fresh-border-clashes-with-azerbaijan-forces>

- The invasion and occupation of villages in Artsakh, such as Parukh and surrounding strategic areas.<sup>424344</sup>
- Instigation of an aggressive, unprovoked armed conflict against the Republic of Armenia on 13-14 September 2022.<sup>4546</sup>
- The ill-treatment and unlawful execution of prisoners of war (POWs).<sup>47</sup>
- Routinely refusals to release POWs.<sup>48</sup>

In further violation of the Ceasefire Statement, Azerbaijan imposed a blockade of the Lachin [Berdzor] Corridor—the sole road that connects Artsakh to Armenia and beyond—on 12 December 2022.

The blockade against the Republic of Artsakh, justified under the guise of state-sponsored “ecological activism,” was initially near the Artsakh city of Shushi, which is currently occupied by Azerbaijan. Following these staged protests, the Azerbaijani military assumed control of the blockade, barricaded the Hakari River bridge, and established an unlawful checkpoint there on 23 April 2023. The corridor was completely sealed after 15 June 2023.<sup>49</sup>

The continued closure of the Lachin Corridor has led to a severe humanitarian crisis for civilians in Artsakh in what Luis Moreno

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<sup>42</sup>France 24. (2022). “Russia accuses Azerbaijan of violating Nagorno-Karabakh ceasefire.” <https://www.france24.com/en/europe/20220326-russia-accuses-azerbaijan-of-violating-nagorno-karabakh-ceasefire>

<sup>43</sup> Avedian, L. (2022.) “Azerbaijan invades Parukh Village, deadly attacks on Artsakh ongoing.” *The Armenian Weekly*. <https://armenianweekly.com/2022/03/25/azerbaijan-invades-parukh-village-deadly-attacks-on-artsakh-ongoing/>

<sup>44</sup> Shahverdyan, L. (2022.) “Villagers on Karabakh border face precarious future.” *Eurasianet*. <https://eurasianet.org/villagers-on-karabakh-border-face-precarious-future>

<sup>45</sup> De Waal, T. (2022). “More Storm Clouds Gather Over Armenia, Azerbaijan.” *Carnegie Europe*. <https://carnegieeurope.eu/strategieurope/87976>

<sup>46</sup> Badalian, S., & Aslanian, K. (2022). “Thousands of Armenian civilians flee fighting close to border with Azerbaijan.” *Radio Free Europe/Radio Liberty*. <https://www.rferl.org/a/armenian-civilians-flee-fighting-border-azerbaijan-karabakh/32035072.html>

<sup>47</sup> Human Rights Watch (2022). “Video Shows Azerbaijan Forces Executing Armenian POWs - Hold Those Responsible to Account.” October 14. <https://www.hrw.org/news/2022/10/14/video-shows-azerbaijan-forces-executing-armenian-pows>

<sup>48</sup> Mejlumyan, A. (2021). “Two months after the war, dozens of Armenian POWs remain in Azerbaijani captivity”, *Eurasianet*. <https://eurasianet.org/two-months-after-war-dozens-of-armenian-pows-remain-in-azerbaijani-captivity>

<sup>49</sup>Ocampo, L. M. (2023). “Starvation as a Means of Genocide: Azerbaijan’s Blockade of the Lachin Corridor Between Armenia and Nagorno-Karabakh.” *Justsecurity.org*. <https://www.justsecurity.org/87574/starvation-as-a-means-of-genocide-azerbaijans-blockade-of-the-lachin-corridor-between-armenia-and-nagorno-karabakh/>



Ocampo, the former Chief Prosecutor of the ICC, has asserted constitutes a genocidal act.<sup>50</sup> (For more information, see Section 6.11 below.)

### 1.3 Humanitarian crisis or emergency, including those caused by natural disasters or epidemics.

On 15 June 2023, Azerbaijani forces exacerbated the humanitarian crisis caused by the blockade of Artsakh when some of its soldiers attempted to plant an Azerbaijani flag on Armenian soil near the Hakari River bridge separating the Lachin Corridor from the Republic of Armenia.<sup>51</sup> Following an exchange of fire between both sides, the Lachin Corridor was completely severed—preventing the movement of people and supplies in any capacity, effectively sealing Artsakh off from the outside world.

The total blockade of Artsakh civilians from access to the outside world has led to the complete interruption of any imports through the Lachin Corridor. Russian peacekeepers and the International Committee of the Red Cross have also been forbidden from providing external relief supplies. This has left Artsakh’s 120,000 civilians—including approximately 30,000 children—with rapidly dwindling stocks of food, medicine, baby formula and other indispensable supplies that cannot be produced on the ground, rendering them vulnerable to illness and starvation.<sup>52</sup>

The impact of this artificially-caused supply shortage has also been exacerbated with Azerbaijan’s deliberate disruptions to electricity and natural gas within the Republic of Artsakh, placing vulnerable populations at risk of harm in conditions unsuitable for survival. Telecommunication services have also been disrupted, rendering transmissions of information difficult.

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<sup>50</sup> See *ut supra* note #231.

<sup>51</sup> Reuters. (2023). “Armenian, Azerbaijani border guards wounded at entrance to closed Karabakh road.”

<https://www.reuters.com/world/middle-east/azerbaijani-border-guard-wounded-entrance-closed-karabakh-road-2023-06-15/>

<sup>52</sup> Humanitarian Aid Relief Trust. (2023). “Press release: Shelves ‘totally empty’ in Nagorno Karabakh as humanitarian crisis worsens”.

<https://www.hart-uk.org/press-release-shelves-totally-empty-in-nagorno-karabakh-as-humanitarian-crisis-worsens/>

The illegal blockade of the Lachin Corridor has led to a humanitarian crisis that is only increasing in severity with each day that passes. It is a deliberately targeted effort to inflict conditions of life calculated to bring about the destruction of Artsakh's Armenians—which may constitute the crime of genocide according to the United Nation's Convention on the Prevention and Punishment of the Crime of Genocide of 1948. The potential that the crisis will move to a mass murder form of genocide against Armenians is dangerously high.

In tandem with this destructive blockade, Azerbaijan has regularly escalated threats of physical violence against the people of Artsakh, aiming at rendering the region free from any significant population of Armenians; one need only view President Ilham Aliyev's multitude of public statements candidly aimed at accomplishing this goal.<sup>53545565758</sup>

### 1.5 Political instability caused by disputes over power or growing nationalist, armed or radical opposition movements.

The conflict in Nagorno-Karabakh, as noted above, is rooted in the years following World War I, when peoples in the South Caucasus sought to build nation-states out of multiethnic communities in the wake of the collapse of the Russian and Ottoman Empires. The South Caucasus was inhabited by many ethnic groups, and many of its subregions lacked a

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<sup>53</sup> United Nations Human Right Council. (2021). "Written submission by the Office of the Human Rights Defender\* of Armenia" A/HRC/46/NI/13  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/052/73/PDF/G2105273.pdf?OpenElement> for more information on Azeri policy makers' discourse markers discourses against Armenians.

<sup>54</sup> "President of the Republic of Azerbaijan. (2020). "Azerbaijani President Ilham Aliyev addresses the nation on TV"

<https://defence.az/en/news/147408/azerbaijani-president-ilham-aliyev-addresses-nation-on-tv-%C2%A0live> ; "We will continue to expel these liars [Armenians of Karabakh]. They see who is who now. They see that we were teaching them a lesson they will never forget."

<sup>55</sup> President of the Republic of Azerbaijan. (2020). "Ilham Aliyev addressed the nation", October 17. <https://president.az/en/articles/view/43334> ; "I said that if they [Armenians of Karabakh] do not leave our lands of their own free will, we will chase them away like dogs and we are doing that."

<sup>56</sup> JAMnews. (2023). "Aliyev's interview with Euronews TV channel"

<https://jam-news.net/ilham-aliyev-they-need-to-make-a-choice-between-very-bad-and-acceptable/> ; "They [Armenians of Karabakh] must choose whether to live as citizens of Azerbaijan, just like any other ethnic minority that Azerbaijan is so rich in, or leave. This is their choice".

<sup>57</sup> Melikyan, A. "President of Azerbaijan tells Armenia to 'leave our territory, and then, the war will stop.'" *CNN News*. October 3, 2020.

<https://www.cnn.com/2020/10/03/asia/azerbaijan-armenia-president-intl/index.html>

<sup>58</sup> Eurasianet. (2023). "Azerbaijani president gives ultimatum to Karabakh authorities".  
<https://eurasianet.org/azerbaijani-president-gives-ultimatum-to-karabakh-authorities>

clear ethnic majority population. Further adding to this demographic complexity were dichotomies of social organization within these populations: groups in the region were settled and nomadic, urban and rural, which meant there existed many layers of overlapping topographies and conflicting bases for land claims. Efforts to use ethno-national identities to fix land claims for one emerging nation state or another after 1917 led to the outbreak of several wars and severe bloodshed.

In tandem with this complex nation-building process, the withdrawal of Russia from World War I in 1917 opened up space for Turkish forces to expand the Armenian Genocide into the South Caucasus in an effort to completely destroy the Armenian people. Despite fighting to secure historic and ethnically-Armenian inhabited lands, Armenians faced a disadvantage in bearing the brunt of a genocidal agenda solely directed at them: Azerbaijani nationalist troops fought alongside the Turkish Army and promoted the genocidal ideology of pan-Turkism while seeking to gain territory for their new state at the expense of Armenians persecuted and murdered in the Armenian Genocide.

Both of these historical dynamics—the complexities of land claims within nation-building processes and the eliminationist dynamics of the Armenian Genocide—continue to influence the conflict over Artsakh today.

Conversely, Azeri nationalism developed out of the difficulties faced by historically nomadic societies attempting to lay claim to a territorially-bounded national home. The modern Azeri people of Azerbaijan trace their history back to the Turkic-speaking peoples of the South Caucasus who, under the Russian Empire, were called “Caucasian Tatars” and generally referred to themselves as “the Muslim people of the Caucasus.” The ethnonyms “Azerbaijani” or “Azeri,” at that time, referred to the Turkic peoples of Iran's northwestern historic region of Azerbaijan (also known as Iranian Azerbaijan). These terms were only gradually adopted in the early twentieth century by Caucasus Muslims as an expression of ethnonational identity external to northern Iran.<sup>59</sup>

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<sup>59</sup> Atabaki, T. (2002). “Recasting and Recording Identities in the Caucasus.” *Iran & the Caucasus*. Vol. 6, No. 1/2, pp. 219-23

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Within this novel expression of ethnonational identity, the Azeri nationalist movement claimed Artsakh along with other historically Armenian territories—including the current Azerbaijani exclave of Nakhichevan—as components of an Azeri “national home.” Despite these claims, both Artsakh and Nakhichevan were, at one point, promised to Armenia by both the Soviet Union and the new state of Azerbaijan. However, both territories were ultimately incorporated into the Azerbaijan SSR. by the Soviet Union as part of its efforts to improve relations with the emerging post-war nation-state of Türkiye.

In the case of Nakhichevan, there was a strong argument to be made for its incorporation into Azerbaijan: the population of Nakhichevan showed 90 percent support for incorporation into Azerbaijan in a 1920 referendum demanded by Vladimir Lenin.<sup>60</sup> Today, Nakhichevan is almost 99 percent Azeri.

In Artsakh, by contrast, Armenians were always in the majority and, before being annexed to the Azerbaijani SSR, several efforts were made to document popular support for independence or closer integration into the new Republic of Armenia. Although the Armenian population decreased under the Soviet period (relative to Azeris), Armenians remained in the majority and comprise nearly 100 percent of the population today.

Under the jurisdiction of the Soviet Union, the armed conflict over the control of Artsakh was frozen. The territory was governed as the Nagorno-Karabakh Autonomous Oblast, and the issue of Artsakh's independence receded from view during its incorporation into the USSR..

However, the conflict unfroze in the waning years of the Soviet era as armed conflict over the status of Artsakh broke out again. Following a series of deadly pogroms against Armenians within Azerbaijan, which broke out in response to Armenia's public support for Artsakh's constitutional effort to unify with the Republic of Armenia, Artsakh

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<sup>60</sup> Potier, T. (2001). “Conflict in Nagorno-Karabakh, Abkhazia, and South Ossetia: A Legal Appraisal”. *Kluwer Law International*. <https://lib.ugent.be/en/catalog/rug01:000675801>

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declared independence. This declaration was supported by a referendum in 1991, in which 82.2 percent of eligible Artsakh voters took part. In a vote deemed free and fair, 99.98% of these voters opted for independence, registering their support for the referendum question: “Do you agree that the proclaimed Nagorno Karabakh Republic be a sovereign state, to independently determine the forms of cooperation with other states and communities?”<sup>61</sup>

In response to Artsakh’s declaration, Azerbaijan launched a full scale war against Artsakh and Armenia, triggering the First Nagorno-Karabakh War. Throughout the course of the war, Armenian forces gained considerable territory, including seven Azerbaijani regions around Nagorno Karabakh Autonomous Oblast, which acted as a “buffer zone” against future attacks from Azerbaijan. At the time of the 1994 ceasefire, Artsakh was *de facto* autonomous, and the Armenian-held “buffer” territory created a long shared border with the Republic of Armenia. Since 1994, there have been two official wars waged between Azerbaijan and Artsakh—in 2016 and in 2020—along with unprovoked attacks by Azerbaijan (the most recent of which took place in September of 2022). Each of these have also ended with a ceasefire that effectively froze the conflict rather than creating an enduring peace. Cross-border shootings and other ceasefire violations and military provocations by Azerbaijan happen nearly every day.

From 1994 to the present, the Republic of Artsakh has maintained an army to protect its population from incursions and hostilities from the Azerbaijani military. Azerbaijan has increased its military capacity<sup>62</sup> following the end of the First Nagorno-Karabakh War in 1994, particularly since 2003 under President Ilham Aliyev. This vastly improved military capacity proved decisive in its military conquests during the Second Nagorno-Karabakh War in 2020.

In an effort to enhance contemporary Azerbaijani claims to Artsakh, Azerbaijani President Ilham Aliyev has consistently denied the historical

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<sup>61</sup> Direct Democracy. (1991). “Berg-Karabach (Aserbajdschan), 10. Dezember 1991: Unabhängigkeit.” [https://www-sudd-ch.translate.google/event.php?lang=de&id=az031991&x\\_tr\\_sl=auto&x\\_tr\\_tl=en&x\\_tr\\_hl=en](https://www-sudd-ch.translate.google/event.php?lang=de&id=az031991&x_tr_sl=auto&x_tr_tl=en&x_tr_hl=en)

<sup>62</sup> Council on Foreign Relations. (2023). Nagorno-Karabakh Conflict - Global Conflict Tracker. *Center for Preventive Action*. <https://www.cfr.org/global-conflict-tracker/conflict/nagorno-karabakh-conflict>

roots of the Armenian community in Artsakh, declaring it an “illegal settlement.”<sup>63</sup> In May 2023, he claimed: “We are on our native land, and the Karabakh region, where Armenians live today, is our ancestral land that belongs to us by right.”<sup>64</sup> Regarding Artsakh’s self-determination, Aliyev further claimed that Artsakhsis “ha[d] reached the end of the road. The book called “Miatsum”<sup>65</sup> is closed, and so is the book of separatism. The dream of independence [...] we sent it to where it belonged during the Second Karabakh War.”<sup>66</sup> These speeches reflect a consistent effort from Aliyev to assert Azeri roots within the territory and erase evidence of historic and continuous Armenian inhabitation of Artsakh.

President Aliyev has further stated that the Artsakh armed forces are illegitimate subversives and terrorists,<sup>67</sup> and that, if Azerbaijan takes control of Artsakh, its Armenian residents will either need to embrace Azerbaijan or leave.

His speeches make it clear that not all Artsakhsis will survive an Azerbaijani occupation. In an April 2015 speech to his Cabinet, Aliyev articulated this goal with disturbing candor. He stated, referring to the Armenians of Artsakh, “[i]f you do not want to die, get out of Azerbaijani lands...” Aliyev’s speeches are utterly transparent about the goal to *Azerbaijanize* the region, leading to the conclusion that supporters and defenders of Artsakh autonomy and independence will be imprisoned or killed.

This danger extends to democratically-elected officials, soldiers, and civilians alike. In the May speech quoted above, President Aliyev made

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<sup>63</sup>Eurasia.net. (2023). “Azerbaijani president gives ultimatum to Karabakh authorities.” 30 May 2023. <https://eurasianet.org/azerbaijani-president-gives-ultimatum-to-karabakh-authorities>; “I am telling them again from here, from the land of Lachin which they had been exploiting for many years and were engaged in illegal settlement, that their book is closed.”

<sup>64</sup>JAMNews. (2023). “Ilham Aliyev on the fate of Karabakh Armenians.” <https://jam-news.net/aliyev-on-the-fate-of-karabakh-armenians/>

<sup>65</sup>“Miatsum,” in this context, refers to the political movement of Artsakh’s unification with Yerevan as an Armenian-governed territory.

<sup>66</sup>Government of Azerbaijan. (2023). “Ilham Aliyev met with people who returned to the city of Lachin and presented house keys to them.” *Official Website — President Ilham Aliyev of Azerbaijan*. <https://president.az/en/articles/view/60027>

<sup>67</sup>Mehdiyev, M. (2023). “President Aliyev Says Armed Armenian Subversion Group Captured in Post-War Karabakh Region Are Terrorists”. *Caspian News*. <https://caspiannews.com/news-detail/president-aliyev-says-armed-armenian-subversion-group-captured-in-post-war-karabakh-region-are-terrorists-2021-3-3-0/>

the following threat referring to the democratic government of Artsakh: “Allegedly, a ‘parliament’ functions there, supposedly there is a president, a minister[—]all this is ridiculous. We’re just being patient. Although everyone is well aware that today we have every opportunity to carry out any operation in that region. Therefore the ‘parliament’ must be dissolved, the element calling itself ‘president’ must surrender, all ‘ministers,’ ‘deputies’ and others must already leave their posts. Only in this case can there be concessions. Only in this case can we talk about any kind of amnesty.”<sup>68</sup>

The people of Artsakh reject incorporation into Azerbaijan because of a desire to retain their centuries-long traditions of political independence; they also are wary of incorporation because of the well-founded expectation that Azerbaijan will mishandle or kill them, expropriate their land and property, and otherwise harm them while denying their historical identity and ties to their indigenous homeland. These concerns have only grown throughout the 20th and 21st centuries, as the Azerbaijani state has continued to engage in frequent massacres of Armenians and to destroy Armenian cultural heritage that has fallen under its control. In particular, Armenian anticipation of violent erasure has come to pass in the territory of Nakhichevan, where an estimated 98 percent of Armenian cultural heritage sites have been destroyed since the 1920s.<sup>69</sup>

Armenians’ mistrust of the Azerbaijani state’s goals towards them was greatly intensified during the Second Nagorno-Karabakh War (2020) and its immediate aftermath, when all Armenians who fell into Azerbaijani captivity were treated with deliberate cruelty and sustained brutality. Furthermore, as in Nakhichevan, a vast array of Armenian monuments located in Artsakh territory occupied by Azerbaijan in 2020

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<sup>68</sup> JAMnews. (2023). “Ilham Aliyev on the fate of the Karabakh Armenians.” <https://jam-news.net/aliyev-on-the-fate-of-karabakh-armenians/>

<sup>69</sup> Caucasus Heritage Watch. (2023). “Silent Erasure - A Satellite Investigation of the Destruction of Armenian Cultural Heritage in Nakhchivan, Azerbaijan”. <https://storymaps.arcgis.com/stories/48703f664f2f467b8f4f42008d8c75da>

has been desecrated and destroyed by Azerbaijani forces,<sup>70</sup> as discussed more in Section 10.8 below.

Azerbaijani nationalism, especially as crafted and stoked under President Ilham Aliyev, relies on a great deal of historical revisionism directed against the established facts and objective realities of Armenian and South Caucasus history. According to US-based political scientist Dr. Nerses Kopolyan, “Armenophobia is not simply an exercise in cultural, racial, and political chauvinism [in Azerbaijan]; it is also a necessary precondition of Azeri nationalism.”<sup>72</sup>

### 1.6 Political tension caused by autocratic regimes or severe political repression.

Azerbaijan is an authoritarian regime in which power is concentrated in the hands of President Ilham Aliyev and the members of his family; genuine political opposition within Azerbaijan has been practically eliminated through decades of state-sponsored suppression. Although political parties other than the ruling New Azerbaijan Party are allowed to exist and may present candidates to run in elections, Azerbaijan is considered to be a de facto one party state in which elections are characterized by widespread fraud that supports the ruling Aliyev regime.<sup>73</sup> Transparency International has found corruption to be endemic in Azerbaijan, ranking it among the three lowest performers in Eastern

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<sup>70</sup> Various articles and reports on the destruction of Armenian cultural heritage in Artsakh by Azerbaijan post-2020:

<https://oc-media.org/eu-parliament-condemns-destruction-of-armenian-heritage-in-nagorno-karabakh/>;  
<https://monumentwatch.org/en/alerts/azerbaijan-destroyed-the-church-of-surb-sargis-in-mokhrehnes-village/>;  
[https://twitter.com/CaucasusHW/status/1579833501893156864?s=20&t=sUc\\_IGF\\_MR0cHDGdcgrm9w](https://twitter.com/CaucasusHW/status/1579833501893156864?s=20&t=sUc_IGF_MR0cHDGdcgrm9w); <https://www.bbc.com/news/av/world-europe-56517835>  
<https://azeriwarcrimes.org/attacks-on-armenian-cultural-heritage-and-religious-sites-by-azerbijans-armed-forces/>

<sup>71</sup> European Parliament. (2022). "Resolution of 10 March 2022 on the destruction of cultural heritage in Nagorno-Karabakh" (2022/2582(RSP)).

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022IP0080>

<sup>72</sup>Kopolyan, N. (2023). “Understanding the Aliyev Regime’s Armenophobia”. *ENV Report*.

[https://envreport.com/opinion/understanding-the-aliyev-regime-s-armenophobia/?\\_gl=1\\*fw4lcm\\*\\_ga\\*MTU3Nzc4MDEwMy4xNjkyMjIwMzY4\\*\\_ga\\_5Y05ZSQEH\\*MTY5Mzc3NDA2OS4zLjAuMTY5Mzc3NDA2OS4wLjAuMA](https://envreport.com/opinion/understanding-the-aliyev-regime-s-armenophobia/?_gl=1*fw4lcm*_ga*MTU3Nzc4MDEwMy4xNjkyMjIwMzY4*_ga_5Y05ZSQEH*MTY5Mzc3NDA2OS4zLjAuMTY5Mzc3NDA2OS4wLjAuMA)

<sup>73</sup>Freedom House. (2022). “Freedom in the World 2022 - Azerbaijan”.

<https://freedomhouse.org/country/azerbaijan/freedom-world/2023>



Europe and Central Asia in 2022.<sup>74</sup> Armenia, conversely, ranked among the top three performers within Eastern Europe and Central Asia.

Freedom House scored Azerbaijan with a democratic percentage of 1.19 percent and has classified the country as a “Consolidated Authoritarian Regime.”<sup>75</sup> The NGO has further ruled that the country is “Not Free,” earning a “Freedom Score” of 9/100 for political rights and civil liberties.<sup>76</sup> The state has severely repressed civil and political rights over the last decade,<sup>77</sup> leaving virtually no room for free expression or activism that deviates from the narrative of the ruling regime.

Multiple laws have been passed and implemented by the Aliyev regime to shrink the space previously held by NGOs within civil society.<sup>78</sup> Azerbaijani authorities pressure both international and domestic organizations by freezing bank accounts or conducting raids on their offices.<sup>79</sup> As a result, most civil society organizations have suspended their activity in the country; former NGOs whose operations continue now do so under the jurisdiction of the state.<sup>80</sup>

A recent example of Ilham Aliyev’s approach to political dissent is the arrest and pretrial detention of Azerbaijani economist Gubad Ibadoghlu for challenging corruption and kleptocracy within the ruling regime.<sup>81</sup>

Furthermore, a contemporary account of Azerbaijan’s human rights record analyzed by the United States Embassy in Baku paints a picture of a repressive, autocratic state that regularly engages in the torture and

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<sup>74</sup>Transparency International. (2023). “CPI 2022 For Eastern Europe & Central Asia: Growing Security Risks And Authoritarianism Threaten Progress Against Corruption”.  
<https://www.transparency.org/en/news/cpi-2022-eastern-europe-central-asia-growing-security-risks-autoritarianism-threaten-progress-corruption>

<sup>75</sup> Freedom House. (2023). “Nations in Transit 2023 - Azerbaijan”.  
<https://freedomhouse.org/country/azerbaijan/nations-transit/2023>

<sup>76</sup> Freedom House. (2022). “Freedom in the World 2022 - Azerbaijan”.  
<https://freedomhouse.org/country/azerbaijan/freedom-world/2023>

<sup>77</sup> Op. Cit

<sup>78</sup> International Center for Non-for-Profit Law. (2023). “Azerbaijan”.  
<https://www.icnl.org/resources/civic-freedom-monitor/azerbaijan>

<sup>79</sup> Radio Free Europe/Radio Liberty (2014). “Azerbaijani officials raid U.S.-based NGO”, September 5th. <https://www.refworld.org/docid/542ac71615.html>

<sup>80</sup> Human Rights Watch. (2014). “Azerbaijan: Transparency Group Should Suspend Membership”.  
<https://www.hrw.org/news/2014/08/14/azerbaijan-transparency-group-should-suspend-membership>

<sup>81</sup> Editorial Board. (2023). “The kleptocracy strikes back. An Azerbaijani economist should be freed.”. *The Washington Post*.  
<https://www.washingtonpost.com/opinions/2023/08/06/azerbaijan-arrest-gubad-ibadoghlu/>

abductions of political opponents of the regime and enables police brutality against members of the LGBTQ+ community. Azerbaijan is also home to “unlawful or arbitrary killings [...] [and] existence of the worst forms of child labor”<sup>82</sup> within state borders. The report further references abuses committed against Armenian POWs from the 2020 war and the humiliation of noncombatant civilians within Artsakh who remained in their homes during Azerbaijani advances.

In contrast, the Republic of Artsakh is a presidential democracy with a unicameral legislature and multiparty elections. Although not recognized as an independent state by any UN member states, the government of Artsakh largely functions as a *de-facto* state. In 2023, Freedom House ranked the Republic of Artsakh as “partly free” with a “Freedom Score” of 37/100 (in contrast with the Republic of Armenia’s score of 35 and Azerbaijan’s score of 9 for the same year)<sup>83</sup> and an open-press environment.<sup>84</sup> Freedom House further reports that the 2020 elections, which took place several months before the ensuing war, were largely “free and fair” and that political participation in Artsakh is relatively high.<sup>85</sup> It should be noted that Artsakh’s score has been rising steadily since 2019, despite the pressures and threats exerted on it from Azerbaijan.<sup>86</sup>

The disparity between the political systems in Azerbaijan and in the Republic of Artsakh poses an enormous obstacle to any agreement that would incorporate Artsakh as an integral part of Azerbaijan, as accepting citizenship in a dictatorship is akin to surrendering one’s civil liberties and consenting to one’s own oppression. Furthermore, Azerbaijan’s status as the world’s most indisputably Armenophobic regime fuels fears among Armenians that loss of *de facto* independence will not solely result in isolated episodes of discrimination and persecution; civic membership within Azerbaijan may have the very real consequence of

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<sup>82</sup> United States Embassy in Azerbaijan (2022). “2021 country reports on human rights practices: Azerbaijan. United States Embassy in Azerbaijan.”

<https://az.usembassy.gov/2021-country-reports-on-human-rights-practices-azerbaijan/>

<sup>83</sup> Freedom House. (2023). “Armenia: Freedom in the World 2023 Country Report.” .

<https://freedomhouse.org/country/armenia/freedom-world/2023>

<sup>84</sup> Reporters Without Borders (Reporters Sans Frontières). (2023). “Profile: Republic of Armenia.” .

<https://rsf.org/en/country/armenia>

<sup>85</sup> Freedom House. (2023). “Nagorno-Karabakh: Freedom in the World 2023 Country Report.”

<https://freedomhouse.org/country/nagorno-karabakh/freedom-world/2023>

<sup>86</sup>Op.Cit.

atrocities, large-scale massacres, and genocidal acts against Armenians aimed at erasing their existence—including genocide by subjugation and forced displacement.

Azerbaijani authorities have largely attempted to portray Azerbaijan internationally as having “good intentions” towards Armenians in Artsakh. President Ilham Aliyev publicly invites the Armenians of Artsakh to accept “normal” Azerbaijani citizenship, which he portrays as attractive to them: “I am sure most of the Armenian population currently living in Karabakh is ready to accept Azerbaijani citizenship.”<sup>87</sup> But, in a paradoxical manner, he consistently displays his visceral contempt for (and dehumanization of) Armenians in the very same breath. After making the statement above, for example, he immediately added: “Simply put, these leeches [referring to Artsakh’s democratically elected government], these predatory animals, won’t let them do that.”

### 1.7 Economic instability caused by scarcity of resources or disputes over their use or exploitation.

Azerbaijan has deep economic interests in mines in Artsakh. This interest is not a cause of economic instability in the region; rather, it’s a cause of political instability, as the Aliyev family and its foreign backers have already invested in regions of Artsakh controlled by the Republic of Artsakh. These economic interests create an incentive to invade the remainder of Artsakh that is under self-governed jurisdiction, occupy the land, and exploit these resources.

There is clear evidence to support Azerbaijan’s interest in Artsakh’s mines. According to several sources, in July 2022, the Azerbaijani government signed a contract worth USD \$3 billion with UK-based holding company Anglo Asian Mining, which mines copper and gold in Azerbaijan.<sup>88</sup> The contract was for the lease of mines in the Artsakh region that are not currently under the control of Azerbaijan.<sup>89</sup>

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<sup>87</sup> President of the Republic of Azerbaijan. (2023). “Ilham Aliyev was interviewed by Azerbaijan Television in city of Salyan.” <https://president.az/en/articles/view/59451>

<sup>88</sup> Reuters. (2023). “Anglo Asian Mining PLC - AAZ.L”. <https://www.reuters.com/markets/companies/AAZ.L/>

<sup>89</sup> Regulated Information Service (RNS) (2021). “Anglo Asian Mining PLC.” [https://polaris.brighterir.com/public/anglo\\_asian\\_mining/news/rns/story/x8q94ox](https://polaris.brighterir.com/public/anglo_asian_mining/news/rns/story/x8q94ox) .

Furthermore, according to the Organized Crime and Corruption Journalism Project, several family members of President Ilham Aliyev are stakeholders in the Anglo Asian Mining project.<sup>90</sup> Important political figures abroad also have interests in the mines; former US Governor of New Hampshire John Sununu and a member of his family are on Anglo Asian Mining's Board of Directors.<sup>91</sup> The Azerbaijan state has paid public relations firms to publish op-eds supposedly authored by international experts in support of the blockade in order to support Azerbaijan's economic and geostrategic interests.<sup>92</sup>

Furthermore, Azerbaijan also has economic interests in the creation of a so-called "Zangezur Corridor" through the Republic of Armenia's Syunik Province. The Zangezur Corridor is clearly aimed at further cementing Azeri-Turkish ties, as Turkish President Erdogan made clear in June 2023, when he stated that "[a] speedy resolution of the Zangezur corridor issue will provide us with two important opportunities. Turkey's connection with Nakhchivan will be stronger thanks to the steps to be taken in the area of road and railway communication. These relations will enable the strengthening of relations between Turkey and Azerbaijan."<sup>93</sup>

Military control over Artsakh would increase Azerbaijan's leverage and bolster the regime's ability to pressure Armenia, through threat of force, to agree to its terms for the Azerbaijani-controlled Zangezur Corridor. The Zangezur Corridor is attractive to Azerbaijan because it would both offer a direct land bridge between Azerbaijan and its Nakhichevan exclave and thereby connect Azerbaijan directly to geopolitical ally Türkiye. President Erdogan of Türkiye is an active promoter of the concept of the Zangezur Corridor, which is part of his renewed

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<sup>90</sup>Meydan TV. (2023). "Gadabey Protests: President Aliyev blames the Ministry of Ecology and Natural Resources for the crisis."

<https://www.meydan.tv/en/article/gadabey-protests-president-aliyev-blames-the-ministry-of-ecology-and-natural-resources-for-the-crisis/>

Mejlumyan, A., Natiqqizi, U. (2021). "Following war with Armenia, Azerbaijan gains control of lucrative gold mines."

<https://eurasianet.org/following-war-with-armenia-azerbaijan-gains-control-of-lucrative-gold-mines>

<sup>91</sup> Anglo Asian Mining PLC. (2023). "Board of Directors".

<https://www.angloasianmining.com/about-us/board-of-directors/>

<sup>92</sup> Rettman, A. (2023). "EU-spin campaign blows up in Azerbaijan's face". *EUobserver*.

<sup>93</sup> Asbarez. (2023). "Aliyev and Erdogan Vow to Resolve 'Zangezur Issue' Swiftly".

<https://asbarez.com/aliyev-and-erdogan-vow-to-resolve-zangezur-issue-swiftly/>

pan-Turkic foreign policy,<sup>94</sup> a policy that was pioneered by the Committee of Union and Progress and that was ultimately responsible for the execution of the Armenian Genocide. Azerbaijan-Turkish relations are often described using the pan-Turkic slogan “One nation, two states.”<sup>95</sup>

Finally, a “Zangezur Corridor” would also cut Armenia off from direct access to one of its most important economic partners: the Islamic Republic of Iran to the south.<sup>96</sup> Sealing off access to this border would satisfy other economic and geopolitical goals of Azerbaijan and the supporters of its regime. According to some analysts, rupturing the Armenia-Iran access road would not only increase Azerbaijani power in the region relative to Armenia and Iran, but it would also enhance Turkish and Russian power. Such a link is therefore of economic interest not only to Azerbaijan and Türkiye, but also to China, Russia, the European Union, Israel, the USA, and NATO, all of which have (often competing and contradictory) strategic and natural resource interests in the South Caucasus and Central Asia.<sup>97</sup>

In fact, Azerbaijan has already made moves that signal its claim to Syunik. In 2021 Azerbaijan blocked Armenia’s only north-south transport corridor in the Syunik province by using border guards to block traffic on parts of the road that, since the Second Nagorno-Karabakh War (2020), now run through territory of the Republic of Azerbaijan.<sup>98</sup>

### 1.11 Social instability caused by exclusion or tensions based on identity issues, their perception or extremist forms.

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<sup>94</sup> Institute for War and Peace Reporting. (2023). “Turkey and Central Asia’s Growing Partnership”. <https://iwpr.net/global-voices/turkey-and-central-asias-growing-partnership>

<sup>95</sup> Kuzio, T. (2021). “One nation, two states, Turkey and Azerbaijan: Op-ed”. *Hurriyet Daily News*. <https://www.hurriyetdailynews.com/one-nation-two-states-turkey-and-azerbaijan-op-ed-169194>

<sup>96</sup> Tashjian, Y. (2022). “South Caucasus: A battle of wills and corridors”. *The Cradle*. <https://new.thecradle.co/articles/south-caucasus-a-battle-of-wills-and-corridors>

<sup>97</sup> Gawliczek, P., Iskandarov, K. (2023). “The Zangezur corridor as part of the global transport route (against the backdrop of power games in the South Caucasus region).” *Security and Defence Quarterly*, 41(1), 36-53. <https://doi.org/10.35467/sdq/161993>

<sup>98</sup> Ghazaryan, Karine. (2021). "Azerbaijani forces block key road through southern Armenia". *Eurasianet*. 26 August.

<https://eurasianet.org/azerbajjani-forces-block-key-road-through-southern-armenia>

The Government of Azerbaijan has long upheld a policy of extreme anti-Armenianism at the state and local levels alike. The consequence of this policy is seen in schools, domestic news media, state reports, historical materials, and other published narratives within Azerbaijan. School books and state-sponsored curricula refer to Armenians as “fascists,” “terrorists,” and “barbarians.”<sup>99</sup> This policy of endorsing hate speech and hate propaganda against Armenians has become particularly comprehensive and extreme under the Presidency of Ilham Aliyev, who succeeded his father Heydar Aliyev as President in 2003.

In Azerbaijan, Armenians are frequently painted as the historical and modern oppressors of the Azerbaijani people, and these sentiments have been included in statements made by Aliyev and other government leaders. For example, Armenians have been accused of constructing the modern state of Armenia on historical Azerbaijani lands, which Ilham Aliyev refers to as “Western Azerbaijan.”<sup>100</sup> Armenians have also been anachronistically accused of committing massacres against Azerbaijanis for “hundreds of years,” and of stealing the culture of the Azerbaijani people. This denial of history also extends to a state-sponsored denial of the Armenian Genocide of 1915, which has been referred to as “groundless from [an] historical, legal, [and] spiritual point of view” by First Deputy Speaker of Parliament Ziyafat Asgarov.<sup>101</sup>

These hostile and aggressive statements expressed explicitly by President Aliyev and state authorities within the ruling regime have made it impossible for Artsakh Armenians to imagine a life of security as Azerbaijani citizens.

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<sup>99</sup> Caucasus Edition. (2012). “Armenian Image in History Textbooks of Azerbaijan.”

<https://caucasusedition.net/armenian-image-in-history-textbooks-of-azerbaijan/>

<sup>100</sup>Fabro, R. (2022). “Aliyev says Yerevan ‘historically’ Azerbaijani”. *OC Media*.

<https://oc-media.org/aliyev-says-yerevan-historically-azerbaijani/>

<sup>101</sup>The Office of Ombudsman of the Republic of Artsakh. (2018). “Armenophobia in Azerbaijan - Organized Hate Speech and Animosity Towards Armenians”.

<https://agbueurope.org/wp-content/uploads/sites/17/2017/02/Armenophobia-in-Azerbaijan-1.00-Interactive-25.09.2018.pdf>

## **Risk Factor 2: Record of serious violations of international human rights and humanitarian law by Azerbaijan**

*Risk Factor 2 examines “Past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations.”*

*The crisis in Nagorno-Karabakh exhibits all the indicators for Risk Factor 2 (2.1 through 2.8), as outlined below.*

### **2.1 Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals.**

As noted in Risk Factor 1, throughout history Armenians have faced massacres, widespread acts of torture, expulsion, and war crimes targeted at them on account of their identity at the hands of Azerbaijani authorities and members of the Azeri public.

Additionally, during the Soviet era and extending to the present-day, Armenians have faced widespread discrimination in Azerbaijan.<sup>102</sup> The current government of Azerbaijan has explicitly promoted Armenophobia as a state policy and continues to justify its actions against Armenians in terms of national self-defense against a “terrorist” enemy.

Discrimination against Armenians in Azerbaijan is a particularly targeted form of state persecution reflective of a broader genocidal ideology that has deep historical roots as well as vast regional and global implications.

### **2.2 Past acts of genocide, crimes against humanity, war crimes or their incitement.**

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<sup>102</sup> European Commission Against Racism and Intolerance. (2007). “Second Report on Azerbaijan”. [https://www.google.com/url?q=https://web.archive.org/web/20130921072548/http://hudoc.fcnm.coe.int/XML/Ecri/ENGLISH/Cycle\\_03/03\\_CbC\\_eng/AZE-CbC-III-2007-22-ENG.pdf&sa=D&source=docs&ust=1692693601330987&usg=AOvVaw3tIX7KUH0xd9ZlrjRn-tiI](https://www.google.com/url?q=https://web.archive.org/web/20130921072548/http://hudoc.fcnm.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/AZE-CbC-III-2007-22-ENG.pdf&sa=D&source=docs&ust=1692693601330987&usg=AOvVaw3tIX7KUH0xd9ZlrjRn-tiI)

The Armenian people worldwide, from the Republic of Armenia and Artsakh to the widespread Armenia diaspora, continues to grapple with the enduring consequences of the genocide that began in World War I and was organized by the Committee of Union and Progress—the ruling elite of the Ottoman Empire. Between 1915 and 1923, tens of thousands of men, women, and children were killed or deported, forced to leave their homes and marched through the Syrian Desert.<sup>103</sup> By 1923, the Armenian population of the region was nearly wiped out: the total population dropped from an estimated 2 million to 500,000 in the space of a few years.<sup>104</sup>

Azeris who organized under the Islamic Army of the Caucasus and (successively) the early state of Azerbaijan were involved in aiding Turkish forces in conducting atrocities during the Armenian Genocide in the South Caucasus following Russia's withdrawal from World War I.

The state of Azerbaijan also committed massacres against Armenians within the territory of Artsakh before Artsakh became an Autonomous Oblast within the Azerbaijani SSR, as referenced above in Section 1.1.

As the Soviet Union's strength began to decline in the 1980s, and Artsakhsis within the NKAO requested secession from the Azerbaijan SSR, pogroms against Armenians broke out in major Azerbaijani cities, for which there is strong evidence of the involvement and leadership of Azerbaijani state authorities.<sup>105</sup> (For further reference, see Section 1.1)

Apart from the years of Soviet control of the South Caucasus, Armenians in the South Caucasus have experienced massacres and horrific atrocities at the hands of Azerbaijani state and its military authorities since World War I. Massacres and outbreaks of political violence have been instrumentalized by Azerbaijani authorities to punish the people of Artsakh for articulating their desire for independence and

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<sup>103</sup> Armenian Genocide Museum-Institute. (2023). "Armenian Genocide." *Armenian Genocide Museum-Institute Foundation*. [http://www.genocide-museum.am/eng/armenian\\_genocide.php](http://www.genocide-museum.am/eng/armenian_genocide.php)

<sup>104</sup> Adalian. P. (ND). "Armenian Genocide." *Armenian National Institute*. <https://www.armenian-genocide.org/genocide.html>

<sup>105</sup> Shahrmatian, S. (1990). "Introduction." *The Sumgait Tragedy: Pogroms Against Armenians in Soviet Azerbaijan*. Volume I: Eyewitness Accounts. New Rochelle, NY/Cambridge, MA: *Aristide D. Caratzas & Zoryan Institute*.



asserting their right to self-determination. Even though officials in the Azerbaijani SSR did not resort to the massacre of Armenians during the Soviet period, persecution and discrimination against Armenians both within the territory of Artsakh and in Azerbaijan have been documented<sup>106</sup>.

During the Second Nagorno-Karabakh War in 2020, and again in September of 2022, Azerbaijani soldiers committed atrocities against Armenian servicemembers and civilians, committing cruelties which harkened back to the violence of the Armenian Genocide. These atrocities included:

- The torture and ill-treatment of POWs;<sup>107</sup>
- The extrajudicial execution of POWs;
- Indiscriminate attacks and killings of civilians such as bombing civilian infrastructures, torturing and humiliating captives, mutilating corpses, and beheading villagers in Artsakh;<sup>108</sup>
- The vandalism and destruction of cultural heritage;<sup>109</sup>
- Usage of mercenaries in combat;<sup>110</sup>
- The use of white phosphorus on Armenian soldiers in Artsakh and cluster munitions on heavily populated civilian areas during the Second Nagorno-Karabakh War (2020);<sup>111112</sup>

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<sup>106</sup> Pirzada, S. (1988). "THE NAGORNY-KARABAKH ISSUE". *Strategic Studies*, 11(3), 9–14.  
<http://www.jstor.org/stable/45182583>

<sup>107</sup> Human Rights Watch. (2022). "Video Shows Azerbaijan Forces Executing Armenian POWs - Hold Those Responsible to Account".

<https://www.hrw.org/news/2022/10/14/video-shows-azerbaijan-forces-executing-armenian-pows>

<sup>108</sup> Human Rights Watch. (2020). "Azerbaijan: Unlawful Strikes in Nagorno-Karabakh - Investigate Alleged Indiscriminate Attacks, Use of Explosive Weapons".

<https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>

<sup>109</sup> European Parliament. (2022). Resolution of 10 March 2022 on the destruction of cultural heritage in Nagorno-Karabakh (2022/2582(RSP)).

[https://www.europarl.europa.eu/doceo/document/TA-9-2022-0080\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0080_EN.html)

<sup>110</sup> United Nations Office of the High Commissioner for Human Rights,. (2022). "Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts".

<https://www.ohchr.org/en/press-releases/2020/11/mercenaries-and-around-nagorno-karabakh-conflict-zone-must-be-withdrawn-un>

<sup>111</sup> Human Rights Watch. (2020). "Azerbaijan: Cluster Munitions Used in Nagorno-Karabakh - Stop Use of Banned Weapons; Secure and Destroy Stocks".

<https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh>

<sup>112</sup> Bégué, T. et al. (2021). "Plastic surgery and fighting: Our experience during Nagorno-Karabakh war in 2020". *Annales de Chirurgie Plastique Esthétique* Volume 66, Issue 3, June 2021, Pages 201-209.

<https://www.sciencedirect.com/science/article/abs/pii/S0294126021000285?via%3Dihub>

- Sexual violence and mutilation of Armenian female soldiers in September 2022.<sup>113</sup>

In addition to the Armenian Genocide and the massacres and atrocity crimes committed against Armenians throughout the 20th and 21st centuries, Azeris have also faced violence. This history has led to deep historical grievances among civilians on both sides who have struggled to reconcile with past trauma incurred during outbreaks of violence.

Unfortunately, this history of conflict between Armenians and Azerbaijanis is routinely used by Azerbaijani state officials to justify war crimes committed by Azerbaijani troops against Armenians. The logic of Azerbaijani propaganda is that Armenians have previously “committed genocide” against Azeris, and that, without proper defensive mechanisms, Armenians “will do so once again.” Projection, or “mirroring,” such as the aforementioned example, is often an indicator of genocidal intent on the part of the speaker; this is particularly salient as an element of projection when the speaker is in a position of greater power than their identified enemy.<sup>114</sup>

A particular example of projection is the alleged wartime massacre of Azerbaijani civilians and soldiers at the town of Khojaly on 26 February 1992—which Azerbaijan calls a genocide. This event has been instrumentalized by the Azerbaijani government to claim that Armenians have “committed genocide” against Azeris,<sup>115</sup> despite the fact that there has never been an independent fact-finding mission allowed into the area and no independent scholars can verify the facts and arguments offered by Azerbaijani state authorities and state-supported researchers.<sup>116</sup> The memory of the Khojaly massacre has been totemized within Azerbaijani collective consciousness and weaponized by the Aliyev regime (see

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<sup>113</sup> Avetisyan, A. (2022). “Footage appears to show desecration of female Armenian soldier”. *OC Media*. <https://oc-media.org/footage-appears-to-show-desecration-of-female-armenian-soldier/>

<sup>114</sup> Marcus, K. L. (2012). “Accusations in a Mirror”. *Loyola University Chicago Law Journal* Vol. 43. [https://francegenocidetutsi.org/marcus\\_mirror\\_accusation.pdf](https://francegenocidetutsi.org/marcus_mirror_accusation.pdf)

<sup>115</sup> Tatikyan, S. (2022). “Azerbaijan’s War of Narratives Against Armenians, Part II”. *EVN Report*. <https://evnreport.com/politics/azerbaijans-war-of-narratives-against-armenians-part-ii/> For an example of the Azerbaijani narrative, see: Azertac. (2023). “Azerbaijan’s Foreign Ministry issues statement on 31st anniversary of Khojaly genocide”. <https://azertag.az/en/xeber/2505407>

<sup>116</sup> Wicks, L. “Did Azerbaijanis Commit the Aghdam Khojaly Massacre Against their Own People?” <https://thebluntpost.com/did-azerbaijanis-commit-the-aghdam-khojaly-massacre-against-their-own-people/>

Section 4.8 below) within the context of state-sponsored genocidal Armenophobia. This practice has created a widespread fear of Armenians in Azerbaijan, and it has garnered domestic political support for extreme acts of violence and persecution against Armenians.

While accusing Armenians of committing genocide in Khojaly, Azerbaijan continues to claim that Armenians are fabricating the Armenian Genocide of 1915-1923, and that international recognition of that genocide is evidence of an Armenian-funded “global conspiracy.”<sup>117118119</sup> Within this denialist context, Azerbaijani state propaganda can invert the dynamics of modern history in the region and give the impression that Azeris have been historically victimized by an ongoing genocide perpetrated by more powerful Armenians. This is a clearly-recognizable manipulation tactic called DARVO (deny, accuse, reverse victim and offender).<sup>120</sup>

The absence of any serious efforts to hold perpetrators of mass violence and atrocity accountable within the South Caucasus since the 1990s—paired with the absence of shared narratives and fact bases that such efforts would hopefully produce—has rendered the present situation particularly volatile and susceptible to escalation.

### 2.3 Policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement.

As noted below in Section 2.5, Azerbaijan has failed to hold its service members accountable for atrocities committed during the 2016 war, the Second Nagorno-Karabakh War, and the unprovoked attacks on Artsakh and the Republic of Armenia in 2022. The Azerbaijani state—in promoting false accusations of terrorism against captured Armenians

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<sup>117</sup> Cheterian, V. (2018). "The Uses and Abuses of History: Genocide and the Making of the Karabakh Conflict". *Europe-Asia Studies*. 70 (6): 884–903.

<https://www.tandfonline.com/doi/abs/10.1080/09668136.2018.1489634?journalCode=ceas20>

<sup>118</sup> Bedrossian, K. (2021). "The Armenian Genocide and Acts of Denial". *Human Rights Pulse*.

<https://www.humanrightspulse.com/mastercontentblog/the-armenian-genocide-and-acts-of-denial>

<sup>119</sup> Azertag.az. (2017). "Khojaly genocide: Causes, consequences and international recognition".

[https://azertag.az/en/xeber/Khojaly\\_genocide\\_Causes\\_consequences\\_and\\_international\\_recognition-1038780](https://azertag.az/en/xeber/Khojaly_genocide_Causes_consequences_and_international_recognition-1038780)

<sup>120</sup> Freyd, J.J. (2003). *What is DARVO?*. University of Oregon.

<https://dynamic.uoregon.edu/jjf/defineDARVO.html>

and in violation of the laws of war—has continued the deliberate use of terror to intimidate Armenian soldiers and civilians.

Furthermore, government leaders within Azerbaijan have celebrated some of the perpetrators of atrocities committed during the 2016 attack on Artsakh, the Second Nagorno-Karabakh War, and hostilities in 2022.<sup>121</sup> For example, in 2016, Azerbaijani President Ilham Aliyev bestowed a medal on the Azeri soldier who decapitated 19-year-old Artsakh soldier Kyaram Sloyan and posted images of himself posing with Sloyan's severed head on social media.<sup>122</sup> This is but one of many examples of horrific cruelty committed with impunity by Azerbaijan soldiers against Artsakh soldiers and civilians during the 2016 war.<sup>123</sup>

Similarly, in 2022, Gardashkhan Abishov, an Azerbaijani soldier in the Second Nagorno-Karabakh War, was investigated for committing inhumane acts towards Armenian soldiers, as well as for his participation in sharing a video online that depicted the abuse and violation of a mutilated Armenian servicewoman's body.<sup>124</sup> That same year, Abishov was awarded by President Aliyev for "protecting the borders of the Republic of Azerbaijan."<sup>125</sup>

This celebration of atrocities against Armenians is not new. In 2006, Azerbaijani Army officer Ramil Safarov was sentenced to life imprisonment in Hungary for the premeditated murder of Gurgen Margaryan with an ax and the attempted murder Hayk Makuchyan—two Armenian servicemen who were with Safarov at a NATO training seminar in Budapest. Six years later, President Aliyev issued a

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<sup>121</sup> OSF Armenia. (2022). "Human Rights Violations During the 44-Days War in Artsakh". [https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report\\_FINAL\\_web.pdf](https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf)

<sup>122</sup> Asbarez. (2016). "Aliyev Awards Officer who Decapitated Artsakh Soldier". <https://asbarez.com/aliyev-awards-officer-who-decapitated-artsakh-soldier/>

<sup>123</sup> Human Rights Ombudsman Of The Republic Of Artsakh. (2016). "Interim Public Report Atrocities Committed By Azerbaijani Military Forces Against The Civilian Population Of The Nagorno Karabakh Republic And Servicemen Of The Nagorno Karabakh Defence Army On 2-5 April 2016". <https://artsakhombuds.am/en/document/560>

<sup>124</sup> Lemkin Institute for Genocide Prevention. (2022). "Lemkin Institute: Azerbaijan is committing slow genocide against Armenians with Turkish support". <https://www.lemkininstitute.com/single-post/lemkin-institute-azerbaijan-is-committing-slow-genocide-against-armenians-with-turkish-support>

<sup>125</sup> Avetisyan, A. (2022). "Aliyev Awarded the Mutilator of the Killed Armenian Soldier's Body in August." [https://fip.am/en/20460?doing\\_wp\\_cron=1677797975.9089000225067138671875](https://fip.am/en/20460?doing_wp_cron=1677797975.9089000225067138671875)

presidential pardon for Safarov<sup>126</sup> upon his extradition to Azerbaijan. He was welcomed in Baku as a hero, promoted to the rank of major, given an apartment, and offered back pay for his time in prison in Hungary.<sup>127</sup> In 2020, the European Court of Human Rights ruled that Safarov enjoyed “virtual impunity [in Azerbaijan], coupled with the glorification of his extremely cruel hate crime ... which had a causal link to the Armenian ethnicity of his victims.”<sup>128</sup>

Despite the current process of international recognition and condemnation efforts of the Armenian Genocide of 1915-1923, as well as the ongoing turbulence in Artsakh, the Azerbaijani regime has continued fighting the recognition of the Armenian Genocide through state-produced propaganda, international lobbying, and the state-sponsored distortion of history.<sup>129</sup> As made clear by other cases of genocide, the practice of active genocide denial is a targeted form of violence against the community that was attacked by genocidal atrocities and constitutes a form of hate speech, one that often precedes the renewed commission of atrocity crimes.

In point of fact, President Ilham Aliyev frequently engages in public hate speech against Armenians, inciting Azerbaijanis against Armenians and creating a space of impunity for atrocity. During the Second Nagorno-Karabakh War, for example, Aliyev made public speeches that contained the following descriptions of Armenians, as documented by a 2022 Open Society report:<sup>130</sup>

- “We will continue to expel these [Armenian] liars. They will see who is who now. They will see that we were teaching them a lesson they will never forget ... They have neither conscience nor

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<sup>126</sup> Radio Free Europe. (2012). “Aliyev Faces Growing Criticism For Pardon”, September 3rd.

<https://www.rferl.org/a/aliyev-faces-growing-criticism-for-pardon/24696920.html>

<sup>127</sup> Radio Free Europe. (2012). “As Armenia Protests Killer’s Pardon, Azerbaijan Promotes Him”.

<https://www.rferl.org/a/armenia-protest-azerbaijani-killer-pardon-to-osce-minsk-group/24694817.html>

<sup>128</sup> European Court of Human Rights. (2020.) “CASE OF MAKUCHYAN AND MINASYAN v. AZERBAIJAN AND HUNGARY.”

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-202524%22%5D%7D>

<sup>129</sup> US Commission On Security and Cooperation In Europe. (2015). “A Century Of Denial: The Armenian Genocide and The Ongoing Quest For Justice”.

<https://www.govinfo.gov/content/pkg/CHRG-114jhr95113/html/CHRG-114jhr95113.htm>

<sup>130</sup> OSF Armenia. (2022). “Human Rights Violations During the 44-Days War in Artsakh”.

[https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report\\_FINAL\\_web.pdf](https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf)

morality. They don't even have the brain." -- Statement by President Aliyev, October 2020

- "Now we are going to kick them out like dogs." -- President Aliyev referring to Armenians on 4 October 2020
- "For 30 years, it was in the hands of wild beasts, in the hands of predators, in the hands of jackals." -- Aliyev referring to Artsakh on 17 October 2020

The use of dehumanizing terminology like "dogs," "wild beasts," and "jackals" harkens back to the genocidal language of the Young Turks during the Armenian Genocide (when Armenians were often called "dogs") as well as to the genocidal language employed by other architects of this crime in history, who also represented their targeted communities as threatening or loathsome animals. In fact, President Aliyev has even referred to Armenians as "rats,"<sup>131</sup> the dehumanizing reference we most often associate with Nazi antisemitism.

#### 2.4 Inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement.

The Azerbaijani state and its leader, President Ilham Aliyev, have already committed violations of human rights and humanitarian law as well as atrocity crimes during the wars of 2020 and 2022—and are actively committing atrocities at present in Artsakh.

Azerbaijani perpetrators have openly claimed credit for these crimes. For example, when the Azerbaijani Armed Forces began firing large-caliber weapons and other heavy artillery on the Armenian cities of Goris, Sotk, Jermuk, and other densely civilian-populated areas on 13 September 2022,<sup>132</sup> President Aliyev released the following statement on

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<sup>131</sup>Nersessian, J. (2020). "The Mixed Messaging of Ilham Aliyev". *ENV Report*.  
<https://envreport.com/spotlight-karabakh/the-mixed-messaging-of-ilham-aliyev/>

<sup>132</sup>"Nova Gazetya. (2022). "Azerbaijan launched artillery strikes on Armenian cities near Karabakh. Baku called it a response to Yerevan's 'sabotage.'" <https://novayagazeta.eu/articles/2022/09/12/azerbaidzhan-nanes-artilleriiskie-udary-po-armianskim-gorodam-vblizi-karabakha-v-baku-eto-nazvali-otvetom-na-diversii-erevana-news>

Telegram, which was directed at Armenians both in the Republic of Armenia and the Republic of Artsakh:

(...) And don't piss us off. Behave yourselves. If you behave well, then we can live in peace. If you commit any provocation against us or make a statement again, we will smash your heads. Regardless of anyone. No one will help you.<sup>133</sup>

Despite the entirely unprovoked nature of the attack, based solely on allegations that have been internationally recognized as unverifiable and unfounded,<sup>134</sup><sup>135</sup><sup>136</sup> Aliyev here implies that the attack is punishment for indefinable “bad behavior” on the Armenian side of the border. “Any provocation” will result in Azerbaijan “smashing” Armenian “heads.” This disturbing message demonstrates both Aliyev’s close involvement in and personal responsibility for the planning of gross human rights violations and atrocity crimes and an explicit refusal to cease committing such acts of violence against Armenian citizens, whether in Artsakh or Armenia proper, “regardless of anyone” in the line of fire.

## 2.5 Continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions.

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<sup>133</sup> Translation of video (URL: <https://t.me/MaidenTower/27716>) found in: Center for Truth and Justice. (2023). “Looming Genocide: Hate Speech and the Aliyev Regime Stoking Hatred, Violence and Ethnic Cleansing In Violation of ICJ’s Provisional Orders of December 7, 2021”

<https://www.cftjustice.org/high-alert-looming-genocide-hate-speech-and-the-aliyev-regime-stoking-hatred-violence-and-ethnic-cleansing-in-violation-of-icjs-provisional-orders-of-december-7-2021/>

<sup>134</sup> Kucera, J. (2022). “Tension builds on Armenia-Azerbaijan border” *Eurasia.net* <https://eurasianet.org/tension-builds-on-armenia-azerbaijan-border>; “[President Aliyev] repeated accusations that Armenia had started the fighting of September 12, a claim for which Baku has not offered any evidence.”

<sup>135</sup> Nova Gazetya (2022). “Russia’s role here is passive voice.” <https://novayagazeta.eu/articles/2022/09/14/russia-s-role-here-is-passive-voice> “This doesn't look convincing, and everyone understands that this was a contrived excuse. No Azeri officials have provided any evidence to substantiate the incursion.”

<sup>136</sup> U.S. House of Representatives; Office of Representative Adam Schiff. (2022). “Recognizing the Republic of Artsakh’s independence and condemning Azerbaijan’s continued aggression against Armenia and Artsakh.” <https://schiff.house.gov/imo/media/doc/recognizing-the-republic-of-artsakhs-independence-and-condemning-azerbajians-continued-aggression-against-armenia-and-artsakh.pdf> House Resolution by Rep. Schiff; “(...) as in September 2022, Azerbaijan launched its latest, unprovoked assault on sovereign Armenian territory, with intensive shelling and UAV attacks on the villages of Karmir Shuka and Taghavard in Nagorno Karabakh (Artsakh) and the Armenian border cities of Vardenis, Jermuk, Goris, and Tatev reportedly resulting in the deaths of at least 49 soldiers.”

The Azerbaijani military has repeatedly committed atrocity crimes against Armenian soldiers, POWs, and civilians, and it continues to do so at present. Acts of humiliation, torture, and mutilation have been recorded and shared with wider audiences via the social media platform Telegram.<sup>137</sup> Such atrocities committed include the massacre of Armenian POWs and the distribution of footage to international audiences,<sup>138</sup> the humiliation of captives, the desecration of corpses, the targeting of civilians in deliberate strikes on Artsakh-Armenian inhabited towns<sup>139</sup> and the targeted destruction of schools and healthcare centers across Artsakh between the conclusion of the Second Nagorno-Karabakh War (2020) and the present day.<sup>140</sup>

Despite calls from the International Court of Justice for the Azerbaijani government to honor its commitments to international law and hold such atrocities accountable,<sup>141</sup> there have been no efforts at reform, which suggests that Azerbaijani state authorities condone and encourage such behavior within their armed forces.

Military personnel who commit these crimes are rarely tried. In December of 2020, four soldiers were arrested under suspicion of involvement in war crimes during the Second Nagorno-Karabakh War. However, to our knowledge no further news regarding these individuals has been released, and it is unclear if they ever faced trial.<sup>142</sup>

Atrocities committed by Azerbaijani troops were often directed at the most vulnerable members of society: the elderly and disabled. During the Second Nagorno-Karabakh War, several elderly and disabled

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<sup>137</sup>Geybulla, A. (2022). "How Azerbaijan's Telegram Channels Fuel Intimidation". *Institute for War and Peace Reporting*.

<https://iwpr.net/global-voices/how-azerbajians-telegram-channels-fuel-intimidation>

<sup>138</sup> Human Rights Watch. (2022). "Video shows Azerbaijan forces executing Armenian POWs."

<https://www.hrw.org/news/2022/10/14/video-shows-azerbaijan-forces-executing-armenian-pows>

<sup>139</sup> Ter-Ghevondian, H., & Nazaretyan, M. (2023). (rep.). "War Crimes and Crimes Against Humanity Committed by the Azerbaijani Government since 27 September 2020." *Center for Truth and Justice*.

<https://img1.wsimg.com/blobby/go/26a1a114-4835-49e2-85de-8532d0d8825c/War%20Crimes%20and%20Crimes%20Against%20Humanity%20Committ.pdf>.

<sup>140</sup> Amnesty International. (2023). "Azerbaijan — Country Profile."

<https://www.amnestyusa.org/countries/azerbaijan/>

<sup>141</sup> International Court of Justice. (2023). "Order: Application Of The International Convention On The Elimination Of All Forms Of Racial Discrimination (Armenia V. Azerbaijan)."

<https://www.icj-cij.org/sites/default/files/case-related/180/180-20230222-ORD-01-00-EN.pdf>

<sup>142</sup> Al Jazeera. (2020). "Azerbaijan arrests soldiers suspected of war crimes".

<https://www.aljazeera.com/news/2020/12/14/azerbaijan-arrests-soldiers-suspected-of-war-crimes>



civilians in Artsakh, who often were the last to flee their homes or who refused to flee, were found mutilated in their homes.<sup>143</sup> Videos of elderly and disabled civilians being tortured and executed by Azerbaijani military personnel have been circulated and verified.<sup>144</sup>

Armenian POWs have been held in confinement at Azerbaijani military police barracks. This is in direct violation of the Geneva Conventions, which require that POWs be transferred to a permanent prisoner camp.

Armenian POWs routinely face torture and humiliation while being held by Azerbaijan, including:

- Being subject to frequent beatings, sometimes to the point of incapacitation;
- Being forced to repeat statements such as “Karabakh is Azerbaijan,” and being threatened with beatings if they refuse;
- Being forced to eat their food off of the ground of their cell;
- Being chained to radiators or heating rods for days at a time;
- Being forced to remain standing for days at a time;
- In winter, having buckets of water poured over them, after which they would be left in their cell with all windows open;
- Having food and water withheld, sometimes for days at a time;
- Being tortured with electric shock devices.<sup>145146</sup>

Regarding individual treatment in captivity: there was no distinction made between captured civilians and soldiers. Frequently, the acts of torture described above were used to coerce confessions from the POWs, who would be forced to record scripted confessions, or sign off on confessions written in Azerbaijani—a language they do not speak.<sup>147</sup>

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<sup>143</sup> Amnesty International. (2022). “Last To Flee - Older People’s Experience Of War Crimes And Displacement In The Nagorno-Karabakh Conflict”.

<https://www.amnesty-international.be/sites/default/files/bijlagen/last-to-flee.pdf>

<sup>144</sup> Ibid.

<sup>145</sup>The Human Rights Defender of The Republic Of Armenia. (2021). “The Treatment of Armenian Prisoners of War and Civilian Captives in Azerbaijan”.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36119>

<sup>146</sup>Human Rights Watch. (2021). “Azerbaijan: Armenian POWs Abused in Custody - Investigate Abuse; Protect All Detainees”.

<https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>

<sup>147</sup> See *ut supra* note 92.

At least two Armenian POWs from the Second Nagorno-Karabakh War (2020) are known to have been executed extrajudicially by Azerbaijani military personnel in a video that has been confirmed as genuine by Bellingcat.<sup>148</sup>

These atrocity crimes have been confirmed and condemned by many international groups, including Human Rights Watch<sup>149</sup> and Amnesty International.<sup>150</sup> Azerbaijan has also committed similar crimes against Armenian civilians kidnapped from Artsakh prior to 2020. For example, the state of Azerbaijan was found guilty by the ECtHR in *Badalyan v. Azerbaijan* (2021) of violating both Article III, “no one will be subjected to torture or to inhuman or degrading treatment or punishment,” and Article V, which recognizes the rights of individuals to personal freedom, of the Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>151</sup>

Not only has Azerbaijan failed to hold individuals and groups within its armed forces accountable for atrocities and other gross violations of human rights, but also it continues to wholeheartedly support and fund its armed forces with impunity in light of these violations.

## 2.6 Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes.

Azerbaijan routinely denies serious violations of international human rights and humanitarian law and atrocity crimes committed by its armed forces or state authorities by restricting the flow of information in a tightly controlled media environment and promoting denialist narratives within international circles.

For example, it perpetuates the narrative that the verified videos of atrocities committed by its soldiers are somehow fake.<sup>152</sup>

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<sup>148</sup> Atanesian, B. & Strick, B. (2020). “Nagorno-Karabakh conflict: 'Execution' video prompts war crime probe”. *BBC News*. <https://www.bbc.com/news/world-europe-54645254>

<sup>149</sup> See *ut supra* note 93.

<sup>150</sup> See *ut supra* note 90.

<sup>151</sup> European Court of Human Rights. (2021). Case Azerbaijan v Armenia, Fifth Section. (Application no. 51295/11). <https://www.echr.am/resources/echr/judgments/0ff06065f398c80a3e43e55569254c4d.pdf>

<sup>152</sup> Waters, N. (2020). “An Execution in Hadrut”. *Bellingcat*. <https://www.bellingcat.com/news/rest-of-world/2020/10/15/an-execution-in-hadrut-karabakh/> Many of

Since 12 December 2022, it has also argued that the blockade of Artsakh is not real, and that Armenian attempts to draw attention to the humanitarian crisis are efforts of political engineering. Yashar Aliyev, the Permanent Representative of the Republic of Azerbaijan to the United Nations, stated at a recent UN Security Council meeting that “[w]hat Armenia tries to present as a humanitarian matter, is indeed the provocative and irresponsible political campaign to undermine the sovereignty and territorial integrity of Azerbaijan.”<sup>153</sup>

At the same time that Azerbaijan is denying that the Lachin Corridor is blocked it is also suggesting that it provide humanitarian assistance to Armenians in Artsakh using another route, called the Aghdam-Stepanakert road, which runs through Azerbaijan territory not monitored by Russian peacekeepers.<sup>154</sup> Azerbaijan prefers the Aghdam-Stepanakert route because it would forcibly integrate Artsakh with Azerbaijan and cut Artsakh off from Armenia.<sup>155</sup> In point of fact, Azerbaijan very publicly denied entry to a French aid convoy at the Lachin Corridor on 30 August 2023.

Azerbaijan similarly recognizes its aggression towards Artsakh and Armenia, but denies that this aggression is aggressive. Instead, the ruling regime justifies it with reference to self-defense. In a statement from January of 2023, Aliyev spoke of expelling Armenians as a means to “defend [Azeris’] right to their lands.” In May of 2023, Aliyev referred to liberating “our native lands [Artsakh] from the invaders [Armenians]” and turning “Karabakh and East Zangezur into a paradise.”<sup>156</sup> By framing acts of violence as a necessity and promoting the claim that Armenians in Artsakh have entered the region as “invaders,” Aliyev

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the atrocity crimes documented on video have been confirmed as genuine by several human rights organizations, as described in section 2.5 above.

<sup>153</sup> Azertag. (2023). “Yashar Aliyev: Armenia’s appeal to the Security Council is a part of the campaign to mislead the international community”. <https://azertag.az/en/xeber/2731435>

<sup>154</sup> JAMnews. (2023). “‘Baku’s plans - deportation, reintegration or war’. Opinion from Yerevan”. <https://jam-news.net/open-lachin-corridor-and-route-through-agdam/>

<sup>155</sup> Grigoryan, T. (2023). “The Nagorno-Karabakh deadlock: Explaining the problems with the Aghdam road”. *Civil Net*. <https://www.civilnet.am/en/news/748603/the-nagorno-karabakh-deadlock-explaining-the-problems-with-the-aghdam-road/>

<sup>156</sup> President of the Republic of Azerbaijan. (2023). “Ilham Aliyev met with people who returned to the city of Lachin and presented house keys to them.” <https://president.az/en/articles/view/60027>

encourages the notion that “all necessary diplomatic and military measures”<sup>157</sup> to protect Azerbaijani borders are justifiable.

Deliberate antagonization tactics, such as Aliyev's repeated usage of terms such as “the ugly and savage enemy”<sup>158</sup> in reference to Armenians, further enable this justification.

## 2.7 Politicization or absence of reconciliation or transitional justice processes following conflict.

There have been no transitional justice or reconciliation processes undertaken between Armenia and Azerbaijan since the fall of the Soviet Union. The OSCE Minsk Group, created after the First Nagorno-Karabakh War, proposed several initiatives to resolve the geopolitical quagmire surrounding Artsakh.<sup>159</sup> These proposals were rejected by Azerbaijan, and many of the proposals presented proved unpopular on the Armenian side as well.<sup>160</sup>

Because of the absence of transitional justice processes, there is also no consensus between Azerbaijan and Armenia regarding a narrative of past events.

In the context of contested memory, Azerbaijan has developed a historical narrative that characterizes Armenians as aggressors and enemies, claims that they are recent invaders of the South Caucasus, and accuses them of having committed genocide against Azeris in the town of Khojaly during the First Nagorno-Karabakh War, though—as mentioned—an independent investigation of this claim has been

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<sup>157</sup>Center for Truth and Justice (2023). “Looming Genocide: Hate Speech and the Aliyev Regime Stoking Hatred, Violence and Ethnic Cleansing In Violation of ICJ’s Provisional Orders of December 7, 2021”.

<https://www.cftjustice.org/high-alert-looming-genocide-hate-speech-and-the-aliyev-regime-stoking-hatred-violence-and-ethnic-cleansing-in-violation-of-icjs-provisional-orders-of-december-7-2021/>

<sup>158</sup>44days.info. (2020). “Nationwide address by President Ilham Aliyev.”

<https://44days.info/ilham-aliyev-addressed-the-nation-5/>; “The whole world sees what an ugly and savage enemy Azerbaijan is liberating its native lands from.”

<sup>159</sup> CivilNet. (2021). “A recap of the 7 plans proposed for the settlement of the Karabakh conflict.”

<https://www.civilnet.am/en/news/637117/a-recap-of-the-7-plans-proposed-for-the-settlement-of-the-karabakh-conflict/>

<sup>160</sup> Tatikyan. S. (2022). “Azerbaijan’s War of Narratives Against Armenians, Part II”. *EVN Report*.

<https://evnreport.com/politics/azerbajians-war-of-narratives-against-armenians-part-ii/>

impossible.<sup>161</sup> (For more information, return to Section 2.2.) This narrative has also suggested that Azeris are indigenous to the region.<sup>162</sup>

False and denialist historical narratives about Armenians and Azerbaijanis has created a monumental barrier to peace in the South Caucasus, as generations of Azerbaijanis have been raised and educated with state propaganda that promotes a singular worldview about themselves and about Armenians. This constitutes a viewpoint which, in the context of a weak civil society independent of the unitary power structure under Aliyev and few-to-no press freedoms in Azerbaijan, has practically no opportunity for correction.

An example of the violence stemming from this state propaganda is the Military Trophy Park, which was opened in Baku on 12 April 2021 and aims to educate the public on the “victory” against Armenia in the Second Nagorno-Karabakh War. The Trophy Park includes over 300 exhibits containing various “trophies” captured from the war as well as replicas of military barracks and other military stations.

According to the Azerbaijani press, the park “revive[s] the battles that brought victory to Azerbaijan.”<sup>163</sup> In its first months of operation, the park featured a walk-through exhibition of a corridor lined with the captured helmets of Armenian soldiers killed during the war.<sup>164</sup> It also depicted dehumanizing scenes of dead or wounded Armenian soldiers through wax mannequin renditions of Armenian military personnel.<sup>165</sup> These two particular exhibits were apparently removed in October of

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<sup>161</sup> Wicks, L. (2022 [app.]). “Did Azerbaijanis Commit the Aghdam Khojaly Massacre Against their Own People?” *The Blunt Post*.  
<https://thebluntpost.com/did-azerbaijanis-commit-the-aghdam-khojaly-massacre-against-their-own-people/>

<sup>162</sup> Galichian, R. (2010). “The Invention of History: Azerbaijan, Armenia, and the Showcasing of Imagination”. *Gomitas Institute*.

<sup>163</sup> Kazimoglu, M. (2021). “People allowed to enter Military Trophy Park.”  
<https://report.az/en/military/people-allowed-to-enter-military-trophy-park/>

<sup>164</sup> Mathers, M. (2021). “Azerbaijan’s display of dead soldiers’ helmets sparks outrage in Armenia.” *Independent*.  
<https://www.independent.co.uk/news/world/europe/azerbaijan-dead-soldiers-helmets-armenia-b1831316.html>

<sup>165</sup> JAMnews. (2021). “War trophies park’ in Baku sparks controversy domestically and abroad.”  
<https://jam-news.net/war-trophies-park-in-baku-sparks-controversy-domestically-and-abroad/>

2021, after the Republic of Armenia submitted a lawsuit against Azerbaijan to the International Court of Justice.<sup>166</sup>

The creation process for the wax figures of dead and dying Armenian soldiers is telling. One of the sculptors, Kamran Asadov, stated in an interview that they deliberately designed the facial shapes with an intent to mock: “We generally try to do something as beautiful as possible. This time it was the opposite.”<sup>167</sup> The sculptors apparently researched Armenian stereotypes and intentionally exaggerated the features to make them look “ugly.”<sup>168</sup> Some commentators noted the resemblance between the wax figures and common antisemitic tropes.<sup>169</sup>

The trophy park opens with a welcome plaque with the inscription “*Qarabağ Azərbaycandır!*” (“Karabakh is Azerbaijan!”), a slogan that, according to Azerbaijani state news, was first used by İlham Aliyev in 2004 (one year after he assumed the presidency), during a press conference at the Palace of Europe.<sup>170</sup> Installations containing missile systems, small arms, and other Armenian military equipment captured as trophies, as well as an exhibit of over 2,000 license plates from Armenian vehicles seized during the war, are on display as well.

The park, open to all Azerbaijani citizens (including small children), has been condemned internationally not only as “significantly hamper[ing] any chance of genuine reconciliation” according to Dunja Mijatović, the

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<sup>166</sup> JAMnews.(2021). “Dummies and helmets disappear from Baku war trophy park, but not completely.”

<https://jam-news.net/dummies-and-helmets-disappear-from-baku-war-trophy-park-but-not-completely-photo/>

<sup>167</sup>“AzVision.az. (2021). ‘We tried to have as many realistic images as possible’ – they made models of Armenian soldiers”

<https://azvision.az/news/257089/-calisdiq-ki.-mumkun-qeder-realist-obrazlar-olsun--ermeni-herbcilerin-maketlerini-onlar-hazirlayib--fotolar--.html>

<sup>168</sup>Mirror Spectator. (2021). “Azerbaijani Park Sculptors Admit Deliberately Making Armenian Figures Ugly”.

<https://mirrorspectator.com/2021/04/15/azerbaijani-park-sculptors-admit-deliberately-making-armenian-figures-ugly/>

<sup>169</sup> de Waal, T. (2021). “Horrible. The Jewish part of me feels this acutely. In the 19th Caucasus “hook-nosed” “greedy” Armenians echoed anti-Semitic tropes in Europe. Now a young sculptor studying in Venice repeats it today. I’m glad to see Azerbaijanis rejecting this, but big damage has been done.” *Twitter*. Archived from [the original](#).

<sup>170</sup> Azertag.ag.. “Strategy of Victory.” <http://azertag.tilda.ws/en>

Council of Europe Commissioner for Human Rights,<sup>171</sup> but also as openly humiliating and degrading the memory of those who perished during the war, thus “violating the rights and dignity of their families,” as noted in a statement by the Armenian Foreign Ministry.<sup>172</sup>

The Azerbaijani state has intentionally created research institutes and bodies of scholarship with the intent of challenging existing historical research on the South Caucasus and confusing the global public.<sup>173</sup> It has further attempted to control the narrative in the conflict by alerting the international community to false headlines regarding hostilities between both parties.<sup>174</sup> Among other agendas, this disinformation campaign is meant to create the basis for Azerbaijani claims to all of Armenian-held territory, including but not limited to Artsakh.<sup>175</sup> In line with this agenda, since 2020 President Aliyev has frequently threatened invasion of the Republic of Armenia as a “return” of Azerbaijan’s “historical lands,” including Syunik (“Zangezur”) Province and its hinterlands and the Armenian capital of Yerevan.<sup>176177178179</sup>

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<sup>171</sup>Mijatović, D. (2021). Letter: “Azerbaijan: Efforts to deal with the past should become the priority to ensure reconciliation and lasting peace.”

[https://www.coe.int/en/web/commissioner/view/-/asset\\_publisher/ugj3i6qSEkhZ/content/azerbaijan-efforts-to-deal-with-the-past-should-become-the-priority-to-ensure-reconciliation-andlasting-peace](https://www.coe.int/en/web/commissioner/view/-/asset_publisher/ugj3i6qSEkhZ/content/azerbaijan-efforts-to-deal-with-the-past-should-become-the-priority-to-ensure-reconciliation-andlasting-peace)

<sup>172</sup> Al Jazeera. (2021). “Fury in Armenia as Azerbaijan displays war trophies.”

<https://www.aljazeera.com/news/2021/4/13/fury-in-armenia-as-azerbaijan-displays-war-trophies>

<sup>173</sup> Civil Net. (2023). “Reframing the Armenian-Azerbaijani Past: What Can Scholars Do?”

<https://www.civilnet.am/en/news/696544/reframing-the-armenian-azerbaijani-past-what-can-scholars-do/>

<sup>174</sup> Ministry of Foreign Affairs, Republic of Armenia. (2023). “Statement of the MFA of Armenia on the disinformation spread by Azerbaijan.”

[https://www.mfa.am/en/interviews-articles-and-comments/2023/03/08/statement\\_azdisinformation/11912](https://www.mfa.am/en/interviews-articles-and-comments/2023/03/08/statement_azdisinformation/11912)

<sup>175</sup> European Resources for Mediation Support. (2021). “Media and disinformation in the Nagorno-Karabakh conflict and their role in conflict resolution and peacebuilding.” *College of Europe*. [https://www2.coleurope.eu/system/tdf/uploads/news/event\\_report\\_-\\_media\\_and\\_disinformation\\_in\\_the\\_nagorno-karabakh\\_conflict.pdf?&file=1&type=node&id=draft&force=](https://www2.coleurope.eu/system/tdf/uploads/news/event_report_-_media_and_disinformation_in_the_nagorno-karabakh_conflict.pdf?&file=1&type=node&id=draft&force=)

<sup>176</sup>Kucera, J. (2018). “Azerbaijan President Calls for Return to ‘Historic Lands’ in Armenia”

*Eurasia.net*. <https://eurasianet.org/azerbaijan-president-calls-for-return-to-historic-lands-in-armenia>

<sup>177</sup>Sanamyan, E. (2018). “Aliyev Makes Territorial Claims on Armenia, Yet Again.” 8

February. <https://armenian.usc.edu/aliyev-makes-territorial-claims-on-armenia-yet-again/>

<sup>178</sup>Asbarez.net. (2022). “Aliyev Wants Maps Showing ‘Yerevan and Syunik’ as Part of Azerbaijan to be Used in Border Demarcation.”

<https://asbarez.com/aliyev-wants-maps-showing-yerevan-and-syunik-as-part-of-azerbaijan-to-be-used-in-border-demarcation/>

<sup>179</sup>Broers, L. (2021). “Perspectives: Augmented Azerbaijan? The Return of Azerbaijani Irredentism.”

*Eurasianet*. <https://eurasianet.org/perspectives-augmented-azerbaijan-the-return-of-azerbaijani-irredentism>

In the absence of reconciliation and transitional justice processes, Armenophobic state propaganda has flourished in Azerbaijan.

## 2.8 Widespread mistrust in State institutions or among different groups as a result of impunity.

For decades, Azerbaijan's records of human rights has been a serious concern among international stakeholders and watchdog organizations.<sup>180</sup><sup>181</sup><sup>182</sup> The current regime has been accused of serious violations of rights to political expression and a free press,<sup>183</sup> the right to assembly and peaceful protest,<sup>184</sup> and freedom of minority populations from discrimination. In pursuit of silencing political opposition to the Aliyev regime, activists, journalists, and political dissidents who critique the government's activities have been intimidated into silence, harassed and/or imprisoned.<sup>185</sup> Within Azerbaijan, women, ethnic minorities and members of the LGBTQ+ community have further faced systemic discrimination and marginalization.<sup>186</sup>

Additionally, Azerbaijan's violations of international humanitarian and human rights law persist in the context of the Artsakh conflict. Reports have documented Azerbaijan's perpetration of gross human rights violations and war crimes, including but not limited to: targeted killings, torture and other cruel and inhumane treatment, sexual humiliation, enforced disappearances, forced displacements, and destruction of

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<sup>180</sup> Human Rights Watch. (2022). "World Report 2022 - Azerbaijan - Events of 2021".

<https://www.hrw.org/world-report/2022/country-chapters/azerbaijan>

Amnesty International. (2022). "Azerbaijan.

<https://www.amnesty.org/en/location/europe-and-central-asia/azerbaijan/report-azerbaijan/>;

Freedom House. (2022). "Freedom in the World 2022 - Azerbaijan".

<https://freedomhouse.org/country/azerbaijan/freedom-world/2023>

<sup>181</sup> Human Rights Watch. (2022). "Azerbaijan, events of 2022",

<https://www.hrw.org/world-report/2023/country-chapters/azerbaijan>

<sup>182</sup> Amnesty International. (2022). "Azerbaijan, 2022".

<https://www.amnesty.org/en/location/europe-and-central-asia/azerbaijan/report-azerbaijan/>

<sup>183</sup> Council of Europe. (2017). "Analysis of Azerbaijani Legislation On Freedom Of Expression".

<https://rm.coe.int/azerbaijan-analysis-of-legislation-on-freedom-of-expression-december-2/16808ae03d>

<sup>184</sup> Amnesty International. (2019). "'Azerbaijan: Authorities Must Guarantee The Right To Freedom Of Peaceful Assembly And Immediately Release All Peaceful Demonstrators, October 21st, 2019.

<https://www.amnesty.org/fr/wp-content/uploads/2021/05/EUR5512602019ENGLISH.pdf>

<sup>185</sup> Council of Europe. (2023). "Threats to life and safety of journalists and human rights defenders in Azerbaijan."

<https://rm.coe.int/threats-to-life-and-safety-of-journalists-and-hr-defenders-in-azerbajj/1680aaafa3>

<sup>186</sup> Freedom House. (2023). "Freedom in the World 2022 – Azerbaijan."

<https://freedomhouse.org/country/azerbaijan/freedom-world/2022>



cultural heritage (as described in Sections 1.2, 2.2, and 2.5 above).

These violations do not only showcase the Aliyev regime's general disregard for human rights and the violations it has committed against marginalized populations across Azerbaijani society; they further highlight an official state policy which is explicitly Armenophobic.<sup>187188</sup>

Given that Azerbaijan is an authoritarian regime that has thus far enjoyed impunity for its crimes, there is a widespread distrust of the Azerbaijani regime and its state apparatuses among Armenians within Artsakh and beyond.

#### **Risk Factor 4: Motives or Incentives**

*Risk Factor 4 examines “Reasons, aims or drivers that justify the use of violence against protected groups, populations or individuals, including by actors outside of State borders.”*

*There are a multitude of motivating factors for the Azerbaijani state to seize Artsakh and cleanse the territory of Armenians, covering all the indicators in Risk Factor 4 (4.1 through 4.9), as described below:*

##### 4.1 Political motives, particularly those aimed at the attainment or consolidation of power.

Establishing total control over all of Artsakh and doing so by committing any and all atrocities deemed necessary to achieve this goal would serve the current regime of President Ilham Aliyev by consolidating his power in several different ways.

After years of consistently publishing anti-Armenian propaganda, any sort of “victory” over Armenians enjoys popular support in Azerbaijan. This popular support serves to bolster the entrenchment of the Aliyev

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<sup>187</sup> Human Rights Defender of the Republic of Armenia, (2021). “A Park of Killed Armenian Soldiers And Chained Prisoners of War Opened in Baku: A Museum of Human Sufferings And Promotion of Racism.” <https://www.ombuds.am/images/files/96e6d55d169a784b6424e4d565b29dba.pdf>

<sup>188</sup> Council of Europe. (2023). “European Commission against Racism and Intolerance’s Report on Azerbaijan.” <https://rm.coe.int/sixth-report-on-azerbaijan/1680ab9e35>

regime: During and after the Second Nagorno-Karabakh War (2020), President Ilham Aliyev's popularity surged. One commentator noted that "Azerbaijan's victory in the war over Nagorno-Karabakh has transformed President Ilham Aliyev's political stature—boosting his popularity to levels he never experienced during his 17 years of authoritarian rule."<sup>189</sup> The public perception of another victory over Armenians, who have been depicted in official propaganda as Azerbaijan's "cosmic enemies" for decades, would consolidate the power of President Ilham Aliyev and his New Azerbaijan Party in the face of ongoing domestic turbulence and increasing international criticism of his authoritarian form of governance.<sup>190</sup>

President Aliyev has already sought to use the Azerbaijani victory in the Second Nagorno-Karabakh War (2020) as a means of cementing his popularity in a variety of ways. He has regularly focused on the conflict in his speeches since 2020 and issued decrees in December 2020 that established the Day of Remembrance (27 September) and Victory Day (8 November) as state holidays to celebrate what he regularly calls Azerbaijan's "total victory" over Armenia in the 2020 war. His decision to erect a Military Trophy Park in Baku on 12 April 2021, which (as described in more detail above in Section 2.7) displays war trophies seized by the Armed forces of Azerbaijan during the Second Nagorno-Karabakh War (including the helmets of dead Armenian soldiers and wax figures of Armenian soldiers with exaggerated features in humiliating poses) further reflects his capitalization on the war to secure his popularity.

In its 2022 report on Azerbaijan, Human Rights Watch noted the unifying power of war against Armenians (while also acknowledging ongoing persecution of dissent) in a *rally-around-the-flag* effect: "In the period since the [2020] war's start, tensions between the government

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<sup>189</sup>Synovitz, R. (2020). "Analysis: Nagorno-Karabakh War Transforms The Legacy Of Azerbaijani President Aliyev". *Radio Free Europe/ Radio Liberty*.

<https://www.rferl.org/a/nagorno-karabakh-legacy-azerbaijani-president-aliyev/31006302.html>

<sup>190</sup> Samadov, B. (2021). "One year after the Karabakh War, politics in Azerbaijan has come to an end." *openDemocracy*.

<https://www.opendemocracy.net/en/odr/one-year-after-the-karabakh-war-politics-in-azerbaijan-has-come-to-an-end/>

and political opposition declined. However, the government remained hostile to dissenting voices.”<sup>191</sup>

In addition to solidifying President Aliyev’s power at home, eliminating Armenians from Artsakh would also increase Azerbaijan’s power internationally. It would give Azerbaijan an advantage within the South Caucasus by strengthening its security and political position relative to neighboring Armenia and Iran. This scenario would also strengthen Azerbaijan’s position in multilateral institutions by creating the conditions for total Azerbaijani control over land-based trade corridors that link the South Caucasus to Türkiye, Central Asia, Eurasia and Eastern Europe.

President Aliyev has made “total victory” in Artsakh a cornerstone of his domestic and foreign policy objectives. He has made it clear that the annexation of Artsakh is an “historic mission” and the badge of “a victorious nation and a victorious state” that has “restored [its] national dignity.” In a speech on the Day of Remembrance (September 27) in 2021, he told the Azerbaijani population:

“I have repeatedly said that the Azerbaijani people will never come to terms with the occupation. I have repeatedly said that we will return our lands at any cost. I have repeatedly said that if the enemy does not leave our lands on its own we will expel them from our lands, and this is exactly what happened. We did not come to terms with the defeat in the First Karabakh War, gathered strength, mobilized all our forces, strengthened our army, invigorated the country's economy, boosted our country’s relevance and honorably fulfilled our historic mission. We have expelled the enemy from our lands and restored justice and international law. We have restored our national dignity. Today, the people of Azerbaijan live as a victorious people. Today, the Azerbaijani state lives as a victorious state. From now on, we will forever live as a victorious nation and a victorious state.”<sup>192</sup>

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<sup>191</sup>Human Rights Watch. (2022). “World Report 2022 - Azerbaijan - Events of 2021”.

<https://www.hrw.org/world-report/2022/country-chapters/azerbaijan>

<sup>192</sup>Azerrag.az. (2021). “Victorious Commander-in-Chief, President Ilham Aliyev addressed the nation on the occasion of the Remembrance Day.”

[https://azertag.az/en/xeber/Victorious\\_Commander\\_in\\_Chief\\_President\\_Ilham\\_Aliyev\\_addressed\\_the\\_nation\\_on\\_the\\_occasion\\_of\\_the\\_Remembrance\\_Day\\_VIDEO-1886079](https://azertag.az/en/xeber/Victorious_Commander_in_Chief_President_Ilham_Aliyev_addressed_the_nation_on_the_occasion_of_the_Remembrance_Day_VIDEO-1886079)

The consolidation of Azerbaijan’s power over the territory and the people of Artsakh constitutes a political motive for blockading, starving, attacking, and either massacring or expelling Artsakh Armenians. This motive is closely tied to President Ilham Aliyev’s publicly-proclaimed perceptions of Azeri national dignity and future power.

#### 4.2 Economic interests, including those based on the safeguard and well-being of elites or identity groups, or control over the distribution of resources.

The current Azerbaijani regime has several economic interests in the Republic of Artsakh. Furthermore, due to its widespread use of “caviar diplomacy,” the ruling regime also represents the interests of many individuals and states outside of the South Caucasus who stand to gain from the resources and land corridors accessed through Azerbaijani-controlled Armenian territory.

As noted above in Section 1.7, the ruling family in Azerbaijan has significant interests in the mining industry in Artsakh and would personally benefit from total control over the territory. The land of Artsakh contains many non-ferrous ores that render it a strategic interest to Azerbaijani and other foreign companies, including gold, copper, mercury, chromite, pearlite, lime, marble, agate, and other minerals.<sup>193</sup>

Furthermore, the creation of a so-called “Zangezur Corridor” through Armenia’s Syunik Province (against which the Artsakh enclave abuts) would open up new opportunities for Azerbaijan to control trade between states to its geopolitical “east” (i.e. China, Russia, India) and Western powers that rely on access to Azerbaijani oil reserves. Control over Artsakh and southern Armenia would provide an economic corridor to Central Asia for Azerbaijan’s ally, Türkiye, and limit the geopolitical influence of Iran in the region.

#### 4.3 Strategic or military interests, including those based on protection or seizure of territory and resources.

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<sup>193</sup>Karabakh.org. (2023). “The potential of natural resources in the occupied territories.” <https://karabakh.org/conflict/occupied-territories/the-potential-of-natural-resources-in-the-occupied-territories/>

The elimination of Armenians from Artsakh as a collective political unit would aid Azerbaijan in achieving its long-term goal of removing what it has viewed as an obstacle to national territorial unity. Seizure of Artsakh would also help advance the process of uniting Azerbaijan proper with its territorial exclave of Nakhichevan (which borders Armenia, Iran, and Türkiye). As noted in Section 4.2 above, Azerbaijan has spoken openly about its plans to create an Azerbaijani-controlled “Zangezur Corridor” through Armenia’s Syunik Province. After Artsakh, the Armenian province of Syunik remains the only obstacle to full integration of Azerbaijan proper with its Nakhichevan exclave.

The reduction of land occupied by Armenians in the South Caucasus also serves the shared long-term geostrategic interests of Türkiye and Azerbaijan as close allies that commonly refer to themselves as “one nation, two states.” As was the case during the Armenian Genocide in 1915-1923, Armenians are seen as an obstacle to the unification of Turkish people within a “pan-Turkic” belt stretching eastwards from Anatolia into the Caspian Sea basin and beyond into Russia and Central Asia.<sup>194</sup>

#### 4.4 Other interests, including those aimed at rendering an area homogeneous in its identity.

The removal of Armenians from Artsakh would make room for the settlement of Azerbaijani populations on these lands, and it would permanently “solve” the “problem” of indigenous and autonomous Artsakh identity within the region—the existence and rights of which are not recognized by Azerbaijan.

#### 4.5 Real or perceived threats posed by protected groups, populations or individuals, against interests or objectives of perpetrators, including perceptions of disloyalty to a cause.

The quasi-independent Republic of Artsakh maintains its own military and has fought against the Azerbaijani military in three distinct wars since the 1980s, in addition to defending the Artsakshi population

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<sup>194</sup> Latham, A. & Sundeen, A. (2023). “Opinion – The Plain Sight Threat to NATO, Turkey, and Turanism”.  
<https://www.e-ir.info/2023/07/17/opinion-the-plain-sight-threat-to-nato-turkey-and-turanism/>

during smaller skirmishes and unprovoked conflicts (i.e. September of 2022). The Artsakh Defence Army was formed in 1992 and has protected the indigenous Artsakhsi population from Azerbaijani authorities, who have demonstrated a long record of abusing and persecuting Armenians in the region, ranging from physical abuse to outright massacres..

On 19 April 2023, Azerbaijani President Ilham Aliyev, in contradiction of the 2020 Tripartite Ceasefire Statement agreed to by his administration, announced that “Armenians living in Karabakh [Artsakh] have to either take up Azerbaijani citizenship or seek another place of residence,”<sup>195</sup> criminalizing any Artsakh Armenian who seeks autonomy as disloyal to the Azerbaijani state and threatening them with expulsion from their homeland by the use of force.

#### 4.6 Real or perceived membership of or support for armed opposition groups, by protected groups, populations or individuals.

Azerbaijani President Ilham Aliyev has made it clear that he views the entire population of Artsakh as effectively supportive of the Republic of Artsakh’s government and the Artsakh Defense Army. Resistance to his administration’s demands, accordingly, constitutes support for an “enemy” of the Azerbaijani government with no perceived jurisdiction over the territory. Delivering a speech in the town of Lachin on 28 May 2023, Aliyev stated that “the only way left is to obey the laws of Azerbaijan, become loyal, normal citizens of Azerbaijan, throw away your fake ‘state attributes’ in the trash and dissolve the ‘parliament.’”

Since Artsakh is a democracy, there is clearly documented popular support for its “state attributes” through elections and other forms of civic engagement and democratic participation in governance.

Furthermore, given the threatening behavior of Azerbaijani officials up to this point, particularly from President Aliyev himself, it is impossible to imagine how civilians in Artsakh could possibly “throw away” their

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<sup>195</sup> Kucera. J. (2023). “As Armenia-Azerbaijan diplomacy advances, a solution to Karabakh remains elusive”. *Eurasianet*.  
<https://eurasianet.org/as-armenia-azerbaijan-diplomacy-advances-a-solution-to-karabakh-remains-elusive>

government and expect fair (or even legal) treatment by the Azerbaijani authorities. This concern is, perhaps, especially salient for members of the Artsakh Defense Army. Prior records of abuses indicate the likelihood that vulnerable people will be treated with the brutality they were in 2020 (see Section 2.5 above); this category includes soldiers in the Artsakh army as well as elderly and disabled people.

President Aliyev has, accordingly, labeled Artsakh Armenians who have exercised a desire for self-governance and self-determination as “separatists” who are deemed to be valid targets for attack and harassment—which Azerbaijan will then justify with reference to the offer that the people of Artsakh could have chosen to “obey the laws of Azerbaijan, [and] become loyal, normal citizens.”

#### 4.7 Ideologies based on the supremacy of a certain identity or on extremist versions of identity.

As demonstrated above in Sections 1.11 and 2.3, since 2003, the regime of Azerbaijani President Ilham Aliyev has entrenched and institutionalized anti-Armenian rhetoric into public discourse, regularly promoting Azeri supremacy and encouraging violence against Armenians.

The planned construction of an ultra-nationalistic and Turkish supremacist “Gray Wolves” affiliated elementary school in Shushi (whose construction has been approved by the leadership of both Türkiye and Azerbaijan<sup>196</sup>) demonstrates the extremism of the current regime. The Gray Wolves are the militant wing of the Turkish Nationalist Movement Party (MHP), which is allied with President Erdogan's Justice and Development Party (AKP). They are known for their genocidal rhetoric against many groups, including Armenians, and have vandalized Armenian Genocide memorial sites around the

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<sup>196</sup> Rehimov. R. (2021). “Turkey’s MHP briefs Azerbaijan’s Aliyev on school plan”. *AA*.  
<https://www.aa.com.tr/en/turkey/turkey-s-mhp-briefs-azerbaijan-s-aliyev-on-school-plan/2131527>

world.<sup>197</sup><sup>198</sup> The Gray Wolves were banned in France in 2020<sup>199</sup> and the US House of Representatives passed an amendment to the National Defense Authorization Act of 2022 that would require the US State Department to investigate whether the Grey Wolves should be designated a terrorist organization.<sup>200</sup>

That genocidal speech against Armenians is commonplace and normalized in political speech can be seen in the language used by the Azerbaijani Parliament's international relations committee, which alleged that an EU decision relating to the September 2022 war of aggression against Armenia bore an "unbearable stench of corruption." It accused Members of the European Parliament (MEPs) of being influenced by "Armenia and the Armenian diaspora, *long since a cancerous tumor of Europe.*"<sup>201</sup>

#### 4.8 Politicization of past grievances, tensions or impunity.

As demonstrated above in Sections 1.11 and 2.2, the historic emergence of nation-states in the South Caucasus has generated conflicts that have spanned generations between various ethnonational groups, including between Armenians and Azeris. While each state in the region has its own perception and narrative of its national history, narratives in Azerbaijani institutions—from schools and research institutes to discourse within public life—have instrumentalized historic grievances to support extreme Armenophobia as well as Azeri and Turkish supremacism to justify both military aggression and atrocity crimes; all of these factors play a serious role in denying Artsakh's legitimate claim to self-determination. Azerbaijani officials even go so far as to deny that

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<sup>197</sup> Stockholm Center for Freedom. (2022). "Armenian genocide monument in Brussels vandalized by Ultranationalist Grey Wolves."

<https://stockholmcf.org/armenian-genocide-monument-in-brussels-vandalized-by-ultranationalist-grey-wolves/>

<sup>198</sup> Asbarez. (2002). "Armenian genocide monument in French city damaged." <https://asbarez.com/armenian-genocide-monument-in-french-city-damaged/>

<sup>199</sup> Deutsche Welle. (2021). "France bans Turkish ultra-nationalist Grey Wolves".

<https://www.dw.com/en/france-bans-turkish-ultra-nationalist-grey-wolves-group/a-55503469>

<sup>200</sup> Kokkinidis, T. (2021). "US Congress Turns Spotlight on Turkish Extremists Grey Wolves". *Greek Reporter*: <https://greekreporter.com/2021/10/06/us-congress-turkish-extremists-grey-wolves/>

<sup>201</sup> Gavin, G. (2023). "EU's hopes of using Azerbaijan as a gas station at risk of exploding". *Politico*.

<https://www.politico.eu/article/eu-showdown-former-soviet-union-oil-azerbaijan-armenia-conflict-south-caucasus/>



the Artsakh-Armenians are indigenous to the area, arguing instead that Azeris were present there first (see Section 2.7 above).<sup>202</sup>

In particular, the events of the Khojaly massacre on 26 February 1992 continue to fuel anti-Armenian sentiment in Azerbaijan. As noted above in Sections 2.2 and 2.7, the Khojaly massacre is frequently referred to as the Khojaly “genocide” in Azerbaijani news reports<sup>203</sup> and official statements,<sup>204</sup> despite there being no proof of genocidal intent or other elements of the crime and despite the Azerbaijani government’s refusal to allow an independent investigation into the event.<sup>205</sup>

The narrative surrounding the massacre at Khojaly is incorporated within educational curricula in Azerbaijan, solidifying the collective perception that Armenians are the eternal, violent enemies of Azerbaijanis. Children’s theaters organize plays about Khojaly,<sup>206</sup> artist competitions regarding the “Khojaly Genocide” are held,<sup>207</sup> and educational textbooks from the 5th grade-onwards repeatedly mention Khojaly as “proof” of the genocidal intent that Armenians have against Azerbaijanis.<sup>208</sup>

#### 4.9 Social trauma caused by past incidents of violence not adequately addressed and that produced feelings of loss, displacement, injustice and a possible desire for revenge.

Azerbaijani civilians have legitimate historical grievances that require serious attention as part of any future restorative, transformative, and

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<sup>202</sup> Galichian, Rouben. (2010). “The Invention of History: Azerbaijan, Armenia, and the Showcasing of Imagination.” *Gomitas Institute*.

<sup>203</sup> Hajiyeva, G. (2023). “Today Marks 31st Anniversary of Khojaly Genocide of Azerbaijanis”. *Caspian News*.

<https://caspiannews.com/news-detail/today-marks-31st-anniversary-of-khojaly-genocide-of-azerbaijanis-2023-2-26-33/>

<sup>204</sup> President of the Republic of Azerbaijan. (2021). “Ilham Aliyev held a press conference for local and foreign media representatives”. <https://president.az/en/articles/view/50738>

<sup>205</sup> Tatikyan, S. (2022). “Azerbaijan’s War of Narratives Against Armenians, Part II”. *EVN Report*. <https://evnreport.com/politics/azerbaijans-war-of-narratives-against-armenians-part-ii/>

<sup>206</sup> Ministry of Culture of the Republic of Azerbaijan. (2010). “Performance of the play “Khojaly” by the ‘Gunay’ Children’s Theatre and the opening of an exhibition of children’s paintings from the ‘Children’s World’ studio, of the Tofiq Ismailov Palace of Youth and Children’s Creativity”. <https://www.museumcenter.az/en/calendar/302>

<sup>207</sup> Azerbaijan Republic of Gabala Regional Executive Power. (2019). “Drawing contest on quote: Khojaly genocide in children's vision ended.” <http://www.qebele-ih.gov.az/en/news/1242.html>

<sup>208</sup> See *ut supra* note 71.

transitional justice process in the region. Of particular note are the needs of survivors of the Khojaly massacre, as well as the hundreds of thousands of Azeris who were forced to flee their homes during the First Nagorno-Karabakh War. They deserve justice, just as much as Armenians who have shouldered the brunt of atrocities during the conflict.

Justice will require an honest and independent accounting of the social processes involved in population flight and communal violence in Armenia and Azerbaijan, which are different in important ways. Despite their differences, the losses in lives and property on both sides of the conflict are real—and must be addressed in a fair, thoughtful manner sensitive to the holistic needs of impacted individuals and communities.

Unfortunately, the extremism of the current regime in Azerbaijan has deepened and radicalized these historical grievances within its own population. An effective way that the regime has done this is by creating false narratives that fuel hatred of Armenians within Azerbaijan rather than stimulate receptivity and openness to cross-cultural dialogue; this strategy of deliberately sowing Armenophobic rhetoric into public discourse has served to exacerbate and entrench the fears of Armenians in Artsakh and the Republic of Armenia.

Furthermore, Azerbaijan's public discourse—having been constructed around Armenophobia—has also had the effect of boxing President Aliyev into taking extreme measures against Armenians to ensure his political security, especially in regards to Artsakh; he has made it clear that “Karabakh is Azerbaijan” and has staked his political future on this slogan. “Peace negotiations,” in the context of Aliyev's extremist rhetoric and maximalist promises to his population, often solely constitute efforts to force Armenia to agree to Azerbaijan's unilateral territorial demands.

### **Risk Factor 5: Capacity to Commit Atrocity Crimes**

*Risk Factor 5 examines “Conditions that indicate the ability of relevant actors to commit atrocity crimes.”*

*The Azerbaijani state clearly has the capacity to commit genocide against Armenians in Artsakh, as evidenced below. However, the evidence below further demonstrates that Azerbaijan has the capacity to commit genocide against Armenians in the Republic of Armenia.*

5.1 Availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement.

While a holistic overview of Azerbaijan’s military capacity may require more detailed analysis, it is sufficient for this report to cite that Azerbaijani forces have successfully occupied two-thirds of the territory of the Republic of Artsakh<sup>209</sup> since the outbreak of war in 2020. The military has since constructed numerous military bases across occupied territory and stationed vast quantities of troops across lands seized in the conflict. Paired in tandem with the current blockade of the Lachin Corridor and the prevention of movement, this build-up of troops and military infrastructure within and near Artsakh has created the conditions for the Aliyev regime to engage in a pattern of genocidal extermination against Armenians in Artsakh.

Assessing the defensive capacity of the Republic of Artsakh is, for the purposes of this report, a futile exercise. Following the end of the Second Nagorno-Karabakh War in 2020, the Republic of Artsakh’s supplies, arms, and weapons stocks have dwindled well below levels significant enough to effectively defend the territory.

Of important note: Russian peacekeepers currently stationed in the region are restricted to a strict humanitarian mandate and are forbidden from engaging in hostilities of any kind. This policy has been strongly enforced; regardless of the harm that has come to Artsakh civilians at the hands of the Azerbaijani military through its violations of ceasefires and military antagonism,<sup>210</sup> the peacekeeping contingent has not intervened to protect the lives of civilians.

Most recently, on 28 August 2023, Azerbaijan kidnapped three young Artsakh Armenian men from a Russian-organized peacekeeping

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<sup>209</sup> See *ut supra* note #23

<sup>210</sup> International Crisis Group. (2023). “The Nagorno-Karabakh Conflict: A Visual Explainer.” <https://www.crisisgroup.org/content/nagorno-karabakh-conflict-visual-explainer>

transport of university students while they were being transported from Artsakh to the Republic of Armenia to attend their courses for the fall semester.<sup>211</sup> Azerbaijani media outlets have alleged that they were detained because of a video which had circulated on social media in 2021, allegedly showing them stepping on an Azerbaijani flag.<sup>212</sup> The transport was stopped at the illegal checkpoint on the Hakari River Bridge, which was set up in April 2023 in violation of the Tripartite Ceasefire Statement (as noted above in Section 1.2). Russian peacekeepers were unable to prevent the detention of these young students. The Azerbaijan government has since claimed that the three young men will be released after ten days of administrative detention inside of Azerbaijan, sharply raising fears of torture and human rights violations (not excluding execution) in light of Azerbaijan’s record of grossly violating the human rights of prior Armenain civilian and military detainees.

## 5.2 Capacity to transport and deploy personnel and to transport and distribute arms and ammunition.

As noted above in Section 5.1, the Azerbaijani military has already deployed its resources and personnel to strategic positions around and inside of Artsakh, including positions near the eastern border of the Republic of Armenia.

## 5.3 Capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilize them.

Azerbaijan, as an autocratic regime, has the capacity to demand military service from its population without regard for objection or public dissent. The state requires 12-18 months of military service from all eligible able-bodied men who have reached the age of 18. There are strong indications that Azerbaijani citizens support war against Artsakh and Armenia, in light of the narrative surrounding “long-standing

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<sup>211</sup> CivilNet. (2023). “Azerbaijan detains 3 Karabakh students as they try to enter Armenia”. <https://www.civilnet.am/en/news/748352/azerbaijan-kidnaps-3-karabakh-students-as-they-try-to-enter-armenia/>

<sup>212</sup> Caliber.Az. (2023). “First they trampled on the flag, and now they weep in front of Azerbaijani border guards” <https://caliber.az/post/187130/>

grievances” whipped up and instrumentalized by the Aliyev regime to bolster its security.

In a political decision potentially highlighting the instigation of conflict in the coming weeks from the Azerbaijani government: on 16 August 2023, President Ilham Aliyev signed a new decree ordering the conscription of citizens of the Republic of Azerbaijan for active military service. This decree orders all eligible citizens 18 years of age or older to report for military service between 1 October and 31 October 2023.<sup>213</sup>

Additionally, Azerbaijan has the capacity to employ mercenaries from Turkish-occupied northern Syria, as it did during the Second Nagorno-Karabakh War in 2020 (see below in Section 5.5).

#### 5.5 Presence of or links with other armed forces or with non-State armed groups.

The Azerbaijani military frequently undergoes joint military training drills with the military of Türkiye.<sup>214</sup><sup>215</sup> Pakistani military forces have also occasionally supported these drills.<sup>216</sup>

Türkiye’s government has further stated that it will come to the aid of Azerbaijan at the Azerbaijani regime’s request.<sup>217</sup>

During the Second Nagorno-Karabakh War in 2020, Azerbaijan hired Syrian mercenaries to fight with the Azerbaijani Armed Forces,<sup>218</sup>

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<sup>213</sup> Azernews. (2023). “Azerbaijani President signs decree on conscription for active military service”. <https://www.azernews.az/nation/213587.html>

<sup>214</sup> Kucera, J. (2022). “Azerbaijan and Turkey in joint military exercises on Iranian border”. *Eurasianet*. <https://eurasianet.org/azerbaijan-and-turkey-in-joint-military-exercises-on-iranian-border>

<sup>215</sup> Reuters. (2021). “Turkey and Azerbaijan begin joint live fire military drills”. <https://www.reuters.com/world/middle-east/turkey-azerbaijan-start-joint-military-drills-azerbaijan-ria-2021-06-28/>

<sup>216</sup> Tokyay, M. (2021). “Turkey, Azerbaijan, Pakistan launch ‘Three Brothers’ joint military exercises”. *Arab News*. <https://www.arabnews.com/node/1928836/middle-east>

<sup>217</sup> Fraser, S. (2020). “AP Explains: What lies behind Turkish support for Azerbaijan”. *AP News*. <https://apnews.com/article/turkey-territorial-disputes-azerbaijan-ankara-armenia-9a95d9690569623ade-dffe8c16f3588d>

<sup>218</sup> Evans, D. (2020). “Turkey deploying Syrian fighters to help Ally Azerbaijan, two fighters say.”. *Reuters* September 28th. <https://www.reuters.com/article/us-armenia-azerbaijan-turkey-syria/turkey-deploying-syrian-fighters-to-help-ally-azerbaijan-two-fighters-say-idUSKBN26J25A>

offering recruits a salary of \$2,000 a month.<sup>219</sup> According to some sources, they were offered an additional \$1000 for each beheaded Armenian.<sup>220</sup> The mercenaries were apparently recruited by Sadat International Defense Consultancy,<sup>221</sup> a company founded by a former general in the Turkish Armed Forces, and were flown to Azerbaijan aboard Turkish military aircraft.<sup>222</sup>

The Turkish and Azerbaijani governments both deny that Syrian fighters were sent as mercenaries to Azerbaijan, but many surviving Syrians have spoken to the press about their ordeal while NGOs and governments have documented their service during the war.<sup>223224</sup> The presence of Syrian mercenaries fighting for Azerbaijan in both Artsakh and Armenia was documented and confirmed by the UN Working Group on the use of mercenaries.<sup>225</sup>

#### 5.6 Presence of commercial actors or companies that can serve as enablers by providing goods, services, or other forms of practical or technical support that help sustain perpetrators.

Azerbaijan is the 24th largest oil producing country in the world, and is not a member of OPEC. Its oil reserves have become more prominent on

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<sup>219</sup> BBC. (2020). “The Syrian mercenaries used as ‘cannon fodder’ in Nagorno-Karabakh”.  
<https://www.bbc.com/news/stories-55238803>

<sup>220</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR). (2022). “Civil society Organizations’ Submission Concerning the Use of Mercenaries in the 2020 Nagorno-Karabakh War”.  
<https://www.ohchr.org/sites/default/files/2022-04/Open-Society-Foundations-Armenia-CFI-WG-Mercenaries-HRC51.pdf>

<sup>221</sup> Matevosyan, G. (2023). “How Corporate Power Facilitated Ethnic Cleansing of Indigenous Armenians in Artsakh.” *The [F]law*  
<https://theflaw.org/articles/how-corporate-power-facilitated-ethnic-cleansing-of-indigenous-armenians-in-artsakh/>

<sup>222</sup> Butler, E. (2020). “The Syrian mercenaries used as ‘cannon fodder’ in Nagorno-Karabakh.” *BBC*.  
<https://www.bbc.com/news/stories-55238803>

<sup>223</sup> Syrian Observatory for Human Rights. (2020). "[Turkish-backed mercenaries – First batch of Syrian fighters arrives in Azerbaijan](#)".

<sup>224</sup> Irish, J. & Rose, M. (2020). “France accuses Turkey of sending Syrian jihadists to Nagorno-Karabakh”. *Reuters*.  
<https://www.reuters.com/article/us-armenia-azerbaijan-putin-macron-idUSKBN26L3SB>

<sup>225</sup> Office of the United Nations High Commissioner for Human Rights. (2020). “Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts”.  
<https://www.ohchr.org/en/press-releases/2020/11/mercenaries-and-around-nagorno-karabakh-conflict-zone-must-be-withdrawn-un>

the global stage since the outbreak of the Russo-Ukrainian War in February of 2022.

Although the State Oil Company of Azerbaijan Republic (SOCAR) is a fully state-owned oil and gas company, many high-value multinational corporations have acquired stakes in Azerbaijani oil through production sharing agreements (PSAs). This means that foreign corporations and other parties to these agreements also have vested interests in the perpetuation of political authoritarianism in Azerbaijan and, by extension, in cultivating good relations with the Aliyev regime. A particular corporation engaging with the Azerbaijani state in this capacity is British Petroleum (BP), which operates the important Azeri–Chirag–Gunashli oilfields on behalf of the Azerbaijan International Operating Company (AIOC) and is the AIOC’s biggest single shareholder. Six states are represented on the AIOC: the United Kingdom, United States, Russia, Norway, Türkiye and Saudi Arabia.

These states and companies could be accused of enabling or facilitating the perpetration of genocide by Azerbaijan if they offer tacit approval for, or remain silent in the face of, the Azerbaijani blockade and the regime’s ongoing aggression against the Republics of Artsakh and Armenia.

Alternatively, in contrast to the tacit endorsement of atrocity crimes and the perpetration of genocide, these external stakeholders could also levy their collective influence to pressure Azerbaijan to lift the blockade of Artsakh and negotiate with relevant authorities in good faith regarding the self-determination of Artsakh Armenians.

#### 5.7 Financial, political or other support of influential or wealthy national actors.

Azerbaijan’s economy is effectively controlled by Ilham Aliyev and his family. The state can, therefore, avail itself to Azerbaijan’s considerable oil wealth without limit or accountability to its citizens.

#### 5.8 Armed, financial, logistic, training or other support of external actors, including States, international or regional organizations, private companies, or others.

As demonstrated above in Section 5.5, Azerbaijan receives military and logistical support from many external stakeholders—including powerful foreign countries.

Additionally, the presence of arms purchased from Israel,<sup>226</sup><sup>227</sup> Russia, Belarus, and Türkiye<sup>228</sup> were all observed during the Second Nagorno-Karabakh War within Artsakh.

A recent investigation by the Israeli newspaper *Haaretz* documented 92 flights between Ovda Air Base in Israel and Baku since 2016. Ovda is notable in that it is “the only airfield in Israel through which explosives may be flown into and out of the country.”<sup>229</sup> Flight numbers peaked in 2020, but flights have continued to the present day—7 flights were documented in 2022.

Azerbaijan also receives strong military and financial support from the United States. In 2018, the Trump administration provided \$100 million worth of equipment and other support to Azerbaijan’s border guards.<sup>230</sup> In 2023, the Biden administration allocated \$700,000 for the training of Azerbaijani military officers, according to US Secretary of State Anthony Blinken.<sup>231</sup>

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<sup>226</sup>Scharf, A & Yaron, O. (2023). “92 Flights From Israeli Base Reveal Arms Exports to Azerbaijan”. *Haaretz*.

<https://www.haaretz.com/israel-news/security-aviation/2023-03-06/ty-article-magazine/premium/92-flights-from-israeli-base-reveal-arms-exports-to-azerbaijan/00000185-fd3d-d96e-edef-ff3dc38e0000>

<sup>227</sup> Ben Aharon, E. (2023). “Why Israel Backs Azerbaijan in Nagorno-Karabakh Conflict: It’s Not About Armenia”. *Prif Blog*.

<https://blog.prif.org/2023/03/29/why-israel-backs-azerbaijan-in-nagorno-karabakh-conflict-its-not-about-armenia/>

<sup>228</sup> Wezeman, P.D., Kuimova, A., & Smith, J. (2021). “Arms transfers to conflict zones: The case of Nagorno-Karabakh”. *SIPRI*.

<https://www.sipri.org/commentary/topical-background/2021/arms-transfers-conflict-zones-case-nagorno-karabakh>

<sup>229</sup>See *ut supra* note 168.

<sup>230</sup> Bazail-Eimil, E. (2023). “Azerbaijan military assistance waiver delayed as review drags on”.

*Politico*. <https://www.politico.com/news/2023/08/16/azerbaijan-military-assistance-waiver-00111472>

<sup>231</sup>Mamedov, E. (2023). “End American Military Aid to Azerbaijan”. *The American Conservative*. <https://www.theamericanconservative.com/end-american-military-aid-to-azerbaijan/>



## **Risk Factor 6: Absence of mitigating factors**

*Risk Factor 6 examines the “Absence of elements that, if present, could contribute to preventing or to lessening the impact of serious acts of violence against protected groups, populations or individuals.”*

*The deteriorating situation in Artsakh demonstrates evidence of indicators 6.1, 6.2, 6.3, 6.4, 6.7, 6.8, 6.9, 6.10, and 6.11, as described below.*

### 6.1 Limited or lack of empowerment processes, resources, allies or other elements that could contribute to the ability of protected groups, populations or individuals to protect themselves.

Because the Azerbaijani state has adhered strictly to the unchanging, uncompromising stance that “Karabakh is Azerbaijan,” all political solutions to the Artsakh crisis are off the table.<sup>232</sup> Judging from comments made by the Aliyev regime, it is clear that, under the current political conditions, Azerbaijan will reject any negotiations related to the legitimate claims for self-determination by Armenians in Artsakh. Therefore, to protect their identity and way of life from being subsumed in violent political annexation, Armenians in Artsakh have few alternatives to relying on the Artsakh Defense Army (discussed above in Section 4.5).

However, the existence of the Artsakh Defense Army may not be able to fully guarantee the security of the people of Artsakh against military aggression from the Azerbaijani regime, as the Artsakh Defense Army has been severely weakened by the 2020 war and the current blockade.

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<sup>232</sup>President of the Republic of Azerbaijan. (2021). “Speech by Ilham Aliyev at the meeting with the servicemen in Shusha”. <https://president.az/en/articles/view/50226>; “Throughout the years of occupation, Armenia’s official propaganda and the media resources of their patrons attempted to circulate an idea in the world and, at the same time, with the people of Azerbaijan that Azerbaijan could never restore its territorial integrity through war. It would be sufficed to look at the speeches of representatives of international organizations and officials of countries dealing with this issue. They have said so many times that there was no military solution to this war, to this conflict. First of all, they tried to convince us of that. Secondly, they tried to prevent us from resolving the issue by military means. Of course, we also tried to resolve this issue peacefully, but resolve it. But we saw that the tactic of negotiations was leading to the issue being frozen, and, of course, we could never agree to that.”

Through the implementation of its blockade, Azerbaijan has also isolated Artsakh from accessing the outside world. It has physically isolated the people of Artsakh by controlling (and currently preventing) all crossings in and out of the enclave. However, the regime has also blocked communications by interfering with electricity and internet access, working to prevent the outside world from bearing witness to the humanitarian emergency taking place in the enclave. By restricting the free flow of information within and beyond Artsakh, the Azerbaijani regime has prevented the people of Artsakh from making their voices heard by the international community. To this end, Azerbaijan has ignored the readiness of foreign delegates to travel to Artsakh in order to assess the situation for themselves.<sup>233</sup>

Furthermore, Azerbaijan's powerful, well-funded, and state-integrated propaganda apparatus has marginalized the voices of Armenians in international news media, NGOs, and state-level government discourse—which often unintentionally parrots the talking points of Azerbaijani propaganda.

## 6.2 Lack of a strong, organized and representative national civil society and of a free, diverse and independent national media.

Azerbaijan's restrictions on freedom of speech, freedom of the press, academic freedom, and the engagement of civil society prevents all peace-building initiatives between Armenians and Azerbaijanis from taking place—even those undertaken by ordinary citizens independent of the Azerbaijani regime (for further information, see Sections 1.6, 6.1, 7.1, 7.6, 7.7).

Furthermore, citizens of Azerbaijan do not have access to information that would contradict the state-sponsored Armenophobic narrative of events in the past and present on account of severely restricted internet access and independent media within Azerbaijan. (See Sections 7.6 and 7.7 below for more information.) Accordingly, there is very little

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<sup>233</sup> European Council. (2023). “Restore free movement along the Lachin Corridor and ensure the rapid and unimpeded delivery of humanitarian assistance in Nagorno-Karabakh”. <https://www.coe.int/en/web/commissioner/-/restore-free-movement-along-the-lachin-corridor-and-ensure-the-rapid-and-unimpeded-delivery-of-humanitarian-assistance-in-nagorno-karabakh>

opportunity for Azeris to access non-Armenophobic representations of Armenians.

### 6.3 Lack of interest and focus of international civil society actors or of access to international media.

The South Caucasus is a geographically small region that, until the 1990s, was largely insulated from the international system. There is very little expertise on the region in the outside world.

International news agencies and media organizations failed to provide more than minimal coverage of the Second Nagorno-Karabakh War in 2020 and of subsequent aggression perpetuated by the Azerbaijani regime. Most of the coverage was framed as a matter of “both sides” engaging in hostilities, with almost no context or informed analysis of the conflict.<sup>234235</sup> The reporting resembled the “ancient hatreds” script that tainted coverage of the Bosnian Genocide and the Rwandan Genocide, distorting the genocidal brutalities and atrocities committed against clearly targeted civilian victim groups as symmetrical warfare between equally matched belligerent parties.

Much of the information that journalists did have access to during the Second Nagorno-Karabakh War was published by Azerbaijani propaganda institutes that posed as legitimate, impartial research institutions. *Caviar diplomacy* also played a role in promoting the Azerbaijani state narrative in the press (see Sections 2.2, 2.3, 2.7, 4.1, and 6.1 above).

International civil society organizations were equally confused about how to best approach the conflict, often mirroring the interests of powerful states (the United Kingdom, the United States, and Türkiye) and the Azerbaijani government in their initial stances on the conflict.

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<sup>234</sup> Lemkin Institute for Genocide Prevention. (2022). “Lemkin Institute: Azerbaijan is committing slow genocide against Armenians with Turkish support”. <https://www.lemkininstitute.com/single-post/lemkin-institute-azerbaijan-is-committing-slow-genocide-against-armenians-with-turkish-support>

<sup>235</sup> Lemkin Institute for Genocide Prevention. (2022). “Statement on Azerbaijan's breach of the established ceasefire agreement and its unprovoked attack on Armenia”, September 14th. <https://www.lemkininstitute.com/statements-new-page/lemkin-institute-statement-on-azerbaijan-s-breach-of-the-established-ceasefire-agreement-and-its-unprovoked-attack-on-armenia>

Additionally, very few journalists and NGOs outside of Armenia and the Armenian diaspora take an active interest in the Republic of Artsakh, which has given Azerbaijan greater impunity to do what it wishes without accountability from external observers. Despite increased attention being paid to Artsakh as the situation on the ground continues to deteriorate, concerns remain about a lack of media coverage inadvertently enabling the perpetration of atrocity crimes and genocidal acts without a response from the international community.

#### 6.4 Lack of or limited presence of the United Nations, INGOs or other international or regional actors in the country and with access to populations.

Since 12 December 2022, no third parties other than Russian peacekeepers and the ICRC have had access to the Republic of Artsakh.

The EU Mission in Armenia (EUMA), a civilian observer mission, was established after the start of the blockade and is stationed on the Armenian side of the Armenia-Azerbaijan border. Despite its proximity to the border, it does not have access to Artsakh.

Currently, no international NGOs have access to Artsakh, including the ICRC (since 15 June 2023), though it still has a country mission present in Stepanakert. This has rendered the people of Artsakh completely surrounded by a hostile state without international observers and unable to access aid beyond its borders.

#### 6.7 Limited cooperation of the State with international and regional human rights mechanisms.

In the aftermath of the Second Nagorno-Karabakh War, Armenia instituted legal proceedings<sup>236</sup> at the ICJ against Azerbaijan. Charges included (but were not limited to): the destruction of cultural heritage, cruel treatment of POWs, and Armenophobic rhetoric stemming from the highest echelons of the Azerbaijani state apparatus. As described in this report, it has become increasingly clear that the Azerbaijani regime

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<sup>236</sup> International Court of Justice. (2023). “Application of the International Convention on the Elimination of All Forms of Racial Discrimination (2021): Armenia v. Azerbaijan” <https://www.icj-cij.org/case/180>

has long-term interests in undermining the Trilateral Ceasefire Statement to the greatest possible extent that it can. There is no greater evidence of this than Azerbaijan’s ongoing violation of two International Court of Justice (ICJ) orders, from 7 December 2021 and 22 February 2023.

As part of the proceedings brought by Armenia, the International Court of Justice published two orders indicating provisional measures to be implemented prior to the issuance of a final judgment in the case. The first order, from 7 December 2021, requires Azerbaijan to, “in accordance with its obligations under Convention for the Elimination of All Forms of Racial Discrimination (ICERD), protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law; take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin; and, take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artifacts.”<sup>237</sup>

The second order, issued on 22 February and reaffirmed on 6 July 2023,<sup>238</sup> requires Azerbaijan to, “pending the final decision in the case and in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions.”<sup>239</sup>

Throughout this report, there are countless examples of Azerbaijan’s refusal to abide by the ICJ’s orders. Supporting this claim, independent

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<sup>237</sup> International Court of Justice. (2021). “Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures: Order of 7 December 2021.” I.C.J. Reports 2021, p. 369.

<sup>238</sup> International Court of Justice. (2023). “Application Of The International Convention On The Elimination Of All Forms Of Racial Discrimination. (Armenia *V.* Azerbaijan) - Request For The Modification Of The Order Of 22 February 2023”  
<https://www.icj-cij.org/sites/default/files/case-related/180/180-20230706-ord-01-00-en.pdf>

<sup>239</sup> International Court of Justice. (2023). “Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 22 February 2023,” p. 14.

experts<sup>240</sup> have determined that President Aliyev—on notice from the ICJ about the dangers of blockading the Lachin Corridor—has knowingly taken steps to continue the blockade in spite of violating international law. President Aliyev knows his actions directly contradict Azerbaijan’s obligations to obey international laws to which the state is a signatory, yet the regime continues to act in contravention of those obligations. Thus, President Aliyev’s intention to commit genocide against the Armenian of Nagorno-Karabakh “should be deduced from his informed, voluntary and antagonistic decisions with full disregard of the International Court of Justice orders.”<sup>241</sup>

#### 6.8 Lack of incentives or willingness of parties to a conflict to engage in dialogue, make concessions and receive support from the international community.

For the people of Artsakh, the resolution of the conflict is a truly existential issue of their own security and survival amid direct threats from the Azerbaijani regime. Still, their voices are completely excluded from peace processes upon which their survival as a people may depend.<sup>242</sup> Recent efforts to organize direct talks between Azerbaijan and Artsakh authorities have been undermined by the former's demand for talks to take place on its own territory without intermediaries, which would place Artsakh negotiators in grave danger. This demand reflects the Azerbaijani regime’s view that the fate of the Karabakh Armenians is a “strictly internal affair.”

Authorities in Artsakh have requested that international mediators attend talks that would take place on neutral ground.<sup>243</sup> European Parliament member (and Chair of the EU Subcommittee on Security and Defense) Nathalie Loiseau noted that the peace process “requires all sides, and in particular Azerbaijan, to end its hostilities and make a genuine

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<sup>240</sup> See *ut supra* note #231

<sup>241</sup> *Id.*, at p.18.

<sup>242</sup> de Waal, T. (2008). “The Karabakh trap - Dangers and dilemmas of the Nagorny Karabakh conflict”. *Conciliation Resources*.  
[https://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/afet/dv/201/201106/20110615\\_crrepo\\_rt\\_en.pdf](https://www.europarl.europa.eu/meetdocs/2009_2014/documents/afet/dv/201/201106/20110615_crrepo_rt_en.pdf).

<sup>243</sup> Isayev, H., & Shahverdyan, L. (2023). “More false starts in Azerbaijan-Karabakh talks”. *Eurasianet*.  
<https://eurasianet.org/more-false-starts-in-azerbaijan-karabakh-talks>.

commitment to the peace process.”<sup>244</sup> The EU Delegation to Armenia further condemned “tensions, hostilities, ceasefire violations and cross-border attacks from Azerbaijan [that] continue to threaten the fragile peace process.”<sup>245</sup>

Yet, despite reproach from international stakeholders, the Azerbaijani regime has persistently refused to genuinely participate in dialogue and negotiations with the Republic of Armenia, much less with the Republic of Artsakh. It has operated unilaterally in ongoing peace negotiations with Armenia, seeking to impose its policy goals through the guise of a “peace” process.<sup>246</sup>

In the most recent meeting with the UN on 16 August 2023, diplomat Yashar T. Aliyev claimed that “Armenia’s appeal to the Council is part of a campaign to manipulate and mislead” the international community, as discussed in section 2.6 above. Having argued this in reference to Ararat Mirzoyan, Armenia’s Minister of Foreign Affairs, who presented the blockade of Artsakh and the ways in which it has negatively impacted Armenians who live in the territory,<sup>247</sup> Aliyev proceeded to vehemently deny the existence of the blockade and claim that Armenia’s “allegations” were “groundless.”

Azerbaijan’s refusal to acknowledge its actions and the objective reality of the state-sponsored blockade constitutes one example of a recurring pattern of the regime’s behavior as a participant in peace talks, international conferences, and negotiations.

Furthermore, Yashar Aliyev’s representation of Armenians as manipulative and misleading feeds into the anti-Armenian racism that the regime of Ilham Aliyev explicitly promotes within Azerbaijan. It is an example of the harmful Armenophobic stereotype that Armenians are

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<sup>244</sup> Delegation to the European Union Armenia. (2023). “Armenia: SEDE MEPs urge Azerbaijan to stop undermining the peace process.” *European Union*.  
[https://www.eas.europa.eu/delegations/armenia/armenia-sede-meps-urge-azerbaijan-stop-undermining-peace-process\\_en?s=216](https://www.eas.europa.eu/delegations/armenia/armenia-sede-meps-urge-azerbaijan-stop-undermining-peace-process_en?s=216).

<sup>245</sup> Op.Cit.

<sup>246</sup> See *ut supra* note 206.

<sup>247</sup> United Nations Meetings Coverage and Press Releases (2023). “Lachin Corridor Must Be Reopened for Humanitarian Aid, Security Council Hears, as Speakers Urge Armenia, Azerbaijan to Normalize Relations.” <https://press.un.org/en/2023/sc15384.doc.htm>.

“treacherous” and “conniving,” constituting a trope that has been incorporated into Azerbaijan’s school textbooks (as noted in both Sections 4.8 and 8.7 of this report).

6.9 Lack of interest, reluctance or failure of United Nations Member States or international or regional organizations to support a State to exercise its responsibility to protect populations from atrocity crimes, or to take action when the State manifestly fails that responsibility.

The 2020 Tripartite Ceasefire Statement established a Russian peacekeeping force “along the line of contact in Nagorno-Karabakh and along the Lachin [C]orridor.”<sup>248</sup> The Ceasefire Statement solely permits the limited deployment of 1,960 military personnel equipped with light weapons, 90 armored personnel carriers, and 380 other motor vehicles.

The peacekeeping contingent sent by the Russian Federation has proved incapable of guaranteeing the protection of the Artsakh population—partly due to the modest mandate afforded to the contingent.<sup>249</sup> The peacekeeping force has also failed to put an end to the blockade, which has prompted the European Parliament to condemn the “inaction” of the Russian contingent and to call for a UN-mandated OSCE mission to replace the Russian peacekeeping operation.<sup>250</sup>

In January 2023, the EU Foreign Affairs Council established the EU Mission in Armenia (EUMA). This non-executive, civilian-staffed Common Security and Defence Policy (CSDP) Mission’s mandate is to “observe and report on the security situation along the Armenian side of the international border with Azerbaijan.”<sup>251</sup> The EUMA has a two-year mandate (which can be extended) during which up to 103 international civilian observer experts will be deployed to the region.

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<sup>248</sup> Republic of Armenia, Republic of Azerbaijan, Federation of Russia. (2020). Tripartite Ceasefire Agreement. <https://www.peaceagreements.org/viewmasterdocument/2324>

<sup>249</sup> Krivosheev, K. (2023). “Could the New EU Mission Sideline Russia in Armenia-Azerbaijan Settlement?”. *Carnegie Endowment for Peace*. <https://carnegieendowment.org/politika/89060>

<sup>250</sup> European Parliament. (2023). “Resolution on the humanitarian consequences of the blockade in Nagorno-Karabakh”. (2023/2504/(RSP)). [https://www.europarl.europa.eu/doceo/document/RC-9-2023-0075\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-9-2023-0075_EN.html)

<sup>251</sup> European Union External Action. (2023). “EU Mission In Armenia”. [https://www.eeas.europa.eu/euma/eu-mission-armenia-euma\\_en?s=410283](https://www.eeas.europa.eu/euma/eu-mission-armenia-euma_en?s=410283)



The EUMA is a positive development relative to the welfare of Armenians, as it fills a major intelligence gap by ensuring that international observers are available to quickly document any border violations that occur. Since the end of the Second Nagorno-Karabakh War in 2020, Azerbaijan has made numerous incursions into internationally-recognized Armenian territory and has refused to withdraw at least 50 km of territory that it has occupied inside Armenia’s borders, despite calls from the US, France, and the European Parliament that it do so.<sup>252</sup> Azerbaijan has justified its actions with reference to alleged Armenian “provocations,” which are usually denied by Armenian authorities—who request evidence from Azerbaijan that is never provided.

However, the EUMA is small and lacks the capacity to patrol the full length of the Armenia-Azerbaijan border. Furthermore, its activities are mandated only for the internationally-recognized territory of the Republic of Armenia; the Lachin Corridor and Artsakh are located outside of its mandate.

Finally, recent meetings of the United Nations Security Council devoted to the blockade of the Lachin Corridor have thus far come to nothing.<sup>253</sup>

Within the context of this subsection, what is missing is international recognition of the genocidal threat posed by the Aliyev regime to Armenians in the Republic of Artsakh and in the Republic of Armenia. Such recognition would help international actors devise appropriate measures to counter these threats before they manifest and endanger the lives of Armenians in Artsakh and Armenia alike.

#### 6.10 Lack of support by neighbouring States to protect populations at risk and in need of refuge, including by closure of borders, forced repatriation or aid restrictions.

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<sup>252</sup> Isayev, H. (2023). "Armenian and Azerbaijani leaders meet for the fifth time in Brussels". *Eurasianet*. May 16.

[https://en.wikipedia.org/wiki/Armenia%E2%80%93Azerbaijan\\_border\\_crisis\\_\(2021%E2%80%93present\)#cite\\_ref-48](https://en.wikipedia.org/wiki/Armenia%E2%80%93Azerbaijan_border_crisis_(2021%E2%80%93present)#cite_ref-48)

<sup>253</sup> The Mirror Spectator. (2023). “UN Security Council Meeting Yields no Results”. <https://mirrorspectator.com/2023/08/24/un-security-council-meeting-yields-no-results/>

The Republic of Artsakh is completely surrounded by territory controlled by Azerbaijan. The Republic of Armenia is flanked by Türkiye to the west and Azerbaijan to the east: two allied states who have demonstrated hostility to Armenia and Artsakh. The border between Armenia and Azerbaijan has been closed since 1991, while the border between Armenia and Türkiye has been closed since 3 April 1993. The Turkish-Armenian border is set to reopen to diplomats and citizens of third/external countries in 2023,<sup>254</sup> but this would specifically exclude Armenians fleeing Azerbaijani aggression.

Azerbaijan is emboldened and supported in its genocidal goals by its neighbor Türkiye. The Turkish government is known for its persistent denial of the 1915 Armenian Genocide (and, by extension, its role as a perpetrator), and it is also actively partnering with Azerbaijan to both eradicate Artsakh Armenians' fundamental rights and eliminate all traces of Armenian existence in the South Caucasus. Further, as noted in several sections above (see, for example, Sections 1.7, 4.2 and 4.3), Ankara and Baku are promoting the idea of the establishment of the “Zangezur Corridor” that would give Azerbaijan proper direct access to the exclave of Nakhchivan (as well as Türkiye) through the territory of the Republic of Armenia.

As outlined above in Sections 5.3, 5.8, 7.4 and 7.5, Türkiye substantially supported Azerbaijan in the First and Second Nagorno-Karabakh Wars. There is no reason to believe that Türkiye will not support Azerbaijan if it decides to invade the remaining territory of Artsakh, especially since it has not faced consequences for its support for Azerbaijan thus far.

Furthermore, the Armenian population of Artsakh has no way of evacuating in the event of an emergency. With the establishment of the Azerbaijani military checkpoint at the Lachin Corridor in April of 2023, Artsakh Armenians are completely surrounded by Azerbaijan and its military with no way out of the enclave and no safe place to flee from hostilities or aggression.

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<sup>254</sup> DPA. (2023). “Armenia, Turkey To Partially Reopen Land Border”. *RadioFreeEurope/RadioLiberty*. <https://www.rferl.org/a/armenia-turkey-open-border/32334198.html>

If the Republic of Armenia were attacked, Armenians would have limited routes to seek refuge beyond their borders: the only states whose borders Armenians are permitted to cross are Georgia to the north and Iran to the south—though access to the southern border would likely be obstructed by Azerbaijan in the event that sovereign Armenian territory faced an attack.

#### 6.11 Lack of an early warning mechanism relevant to the prevention of atrocity crimes.

Unfortunately, no early warning mechanism has been applied to Azerbaijan's actions by any official body dedicated to monitoring warning signs of imminent atrocity. There have been warnings from NGOs devoted to genocide prevention regarding the threat posed by Azerbaijan, such as the Lemkin Institute for Genocide Prevention and Genocide Watch,<sup>255</sup> as well as a statement from the Executive Board of the International Association of Genocide Scholars.<sup>256,257</sup> More recently, former ICC prosecutor Luis Moreno Ocampo published a report stating that “there is an ongoing Genocide against 120,000 Armenians living in Nagorno-Karabakh, also known as Artsakh. The blockade of the Lachin Corridor by the Azerbaijani security forces impeding access to any food, medical supplies, and other essentials should be considered a Genocide.”<sup>258</sup> Prominent figures in the field of human rights, such as Juan Ernesto Mendez, the Former Special Advisor to the Secretary-General on the Prevention of Genocide (2004-2007) at the United Nations and a former UN Special Rapporteur on Torture (2010-16)<sup>259</sup> and a collection of the world's foremost scholars within the

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<sup>255</sup> Genocide Watch. (2023). “Genocide Emergency: Azerbaijan's Blockade of Artsakh.”

<https://www.genocidewatch.com/single-post/genocide-emergency-azerbaijan-s-blockade-of-artsakh>

<sup>256</sup> International Association of Genocide Scholars Executive Board. (2022). “Statement on Azerbaijani Aggression Against the Republic of Armenia and the Indigenous Armenians of the South Caucasus.” <https://genocidescholars.org/wp-content/uploads/2022/10/IAGS-EB-Statement-Armenia-Azerbaijan-Oct-2022.pdf>

<sup>257</sup> International Association of Genocide Scholars Executive and Advisory Boards. (2023). “Statement Condemning the Azerbaijani Blockade of the Artsakh (Nagorno-Karabakh).” <https://genocidescholars.org/wp-content/uploads/2023/02/IAGS-EB-AB-Statement-on-Azeri-Blockade-of-Artsakh.pdf>

<sup>258</sup> Ocampo Moreno, L. (2023). “Expert Opinion: Genocide against Armenians in 2023”. New York. [https://luismorenoocampo.com/lmo\\_en/report-armenia/](https://luismorenoocampo.com/lmo_en/report-armenia/).

<sup>259</sup> Mendez, J. E. (2023). (rep.). “PRELIMINARY OPINION on the situation in Nagorno-Karabakh and on the need for the international community to adopt measures to prevent atrocity crimes.” [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://un.mfa.am/file\\_manager/un\\_mission/Preliminary%20Opinion%20-%202023.08.2023.pdf](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://un.mfa.am/file_manager/un_mission/Preliminary%20Opinion%20-%202023.08.2023.pdf)

discipline of Genocide Studies<sup>260</sup> have described the blockade as indicative of a genocide, while other people and organizations, such as the Armenian Genocide Museum-Institute<sup>261</sup>, the Global Centre for the Responsibility to Protect<sup>262</sup> and the Global Center Against Mass Atrocity Crimes (GAAMAC)<sup>263</sup> have echoed the urgency of addressing the blockade to preserve human life.

The international media has been slow to report on the blockade of Artsakh. Despite increased attention being paid to the crisis as of this report's publication regarding the growing severity of the blockade's impact on the health and welfare of Artsakh Armenians,<sup>264</sup> very little information reaches the major news outlets in the Western world—and, by extension, members of the general public outside the South Caucasus.

A particularly salient issue that has demanded the attention of the international community has been the outbreak of the Russo-Ukrainian War, rendering efforts to mobilize political attention and resources to address the threat of genocide in the South Caucasus ineffective and inadvertently offering the Azerbaijani regime a space to commit atrocities with impunity. The Azerbaijani regime has made no effort to abide by the decisions of international courts such as the International Court of Justice and the European Court of Human Rights, let alone acknowledge their orders. It has patently ignored, for example, the ICJ's binding order from 22 February 2023 that it open up the Lachin Corridor.<sup>265</sup>

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<sup>260</sup> Armenian Genocide Museum-Institute. (2023). "Prominent genocide scholars have submitted an open letter to the UN Secretary-General, the UN High Commissioner for Human Rights, the Special Adviser of the UN Secretary-General on the Prevention of Genocide, and Member States of the UN Security Council regarding the potential for genocide in Artsakh (Nagorno-Karabakh)." *Armenian Genocide Museum-Institute Foundation*. <http://www.genocide-museum.am/eng/11.8.23.php>

<sup>261</sup> Armenian Genocide Museum-Institute. (2023). "Press Release: 1 August 2023." *Armenian Genocide Museum-Institute Foundation*. <http://www.genocide-museum.am/eng/01.8.23.php>

<sup>262</sup> Global Centre for the Responsibility to Protect. (2023). "Atrocity alert no. 358: El Salvador, Nagorno-Karabakh and UN peacekeeping." <https://www.globalr2p.org/publications/atrocity-alert-no-358/>

<sup>263</sup> Global Action Against Mass Atrocity Crimes. (2023). "The blockade of the Lachin Corridor and its humanitarian consequences for the population of Nagorno-Karabakh." [https://gaamac.org/2023/08/the-blockade-of-the-lachin-corridor-and-its-humanitarian-consequences-for-the-population-of-nagorno-karabakh/?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=gearing\\_up\\_for\\_further\\_actions\\_to\\_strengthen\\_national\\_resilience&](https://gaamac.org/2023/08/the-blockade-of-the-lachin-corridor-and-its-humanitarian-consequences-for-the-population-of-nagorno-karabakh/?utm_source=newsletter&utm_medium=email&utm_campaign=gearing_up_for_further_actions_to_strengthen_national_resilience&)

<sup>264</sup> Demytrie, R. (2023). "Nagorno-Karabakh: 'people are fainting queuing up for bread.'" *BBC News*. <https://www.bbc.com/news/world-europe-66646677>

<sup>265</sup> See *ut supra* Footnote #239

Moreover, the establishment of a checkpoint following the ICJ’s order to open the Lachin Corridor in February constitutes a brazen violation of the both the legal order itself and broader international law, and it unlawfully circumvents Azerbaijan’s obligation to submit itself to the legal jurisdiction that it has freely accepted and consented to.

Without legal consequences, tensions in the region have continued to intensify amid deteriorating humanitarian conditions. On 23 April 2023, Azerbaijani forces established a checkpoint on a bridge spanning the Hakari River, placing a chokehold on the settlements of Hin Shen, Mets Shen and Yeghtsahogh—whose access to the outside world was completely severed with the blockade. These villages depend on their proximity to the Republic of Armenia, as their inhabitants access food, medication and the essentials of life in Goris; having since lost this vital link, civilians in these settlements have faced dangerous losses of access to goods and supplies essential for life.<sup>266267</sup>

Having faced minimal geopolitical resistance to its blockade, Azerbaijan has continued to escalate the severity of the humanitarian emergency by completely severing the flow of trade across the Lachin Corridor on 15 June 2023 (see section 1.1 above). Since then, the people of Artsakh have had no access to any material goods from outside their borders and have grown increasingly vulnerable as months have passed with no relief of the blockade as they face dwindling food stocks and medicine supplies and shrinking quantities of infant formula.<sup>268</sup>

Through this void of coverage on the rapidly deteriorating crisis within the international press and media, the suffering of Artsakh Armenians has not only gone unaddressed by the international community—it has

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<sup>266</sup> Radio Free Europe/RadioLiberty. (2023). “Azerbaijan Suspends Traffic On Sole Road To Nagorno-Karabakh Due To ‘Contraband.’”

<https://www.rferl.org/a/azerbaijan-suspends-traffic-nagorno-karabakh-armenia/32498664.html>

<sup>267</sup> Lederer, E. (2023). The Washington Post, “Armenia and Azerbaijan clash over plight of 120,000 people in Nagorno-Karabakh facing food crisis.” August 16.

[https://www.washingtonpost.com/world/2023/08/16/armenia-azerbaijan-nagornokarabakh-road-blockade-humanitarian/68979878-3c9f-11ee-aefd-40c039a855ba\\_story.html](https://www.washingtonpost.com/world/2023/08/16/armenia-azerbaijan-nagornokarabakh-road-blockade-humanitarian/68979878-3c9f-11ee-aefd-40c039a855ba_story.html)

<sup>268</sup> International Committee of the Red Cross. (2023). “Azerbaijan/Armenia: Sides must reach ‘humanitarian consensus’ to ease suffering”, July 25th.

<https://www.icrc.org/en/document/azerbaijan-armenia-sides-must-reach-humanitarian-consensus-to-ease-suffering>

created conditions that may lead to the crime of genocide without safeguards in place to prevent it.

### **Risk Factor 7: Enabling circumstances or preparatory action**

*Risk Factor 7 examines “Events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration.”*

*There is strong evidence of both enabling circumstances and preparatory action, with aspects of the preparatory action themselves possibly constituting the crime of genocide, as outlined below in Sections 7.1, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.13, and 7.14.*

#### **7.1 Imposition of emergency laws or extraordinary security measures that erode fundamental rights.**

Although President Ilham Aliyev already exercises full, extrajudicial control of the entries and exits of the territory of Artsakh through the blockade and ensuing siege ravaging the enclave, he appears to be preparing Azerbaijan for conflict once again.

As noted in Section 5.3 above, on 16 August 2023, President Ilham Aliyev signed a decree ordering the conscription of all eligible citizens 18 years of age or older for active military service between 1 October and 31 October of 2023.<sup>269</sup> This order indicates the disturbing likelihood of a total mobilization of the population of Azerbaijan for military service for one month (at minimum) in the coming fall, which may have devastating consequences for the humanitarian emergency in Artsakh.

**The starting date of conscription—1 October, 2023—is only about a month out from the date of release of this report.**

#### **7.3 Strengthening of the security apparatus, its reorganization or mobilization against protected groups, populations or individuals.**

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<sup>269</sup> Azer News. (2023). “Azerbaijani President signs decree on conscription for active military service”. <https://www.azernews.az/nation/213587.html>

In the years leading up to the Second War of Nagorno-Karabakh in 2020 and beyond, Azerbaijan has made significant efforts to further develop and strengthen its military capacity. Since the end of the Second Nagorno Karabakh War, Azerbaijan has increased its military budget “by about 20%, from \$2.2 billion to \$2.6 billion annually for 2021 and 2022.”<sup>270</sup>

These military reforms include increases in military spending, the establishment of new fighting units, the creation of a new National Defense University, and an increase in the number of special forces units within the Azerbaijani Armed Forces.

Additionally, Azerbaijan’s military has been modernized on account of its acquisition of high-tech weapons such as armored vehicles, multiple rocket launch systems, and laser-guided missiles, among other materiel.<sup>271</sup> All these changes were made to build the Azerbaijan military along the Turkish military model, as planned directly by President Aliyev.<sup>272</sup> Aliyev appears to personally pride himself on accomplishing the feat of doubling the quantity of special forces soldiers in combat since the end of the Second War of Nagorno-Karabakh.<sup>273</sup> In 2023, the military and defense budget reached over USD \$3 billion—up from USD \$2.6 billion in 2022.<sup>274</sup>

#### 7.4 Acquisition of large quantities of arms and ammunition or of other objects that could be used to inflict harm.

From 2011 to 2020, Azerbaijan’s top four sources for imported weapons were Russia, Israel, Belarus, and Türkiye.<sup>275</sup> According to the Stockholm International Peace Research Institute (SIPRI), Russian arms exports to Azerbaijan included “armoured vehicles, air defence systems,

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<sup>270</sup>JAMnews. (2022). “Military spending of Armenia and Azerbaijan - in numbers”. <https://jam-news.net/military-spending-of-armenia-and-azerbaijan-in-numbers/>

<sup>271</sup> Eurasianet. (2022). “Azerbaijan remaking its military in Turkey’s image”. <https://eurasianet.org/perspectives-azerbaijan-remaking-its-military-in-turkeys-image>

<sup>272</sup> President of the Republic of Azerbaijan. (2020). “Ilham Aliyev was interviewed by TRT Haber TV channel.” <https://president.az/en/articles/view/41763>

<sup>273</sup> Eurasianet. (2022). “Azerbaijan remaking its military in Turkey’s image.” <https://eurasianet.org/perspectives-azerbaijan-remaking-its-military-in-turkeys-image>

<sup>274</sup> Hajiyeva, G. (2022). “Azerbaijan Increases Defense & Security Budget for 2023 » Caspiennews. <https://caspiennews.com/news-detail/azerbaijan-increases-defense-security-budget-for-2023-2022-10-26-0/>

<sup>275</sup> SIPRI. (2021). “Arms transfers to conflict zones: The case of Nagorno-Karabakh”. <https://www.sipri.org/commentary/topical-background/2021/arms-transfers-conflict-zones-case-nagorno-karabakh>

transport and combat helicopters, artillery, multiple rocket launchers and tanks,<sup>276</sup> and all of these weapons were subsequently used during the Second Nagorno-Karabakh War in 2020. Furthermore, in 2021, US President Joe Biden notified<sup>277</sup> Congress of his intention to waive Section 907 of the Freedom Support Act, an action which would allow the United States to continue supplying Azerbaijan with military aid.

Between 2010 and 2020, Israeli news investigations revealed<sup>278</sup> that there were up to 100 cargo flights between Baku and Ovda Air Base in Israel, the only facility in Israel through which explosives are transported. Israeli arms exports played a key role not only in the Second Nagorno-Karabakh War—but also in 2016. Israeli exports included HAROP loitering munitions and Hermes Unmanned Aerial Vehicles (UAVs).

While Israel accounts for only 27 percent of Azerbaijan’s arms acquisitions between 2010 and 2020, Israel’s exports comprised a significant percentage of Azerbaijan’s arms accumulations between 2016-2020, accounting for 69 percent of all arms acquisition in that period. (For more information, refer above to Section 5.8.)

In addition to its support of the Aliyev regime on the international stage, another key provider of weapons to Azerbaijan is Türkiye. Turkish arms exports to Azerbaijan surged<sup>279</sup> in the months leading up to the Second Nagorno-Karabakh War. While Türkiye’s exports do not account for a significant share of Azerbaijan’s arms imports, they are quite significant in terms of the quality of weapons imported into Azerbaijan: It is Türkiye’s Bayraktar TB2 drone that many believe proved decisive in

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<sup>276</sup> *Id.*

<sup>277</sup> Kelly, L. (2021). “Biden waving restriction blocking aid to Azerbaijan over Armenia conflict”. *The Hill*.  
<https://thehill.com/policy/international/551577-biden-waiving-restriction-blocking-aid-to-azerbaijan-over-armenia/>

<sup>278</sup> Scharf, A & Yaron, O. (2023). “92 Flights From Israeli Base Reveal Arms Exports to Azerbaijan”. *Haaretz*.  
<https://www.haaretz.com/israel-news/security-aviation/2023-03-06/ty-article-magazine/premium/92-flights-from-israeli-base-reveal-arms-exports-to-azerbaijan/00000185-fd3d-d96e-aded-ff3dc38e0000>

<sup>279</sup> Toksabay, E. (2020). “Turkish arms sales to Azerbaijan surged before Nagorno-Karabakh fighting”. *Reuters*.  
<https://www.reuters.com/article/us-armenia-azerbaijan-turkey-arms/turkish-arms-sales-to-azerbaijan-surged-before-nagorno-karabakh-fighting-idUSKBN26Z237>



Azerbaijan’s military gains in 2020. These UAVs were delivered to Azerbaijan shortly before the outbreak of hostilities.

Evidence further suggests that China has a vested interest in Azerbaijan’s victory over Armenians in Artsakh and beyond—and that it may have covertly provided support to Azerbaijan during the Second Nagorno-Karabakh War.<sup>280</sup>

To summarize: Regarding its military capacity, it’s clear that Azerbaijan has access to some of the best weapons and weapons systems in the world, and the regime’s increases in funding to acquire and accumulate these weapons may have dangerous consequences for Artsakh.

### 7.5 Creation of, or increased support to, militia or paramilitary groups.

During the several wars fought in Artsakh, the Azerbaijani regime used mercenaries from external countries and ethnic groups to terrorize the Armenian people. For instance, throughout the First Nagorno-Karabakh War (most prominently between 1992 and 1994), Azerbaijan recruited Chechen and Afghan fighters to fight alongside its army.<sup>281</sup> More recently, during the Second Nagorno-Karabakh War, Azerbaijan recruited more than 2,000 mercenaries from Syria via Türkiye (as discussed in Section 5.5 of this report).<sup>282</sup>

The presence of Syrian fighters in both Artsakh and Armenia was documented and confirmed by the UN Working Group on the use of mercenaries. These UN experts said that “fighters appeared to be motivated primarily by private gain, given the dire economic situation in the Syrian Arab Republic.”<sup>283</sup> In addition, the UN Working Group

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<sup>280</sup> Abrahamyan, P. (2021). “Was China all innocent during the 2020 Artsakh War?”, *EVN Report*. <https://evnreport.com/opinion/was-china-all-innocent-during-the-2020-artsakh-war/>

<sup>281</sup> Ministry of Foreign Affairs of the Republic of Artsakh, “Use of mercenaries by Azerbaijan in the war against Artsakh”. <http://www.nkr.am/en/mercenaries-in-azerbaijani-army>

<sup>282</sup> Syrians for Truth and Justice. (2021). “Turkey Recruited 2580 Syrian Fighters to Azerbaijan— 293 Died There.” <https://stj-sy.org/wp-content/uploads/2021/04/Turkey-Recruited-2580-Syrian-Fighters-to-Azerbaijan-293-died-there.pdf>

<sup>283</sup> Office of the United Nations High Commissioner of Human Rights. (2021). Press Release, “Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts.” <https://www.ohchr.org/en/press-releases/2020/11/mercenaries-and-around-nagorno-karabakh-conflict-zone-must-be-withdrawn-un>

underlined that the use of mercenaries in conflict is strictly prohibited under international humanitarian law by the International Convention against the Recruitment, Use, Financing and Training of Mercenaries—a convention to which Azerbaijan is a party.

#### 7.6 Imposition of strict control on the use of communication channels, or banning access to them.

Azerbaijan is known to severely limit and restrict media access within its borders. Currently, it is ranked 151 out of 180 countries on the World Press Freedom Index.<sup>284</sup>

An example of how intensively the Azerbaijani regime suppresses independent reporting and news can be seen in its recent “On Media” law that was issued by a decree from President Aliyev in February 2022.<sup>285</sup> The law states that if a media outlet’s main audience is in Azerbaijan, then those who own it must be citizens of Azerbaijan. It is important to note that this law applies to all media outlets, including broadcast, print, and online media, as well as to anyone who posts “audiovisual material” on the internet. If a media corporation hires a director or coordinator who does not fulfill these requirements or who accepts funding from foreign entities, then the organization could face a two-month suspension of operations. If the violations continue, the agency will be shut down. The Committee to Protect Journalists is concerned that this new law could impact the actions of independent Azerbaijani journalists who post their work online from exile.<sup>286</sup>

Internet access and telecommunications are also frequently suppressed in Artsakh. This is a key component of the Azerbaijani blockade alongside deliberate restrictions on energy access, food, and other important resources. For example, early in 2023, an internet blackout enveloped Artsakh due to damage to a critical internet cable within the

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<sup>284</sup> RSF Reporters Without Borders. (2023). “Azerbaijan.” <https://rsf.org/en/country/azerbaijan>

<sup>285</sup> Wesolowsky, T. (2022). “A New Draconian Media Law In Azerbaijan Gives The Government The Power To Decide What’s News.” *Radio Free Europe/RadioLiberty*. <https://www.rferl.org/a/azerbaijan-media-law-journalism-objective/31711614.html>

<sup>286</sup> Committee to Protect Journalists. (2022). “New Azerbaijan media law increases restrictions on the press.” <https://cpj.org/2022/02/new-azerbaijan-media-law-increases-restrictions-on-the-press/>

enclave's telecom network.<sup>287</sup> The local internet provider reported that the damage to the cable was physically located in the same area of the Lachin Corridor as the Azerbaijani state-sponsored “eco-activists.” Azerbaijan has even gone as far as to prevent repair crews from bringing damaged electric infrastructure back online in Azerbaijan-controlled areas where power lines providing Artsakh with electricity from Armenia have been disrupted.<sup>288</sup>

### 7.7 Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors, or imposition of severe restrictions on their services and movements.

The Azerbaijani regime has persistently interfered with the work of NGOs that either attempt to analyze or criticize its public policies. Within the last decade, Azerbaijan has adopted a series of laws<sup>289</sup> which have hindered the establishment of new NGOs while impeding the operations of existing NGOs currently located in the country.<sup>290</sup> The government also reformed the process by which NGOs receive funding, rendering it more opaque and difficult to complete.

Media outlets currently operating in Azerbaijan are also constrained with equal severity. This suppressive trend has been repeatedly denounced by international organizations such as the Council of Europe and the OSCE.<sup>291</sup>

Additionally, since 12 December 2022—the day the siege of Artsakh began—Azerbaijan has refused to allow any international media or observers to access areas afflicted by the blockade. Azerbaijan has also prevented all outside observers from accessing the territory in any

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<sup>287</sup> Armenpress. (2023). “BREAKING: Internet Blackout in Nagorno Karabakh.” January 12. <https://armenpress.am/eng/news/1101546/>

<sup>288</sup> Ibid.

<sup>289</sup> International Center for Not-For-Profit Law. (2023). “Azerbaijan.” <https://www.icnl.org/resources/civic-freedom-monitor/azerbaijan>

<sup>290</sup> Human Rights Watch. (2013). “Tightening the Screws: Azerbaijan’s Crackdown on Civil Society and Dissent”, September 1st. <https://www.hrw.org/report/2013/09/01/tightening-screws/azerbajians-crackdown-civil-society-and-dissent>

<sup>291</sup> Organization for Security and Co-operation in Europe. (2013). “Council of Europe Commissioner for Human Rights and OSCE media freedom representative concerned at further restrictions to free expression in Azerbaijan”, June 6th.. <https://www.osce.org/fom/102413>

capacity. Only Azerbaijani governmental or government-affiliated media have been allowed to access restricted areas.<sup>292</sup>

7.8 Increased violations of the right to life, physical integrity, liberty or security of members of protected groups, populations or individuals, or recent adoption of measures or legislation that affect or deliberately discriminate against them.

As discussed above in Sections 1.1, 1.2, 2.2, 2.3, 2.4, and 2.5, Azerbaijan has increased the intensity and frequency of human rights violations committed against Artsakh Armenians and Armenians within the Republic of Armenia.

These violations of the right to life and physical integrity include unlawful practices committed against Armenians, such as extrajudicial executions, torture, and the infliction of physical abuse and cruelty against Armenian soldiers and civilians alike. Moreover, in complete and flagrant violation of international humanitarian law, Azerbaijani soldiers have been documented desecrating the dead bodies of Armenian soldiers, abusing ill-treated Armenian POWs, and committing sexual assaults against female soldiers—an act documented in Azerbaijan’s latest attack on Artsakh in September 2022. The blockade of the Lachin Corridor constitutes only the most recent example of Azerbaijan’s repeated, intensifying violations of the human rights of the Armenian population.

7.9 Increased serious acts of violence against women and children, or creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror.

During the Azerbaijani attack launched in September of 2022, there was evidence of sexual and gender-based violence (SGBV) in which Armenian women were specifically targeted: The Armenian Defence Ministry announced that several servicewomen were tortured, raped, mutilated and killed. The perpetrators of these crimes dismembered and violated the bodies of the dead, directing sexist, misogynous hatred at

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<sup>292</sup> Rapporteurs Without Borders. (2023). “After three-month blockade, RSF urges Azerbaijan and Russian peacekeepers to let reporters visit Nagorno-Karabakh.” <https://rsf.org/en/after-three-month-blockade-rsf-urges-azerbaijan-and-russian-peacekeepers-let-reporters-visit>

the corpses of their victims. On a video shared to social media, the body of one of the servicewomen was shown naked and desecrated.<sup>293</sup>

7.10 Imposition of life-threatening living conditions or the deportation, seizure, collection, segregation, evacuation, or forced displacement or transfer of protected groups, populations or individuals to camps, rural areas, ghettos or other assigned locations.

As mentioned above in Sections 1.1 and 1.2, since 12 December 2022, Artsakh has been isolated in a crippling blockade imposed by the Azerbaijani regime. By sealing Artsakh off from the outside world, the blockade has triggered an enormous humanitarian crisis by isolating 120,000 people—including over 30,000 children, 20,000 elderly people, and 9,000 people with disabilities—from access to food, medications, infant formula, and necessities of life that cannot be produced within the enclave.

From the imposition of the blockade to the publication of this report, the population of Artsakh has continued to starve amid persistently severe food insecurity while lacking access to lifesaving medicines, health and hygiene products, infant formula, and other basic necessities of life. During the winter months, frequent cuts of gas, electricity, and internet were imposed by Azerbaijan (see Section 7.6 above for more information). As of this report's publication, the situation continues to worsen with each passing day. The approaching winter is of particular concern.

7.11 Destruction or plundering of essential goods or installations for protected groups, populations or individuals, or of property related to cultural and religious identity.

During the Second Nagorno-Karabakh War in 2020, Azerbaijani soldiers deliberately damaged and destroyed Armenian cultural heritage in a clear attempt to wipe out any trace of Armenian identity or existence

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<sup>293</sup> Asbarez. (2022). "Azerbaijani Atrocities, Including Mutilation of Female Soldiers, Detailed to Foreign Diplomats." <https://asbarez.com/azerbaijani-atrocities-including-mutilation-of-female-soldier-detailed-to-foreign-diplomats/>

within the region.<sup>294</sup> This is discussed in greater detail in section 10.8 below.

The UN Committee on Racial Discrimination<sup>295</sup><sup>296</sup> and the International Criminal Court<sup>297</sup> both view cultural heritage as an essential element of a community's identity; the deliberate desecration and destruction of cultural heritage represents a clear attack on the group and its dignity. The list of damaged cultural objects and sites has grown extensively, including various places of worship<sup>298</sup>, churches and cemeteries: the Kazanchi Church, the Holy Ghazanchetsots Cathedral in Shusha, and the Church of Zoravor Surb Astvatsatsin near the town of Mekhakavan have all been destroyed in Azerbaijani aggression.<sup>299</sup><sup>300</sup>

### 7.13 Increased politicization of identity, past events or motives to engage in violence.

Since the Second Nagorno-Karabakh War of 2020, there has been an increase in the political instrumentalization of Armenophobia by the Aliyev regime as well as the radicalization of the message being conveyed to the Azerbaijani public. Such attitudes are often used to acclimate the Azerbaijani populace to supporting or engaging in violence.

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<sup>294</sup> European Parliament. "Resolution of 10 March 2022 on the destruction of cultural heritage in Nagorno-Karabakh (2022/2582(RSP)).

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022IP0080>

<sup>295</sup> United Nations Office of the High Commissioner for Human Rights. (2022). "UN Committee on the Elimination of Racial Discrimination publishes findings on Azerbaijan, Benin, Nicaragua, Slovakia, Suriname, United States of America and Zimbabwe."

<https://www.ohchr.org/en/press-releases/2022/08/un-committee-elimination-racial-discrimination-publshes-findings-azerbaijan>

<sup>296</sup> United Nations Office of the High Commissioner for Human Rights. (2012). "Selected Decisions of the Committee on the Elimination of Racial Discrimination", Thirty-sixth to seventy-fifth sessions. <https://www.ohchr.org/sites/default/files/Documents/Publications/CERDSelectedDecisionsVolume1.pdf>

<sup>297</sup> Office of the Prosecutor of the International Criminal Court. (2021). "Policy on Cultural Heritage". <https://www.icc-cpi.int/sites/default/files/itemsDocuments/20210614-otp-policy-cultural-heritage-eng.pdf>

<sup>298</sup> Caucasus Heritage Watch. (2022). "Special Report - Between the Wars". <https://caucasusheritage.cornell.edu/>

<sup>299</sup> Nutt, D. (2022). "Report shows near-total erasure of Armenian heritage sites". *Cornell Chronicle*. <https://news.cornell.edu/stories/2022/09/report-shows-near-total-erasure-armenian-heritage-sites>

<sup>300</sup> Human Rights Ombudsman Of The Republic Of Artsakh. (2020). "Ad hoc public report on the Azerbaijani targeted attacks against the St. Holy Savior Ghazanchetsots cathedral of Shushi, Artsakh (Nagorno Karabakh) as a war crime and crime against humanity." <https://artsakhombuds.am/hy/document/740>

Following the end of the war, the Azerbaijani government released new postage stamps celebrating its victory in 2020, emblazoned with images depicting people in protective gear fumigating the area of Nagorno-Karabakh on a map of Azerbaijan. This image visually represents Azerbaijan’s own claims that they are “cleansing” the region of Armenian soldiers and civilians.<sup>301</sup>

In May of 2023, in a television interview in the city of Salyan, Azerbaijan, President Ilham Aliyev referred to the Armenian leaders of Artsakh and all those unwilling to accept Azerbaijani citizenship as “leeches,”<sup>302</sup> reflecting prior aggression and state-sponsored rhetoric wielded against the Armenian people by the Azerbaijani regime that saddles them with the sole responsibility for both the commencement of regional hostilities and any outcome that follows.

Following the removal of Armenians and the recapture of cities such as Shushi, Jabrayil, Fuzuli, and others, Azerbaijani authorities have accused Armenian civilians of destroying Azerbaijani cities and cultural heritage<sup>303</sup> in Artsakh—an accusation that is frequently followed by calls to restore additional “Azerbaijani territories” by removing the Armenian population from even more regions. (For more information on the erasure of Armenian cultural heritage, refer below to Section 10.8.)

President Aliyev’s regime is preparing the justifications for large-scale mass atrocity against Armenians in Artsakh.

#### 7.14 Increased inflammatory rhetoric, propaganda campaigns or hate speech targeting protected groups, populations or individuals.

When considering the decades of conflict that have plagued Artsakh, which have been sponsored by the Azerbaijani government, it becomes

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<sup>301</sup> Azerbaijan Television. (2021) “Postage stamps dedicated to Azerbaijani heroes issued”. *AzTV* <https://aztv.az/en/news/11015/postage-stamps-dedicated-to-azerbaijani-heroes-issued>

<sup>302</sup> President of the Republic of Azerbaijan. (2023). “Ilham Aliyev was interviewed by Azerbaijan Television in city of Salyan”. *President of the Republic of Azerbaijan*. <https://president.az/en/articles/view/59451>

<sup>303</sup> Azertag. (2021). “President of Azerbaijan: We have not only restored our territorial integrity, we have destroyed Armenian fascism.” <https://azertag.az/xeber/Azerbaycan Prezidenti Biz tekce erazi butovluyumuz berpa etmemisik biz ermeni fasizmini mehv etmisik-1702213>

evident that the blockade of Artsakh's access to humanitarian relief through the Lachin Corridor demonstrates the clear intent of the Aliyev regime to eliminate the Armenian presence within Artsakh.

The Azerbaijani government's deliberate obfuscation of such acts is transparent and suggests a pre-planned strategy to commit slow genocide: The initial siege of the Lachin Corridor by "eco-activist civilians" was immediately replaced by the Azerbaijani military upon the establishment of a military checkpoint on the Hakari bridge on 23 April 2023. Since then, the regime's chokehold on Artsakh has tightened; a deliberate provocation of hostilities by Azerbaijani forces on 15 June 2023 was used to justify the complete closure of the corridor and prevent any humanitarian supplies from reaching Artsakh.<sup>304</sup>

This deliberate policy of isolation has intensified in tandem with planned Azerbaijani attacks on Artsakhsi infrastructure. A disturbing example of such hostilities was an attack that took place on 5 March 2023 in which a vehicle belonging to the Passport and Visa Department of the Ministry of Internal Affairs of Artsakh was attacked by a covert Azerbaijani strike-group, leading to the deaths of three police officers and the wounding of one survivor.<sup>305</sup>

Regarding the deliberate policy of isolation, it is important to note that international press access to the Lachin Corridor and the region of Artsakh has been blocked by the Azerbaijani regime since December 2022. The sole coverage permitted by the Azerbaijani regime has been from domestic news organizations that are either controlled by the state or are affiliated with the government—no international organizations or independent journalists have been permitted.<sup>306</sup>

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<sup>304</sup> Reuters. (2023). "Armenian, Azerbaijani border guards wounded at entrance to closed Karabakh road."

<https://www.reuters.com/world/middle-east/azerbaijani-border-guard-wounded-entrance-closed-karabakh-road-2023-06-15/>

<sup>305</sup> Permanent Mission of the Republic of Armenia to the Organization for the Security and Co-operation in Europe (2023). "Statement on deadly ambush carried out by Azerbaijani subversive group against police officers of Nagorno-Karabakh in violation of Trilateral Statement of November 2020." <https://www.osce.org/files/f/documents/c/c/539213.pdf>

<sup>306</sup> Rapporteurs Without Borders. (2023). "After three-month blockade, RSF urges Azerbaijan and Russian peacekeepers to let reporters visit Nagorno-Karabakh". <https://rsf.org/en/after-three-month-blockade-rsf-urges-azerbaijan-and-russian-peacekeepers-let-reporters-visit>



By controlling the narrative of the blockade, the Azerbaijani regime has managed to simultaneously isolate Artsakh from the outside world and prevent itself from being held accountable for the humanitarian crisis it has wreaked upon the region. (For further information regarding the suppression of independent media within Azerbaijan, refer to Sections 2.8, 6.1, 6.11, and 7.6.)

When the hostilities documented in this report are weighed in tandem with the ongoing blockade and radicalizing Armenophobic hate speech, it becomes clear that Azerbaijan plans to eliminate the autonomous presence of indigenous ethnic Armenians from Artsakh.

### **Risk Factor 8: Triggering Factors**

*Risk Factor 8 examines “Events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset.”*

*The current crisis in Artsakh exhibits specific evidence of indicators 8.1, 8.6, 8.7, and 8.11, as described below.*

#### **8.1. Sudden deployment of security forces or commencement of armed hostilities.**

Despite all parties having signed the Trilateral Ceasefire Statement of 9 November 2020, there has been no *de facto* end to hostilities from the Azerbaijani military; it has continued to violate the ceasefire since it was initially breached by Azerbaijani forces on 11 December 2020, during which it took control of the settlements of Hin Tagher and Khtsaberd. Subsequent attacks have led to the targeted harassment, abduction, and murder of Armenian civilians, the destruction of non-military infrastructure within the villages, the erasure of cultural monuments and heritage markers across conquered territory, and the invasion of the internationally-recognized territory of the Republic of Armenia.

Azerbaijan’s most recent full-scale military attack on Artsakh and Armenia (and violation of the Tripartite Ceasefire Statement) occurred

in September 2022. Artsakh's current insecurity, repeated incursions from Azerbaijani forces, and disturbingly frequent threats from Azerbaijani President Ilham Aliyev to invade both Artsakh and the Republic of Armenia alike demonstrate the serious, real, and likely danger of an outbreak of widespread hostilities if the Aliyev regime is not held accountable for continued attacks against civilians within Artsakh.

Most recently, Azerbaijan built up its military positions near the Armenian border town of Sotk<sup>307</sup> in the Gegharkunik Province and then fired on Armenian combat positions using small arms and mortars,<sup>308</sup> killing three Armenian soldiers and wounding a fourth.<sup>309</sup> In a pattern common to Azerbaijan's aggression towards Armenia and Artsakh, the Azerbaijani build up and attack were preceded by a disinformation and "mirroring" campaign that claimed Armenians were firing on Azerbaijani positions.

On 5 September 2023, the date of publication of this report, the Azerbaijan Armed Forces began moving and concentrating military equipment along the entire line of contact with the Republic of Artsakh.<sup>310</sup>

At the time of publication of this report, Azerbaijan continues to fire at Armenian positions across the border with the Republic of Armenia.<sup>311</sup>

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<sup>307</sup> Ghazanchyan, S. (2023). "Footage shows Azerbaijani military buildup in the direction of Sotk". Public Radio of Armenia.

<https://en.armradio.am/2023/09/01/footage-shows-azerbaijani-military-buildup-in-the-direction-of-sotk/>

<sup>308</sup> Armenpress. (2023). "UPDATED: Armenia border outposts in Sotk under heavy Azerbaijani gunfire". <https://armenpress.am/eng/news/1118523>

<sup>309</sup> Asbarez. (2023). "UPDATED: 3 Armenian Soldiers Killed, 1 Injured as Azerbaijan Mounts Offensive on Gegharkunik Province".

<https://www.asbarez.com/4-dead-1-injured-as-azerbaijan-mounts-offensive-on-armenias-gegharkunik-province/>

<sup>310</sup> Artsakh Defense Forces. (2023). "The movement and concentration of Azerbaijani Armed Forces' military equipment along the entire line of contact between Artsakh and Azerbaijan. By spreading a wave of disinformation over the last few days, the Azerbaijani MoD is preparing a ground for another provocation." *Posted on Twitter:*

[https://twitter.com/Karabakh\\_MoD/status/1699140604901437669?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet](https://twitter.com/Karabakh_MoD/status/1699140604901437669?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet)

<sup>311</sup> Ministry of Defence of Armenia. (2023). "On September 3, at around 1:40 a.m., units of the #Azerbaijani armed forces fired from fire arms towards the #Armenian combat outposts nearby #Kutakan."

[https://twitter.com/ArmeniaMODTeam/status/1698221232859033752?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet](https://twitter.com/ArmeniaMODTeam/status/1698221232859033752?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet)

## 8.6 Religious events or real or perceived acts of religious intolerance or disrespect, including outside national borders.

President Aliyev has used a variety of tactics to isolate Artsakh and the Republic of Armenia on the international stage. A particular facet of this strategy is attempting to label Armenia as an Islamophobic state. By levying accusations that Armenians have been “rais[ing] their children in the spirit of hatred for the Muslims [...] ...[and] instill[ing] this ideology in their children,”<sup>312</sup> Aliyev has made an effort to frame the conflict over Artsakh as a religious conflict based in Armenian (and Western) Islamophobia.

On the first anniversary of the start of the Second Nagorno-Karabakh War (2020), which in Azerbaijan is celebrated annually on 27 September as the Day of Remembrance, President Aliyev exclaimed to the Azerbaijani people that:

“The Azerbaijanophobia and Islamophobia, which are rampant in Armenia, have reached the level of mental illness. Hatred against the Azerbaijanis has become an official ideology there. Otherwise, so much atrocity would not have been committed. Anyone who comes to the liberated lands is terrified. This couldn’t have been done by humans. I can even say this couldn’t have been done by animals either. The perpetrators of this are a depraved, impertinent, Azerbaijani-phobic mass, a tribe. It cannot be described in any other way, and the whole world should see that. Armenia's patrons should see that. Even though they are reluctant to see this, they must and they will see this. We will show that, we will show the whole world to whom we have taught a lesson and *what evil we have saved our region from.*”<sup>313</sup>

Aliyev has pushed for other Islamic states to isolate Armenia on the international stage on the grounds of asserting that Artsakh Armenians

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<sup>312</sup> The State Committee on the Religious Associations of the Republic of Azerbaijan. (2020).

“*President Ilham Aliyev: Armenia is a country where Islamophobia is a State policy.*”

<https://scwra.gov.az/en/view/news/9538/president-ilham-aliyev-armenia-is-a-country-where-islamophobia-is-a-state-policy>

<sup>313</sup> Hayrapetyan, T. (2022). “From the Dictator’s Mouth.” *EVN Report*. [Emphasis our own.]

<https://evnreport.com/politics/from-the-dictators-mouth/>

have participated in the destruction of Islamic cultural heritage in Artsakh, claiming that “Muslims of the world must be aware that an Armenia tearing down mosques cannot be a friend of Muslim countries”<sup>314</sup> Reiterating common Azerbaijani propaganda, he further noted that he has been delivering this message about Armenians to “Muslims of the world”:

“All our historical sites and mosques have been completely destroyed or desecrated by the Armenians. Of the 67 mosques, 65 are completely destroyed, while the rest of our semi-destroyed mosques were used by the hated enemy to keep animals, cows and pigs in order to insult us, to insult Muslims all over the world. I am confident that Muslims of the world will respond adequately to that. I receive letters from many Muslim countries about this issue. We are doing tangible work to disseminate information about Armenian atrocities committed in the years of occupation, about Armenian fascism. We are informing and will continue to inform the whole world about this. Therefore, our victory, as I said, is a victory over Armenian fascism.”

On November 11, 2022 President Aliyev addressed the 9th Summit of the Organization of Turkic States in Samarkand and again claimed that “Islamophobia and Turkophobia” form the basis of Armenia’s official ideology.<sup>315316</sup>

There is absolutely no evidence for the claim of official Islamophobia in Armenia. However, the claim has been repeated frequently for consumption by the Azerbaijani population and is frequently reiterated in the Azerbaijani and Turkish press.

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<sup>314</sup> Musayelian, L. (2017). “Armenia no friend to Muslim states, says Aliyev.” *Radio Free Europe/RadioLiberty*. <https://www.azatutyun.am/a/28915717.html>

<sup>315</sup> Trend News Agency. (2022). “Islamophobia and Turkophobia form the basis of Armenia’s official ideology - President Ilham Aliyev”. <https://en.trend.az/azerbaijan/politics/3667775.html>

<sup>316</sup> News.az (2022) “Islamophobia and Turkophobia form basis of Armenia’s official ideology: President Aliyev.” <https://news.az/news/islamophobia-and-turkophobia-form-basis-of-armenias-official-ideology-president-aliyev>

There is ample evidence that Aliyev is seeking to stoke the powerful fires of religious intolerance in the world to gain support for his war against the cosmic “evil” of Armenians.

### 8.7 Acts of incitement or hate propaganda targeting particular groups or individuals.

As President Aliyev’s statement (quoted above in Section 8.6) suggests, Azerbaijan has a long history of inciting antagonism against the Armenian people through well-organized messages of Armenophobic hatred spread to a global audience.

As noted above in Section 4.8 of this report, Azerbaijan has integrated Armenophobia into its education system in an attempt to instill a hatred and prejudice against Armenians into Azerbaijani children at a young age.<sup>317</sup> A report by the Center for Truth and Justice that analyzed children’s textbooks found that children of approximately ten years old were actively being exposed to harmful, hurtful stereotypes<sup>318</sup> of Armenians: a fifth-grade literature book called “The Thief” portrays Armenians as conniving thieves who have “stolen Karabakh” (Artsakh) from Azerbaijanis. At one point in the book, the main character’s grandmother states that “Armenians have been stealing since ancient times, my son.” Stories such as these not only dehumanize Armenians but also fuel the fire of ethnic violence through pushing Armenophobic materials on Azerbaijani students—a method of instilling hatred which has been deeply ingrained in Azerbaijan’s public discourse for many years.

Furthermore, there are many examples of incitement and hate propaganda disseminated within Azerbaijan that specifically target Armenians. In this report we have mostly discussed statements that particularly target Artsakh Armenians. However, these messages of hatred extend to all Armenians, including those resident within the

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<sup>317</sup> Garakhanyan L. (2023). “Anti-Armenian Propaganda in Azerbaijan’s Educational System.” *The Armenian Weekly*.

<https://armenianweekly.com/2023/04/18/anti-armenian-propaganda-in-azerbajians-educational-system/>

<sup>318</sup> Tatoyan, A. (2023). “The Distortion of Historical Facts at the Basis of Azerbaijan’s Anti-Armenian Policy.” *Center for Truth and Justice*.

<https://www.cftjustice.org/the-distortion-of-historical-facts-at-the-basis-of-azerbajians-anti-armenian-policy/>.

neighboring Republic of Armenia. Few quotes illustrate this message more than a speech made by Hasif Hurbanovo, the Chairman of the Global Congress of Azerbaijanis, who exclaimed that “If we want to achieve the goal of world peace, we have to get rid of the virus of Armenia.”<sup>319</sup>

Explicitly discriminatory statements like these are often reflected in President Aliyev’s official communications. Notable examples include President Aliyev’s tweet in 2015, predating the Second Nagorno-Karabakh War, that “Armenia is not even a colony, it is not even worthy of being a servant.”<sup>320</sup> Following the war, Aliyev spoke of the Azerbaijani victory within Shusha in January of 2021 in terms indicative of an enduring resentment of Armenians as “hiding like mice now, tight-lipped, unable to utter a word. We came here as winners... [who] forced the enemy to kneel before us and sign the act of capitulation. That is what happened, and the humiliating act of capitulation will go down in history forever.”<sup>321</sup>

The Military Trophy Park (discussed in detail above in Section 2.7) was further classified as a form of state-sponsored incitement of violence against Armenians by the European Parliament, labeling it as “a glorification of violence [that] risks inciting further hostile sentiment, hate speech or even inhumane treatment of remaining POWs and other Armenian captive civilians, thereby perpetuating the atmosphere of hatred and contradicting any official statements on reconciliation.”<sup>322</sup>

Reviewing the evidence presented, it becomes clear that Armenophobia runs deep within the Azerbaijani state, military, and society; its role in inciting hatred of Armenians within Azerbaijan’s state institutions and public discourse highlights the potential for threats of elimination to be manifested in mass atrocities amid another outbreak of conflict.

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<sup>319</sup> Elibegova, A. (2017). “Armenophobia in Azerbaijan: Causes and Effects.” *EVN Report*,. <https://evnreport.com/politics/armenophobia-in-azerbaijan-causes-and-effects/>

<sup>320</sup> Aliyev, I. (2015). “Armenia is not even a colony, it is not even worthy of being a servant.” *Posted on Twitter at:* <https://twitter.com/presidentaz/status/560718307515318272?lang=en>

<sup>321</sup> President of the Republic of Azerbaijan. (2021). “Speech by Ilham Aliyev at the meeting with the servicemen in Shusha”. <https://president.az/en/articles/view/50226>

<sup>322</sup> European Parliament (2021). “JOINT MOTION FOR A RESOLUTION on prisoners of war in the aftermath of the most recent conflict between Armenia and Azerbaijan.” [https://www.europarl.europa.eu/doceo/document/RC-9-2021-0277\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-9-2021-0277_EN.html)

8.11 Commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities.

The Azerbaijani regime has made it a priority to stoke nationalism within the state and commemorate victories during conflicts fought with Armenia and Artsakh. Several holidays are also celebrated in ways that directly perpetuate sentiments of Armenophobia (as mentioned above in Section 8.10) as well as narratives that cement Armenophobia within public discourse:

- The Commemoration of the Khojaly “Genocide” (26 February) has been held annually since the date of Khojaly’s capture in 1992. Azerbaijan claims this tragedy to be a genocide carried out by Armenians with the sole intention of murdering Azerbaijani civilians because of their identity as Azerbaijanis.<sup>323</sup> The commemoration is a rallying point for Armenophobic claims and statements.
- The Day of National Salvation of the Azerbaijani People (June 15) has been celebrated every year since 1997 and marks former President Heydar Aliyev’s return to the Azerbaijani government on June 15 1993, which his son, President Ilham Aliyev, has called a “turning point” in Azerbaijan’s history.

Military victories against Armenians in the Second Nagorno-Karabakh War have become important symbols in National Salvation Day celebrations since 2020. These victories are viewed as a culmination of a process of national salvation.

For example, on National Salvation Day in 2023, Azerbaijani member of parliament Mazahir Efendiyev wrote in a guest opinion for the *EU Reporter*: “In 2023, which is declared the ‘Year of Heydar Aliyev’ in Azerbaijan, we celebrate National Salvation Day with double joy and pride. This year represents the sacred feelings of love for the Motherland and respect for our

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<sup>323</sup> Azerbaijan. (N.D.) “The Khojaly Tragedy.” *Azerbaijan*.  
<https://azerbaijan.az/en/related-information/7>

national and spiritual values, rallying around the ideology of Azerbaijanism, and the "Great Return" process rapidly implemented in the Karabakh region."<sup>324</sup>

- Memorial Day (27 September), also called the Day of Remembrance, is dedicated to the Azerbaijani military casualties of the Second Nagorno-Karabakh War of 2020.<sup>325</sup> President Aliyev established Memorial Day shortly after the end of the war. It is celebrated on the date that Azerbaijan attacked the Republic of Artsakh and started the war. Public statements on this day are almost entirely devoted to Armenophobic disinformation about Armenia and Armenians, as analyzed in section 4.1 above, including allegations that Armenians started the war and harbor exterminationist aims towards Azerbaijanis.<sup>326</sup>
- Victory Day (8 November) was decreed by President Aliyev in December of 2020 following the end of the Second Nagorno-Karabakh War. The holiday celebrates the signing of the Tripartite Ceasefire Statement with Armenia and Russia, which ended the war and had favorable outcomes for Azerbaijan. It is celebrated on the day of Azerbaijan's occupation of Shushi in Artsakh. This day is devoted to celebrations of "victory" over Armenians in Artsakh, which is viewed as an "historic mission" and a restoration of "national dignity," as outlined in sections 4.1 and 10.7.

### III. Risk Factors Specific to the Crime of Genocide

#### Risk Factor 9: Intergroup tensions or discrimination patterns against protected groups

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<sup>324</sup> Efendiyev. M. (2023). "National Salvation Day as the foundation of the historic Shusha Declaration". *EU Reporter*.

<https://www.eureporter.co/world/azerbaijan-world/2023/06/16/national-salvation-day-as-the-foundation-of-the-historic-shusha-declaration/> Emphasis our own.

<sup>325</sup> Republic of Azerbaijan Ministry of Foreign Affairs. (2022). "No:459/22, Information of the Press Service Department of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the event dedicated to September 27 - Remembrance Day" <https://mfa.gov.az/en/news/no45922>

<sup>326</sup> See, for example, Trend News Agency. (2022). "'Memorial day' marks very important page in modern history of Azerbaijan - ombudsman". <https://en.trend.az/azerbaijan/politics/3649197.html>



*Risk Factor 9 examines “Past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the State, generating an environment conducive to atrocity crimes.”*

*There is evidence of all six indicators—as described below.*

#### 9.1 Past or present serious discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against protected groups.

Outside of the territory of the Republic of Artsakh that is claimed by Azerbaijan, there are currently very few Armenians who are legal residents of Azerbaijan. As there are no recent demographic statistics on minority populations published by the Azerbaijani state that are available to the general public, researchers must rely on unofficial studies to estimate the country’s demography.

An analysis of the 1999 census in Azerbaijan documents that Azerbaijan was 90.6 percent Azeri at that time. Based on this census, researchers from the Institute of Ethnology and Anthropology at the Russian Academy of Science estimated the number of Armenians outside of Artsakh at 645 people. Most of these Armenians were identified as elderly and in mixed marriages. Allowing for Armenians who changed their names (and whose Armenian ethnicity was not recorded in the Azerbaijani census), the same researchers estimated that there were between 2000 to 3000 Armenians—many with mixed Armenian-Azeri backgrounds—resident within Azerbaijan in 1999.<sup>327</sup>

The reports available pertaining to the treatment of Armenians in Azerbaijan document the precarious path they tread as residents of Azerbaijan: Many Armenians, as suggested by the Russian Academy of Science analysis mentioned above, prefer to have Azerbaijani names. A 2011 report by the European Commission against Racism and Intolerance (ECRI) found that “the constant negative official and media discourse concerning the Republic of Armenia helps to sustain a negative climate of opinion regarding people of Armenian origin

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<sup>327</sup> Yunusov, A. (2001). “Ethnic composition of Azerbaijan (according to the 1999 census). *Institute of Ethnology and Anthropology at the Russian Academy of Science*. <http://www.demoscope.ru/weekly/2004/0183/analit05.php>

coming under the Azerbaijani authorities' jurisdiction.” This state-sponsored hostility resulted in “people of Armenian origin [being] at risk of being discriminated against in their daily lives.”<sup>328</sup>

While Azerbaijan has carefully curated an international reputation as a multicultural and tolerant society, examination of its record on human rights surrounding minority groups offers a much more critical view: The 2019 report from the Advisory Committee on the Framework Convention for the Protection of National Minorities summarizes that, in Azerbaijan, “there is still no comprehensive legislation or consultative mechanism for the protection of the rights on national minorities; the members of national minorities are not aware of their rights and experience difficulties to access them; no new measures have been undertaken to obtain disaggregated data on the national minorities; no steps have been made to remove the existing obstacles to radio and TV broadcasting in minority languages, and there is still no support to print media. At university level, there is no possibility to learn minority languages other than Russian and Georgian.”<sup>329</sup>

Both the small number of Armenians living openly in Azerbaijan and the lack of available information on minority populations within the state in general makes it very difficult to quantitatively measure or analyze acts of discrimination against Armenian residents of Azerbaijan. However, in consideration of the factors at play within this report, it is fair to argue that the number of Armenians in Azerbaijan is likely to have declined since 1999—if not more strongly since 2020.

A strong measure that we have to analyze the treatment of Armenians by Azerbaijani officials is the treatment of Armenians by Azerbaijani military forces during the outbreak of hostilities in 2020 and 2022, when any Armenian—soldier or civilian—who fell into Azerbaijani hands was tortured, mutilated, illegally held captive, and/or killed. According to a report published in August 2022 by the International Committee of the Red Cross, approximately 300 Armenians located within territory

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<sup>328</sup> European Commission against Racism and Intolerance. (2011). “ECRI Report on Azerbaijan.” May 31.

<sup>329</sup> Council of Europe. (2019). “Framework Convention for the Protection of National Minorities: Azerbaijan.”

<https://www.coe.int/en/web/portal/-/azerbaijani-multiculturalism-welcomes-expressions-of-cultural-identity-but-increased-restrictions-on-democracy-absence-of-legislation-inflammatory-lan>

gained by Azerbaijan in the war could not be located in the wake of the conflict.<sup>330</sup> Survivor testimonies regarding abuses incurred by Armenian POWs in Azerbaijani custody following the Second Nagorno-Karabakh War demonstrated a particular targeted brutality aimed at Armenians, including physical abuse and beating within hospital settings and a deliberate lack of treatment following those abuses.<sup>331</sup>

Armenians have faced the murderous consequences of Azerbaijani-sponsored hostility and violence aimed at their “Armenianness” for decades. For example: ECtHR case *Makuchyan and Minasyan v. Azerbaijan and Hungary (2020)* dissected an incident in which the Azerbaijani state offered officer Ramil Safarov legal impunity for the decapitation of an Armenian officer in Budapest in 2004 and subsequent death threats to an Armenian soldier immediately following the incident; upon arrival in Azerbaijan following legal proceedings, he was offered years of backpay and a presidential pardon for the murder.<sup>332</sup> Support for this act of violence was explicit within government circles: the Azerbaijani ombudsman noted that the offender’s violent murder, clearly aimed at the victim on account of his Armenian ethnicity, constituted “an exemplary model of patriotism for the Azerbaijani youth.” (For more detail, return to Section 2.3 above.)

In chronicling this aforementioned particular case, the Office of the UN High Commissioner for Human Rights, in a report documenting the ill-treatment of Armenian POWs and civilians taken captive by Azerbaijani forces during the Second Nagorno-Karabakh War in 2020, further cites numerous legal cases from the ECtHR which demonstrate, even in peacetime, “concerns on abuses against Armenians on their ethnicity [...] Azerbaijan’s racial hatred and hate crimes against Armenians, denial of redress to victims, as well as the repeated and unpunished use of inflammatory language by politicians speaking about

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<sup>330</sup> Amnesty International, “Azerbaijan, 2022”, 2022.

<https://www.amnesty.org/en/location/europe-and-central-asia/azerbaijan/report-azerbaijan/>

<sup>331</sup> Human Rights Watch. (2021). “Azerbaijan: Armenian POWs abused in custody.”

<https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>

<sup>332</sup> European Court of Human Rights. (2020). “CASE OF MAKUCHYAN AND MINASYAN v. AZERBAIJAN AND HUNGARY.” <https://hudoc.echr.coe.int/eng?i=001-202524>

the Nagorno-Karabakh conflict and its adverse impact on the public's view of ethnic Armenians in Azerbaijan.”<sup>333</sup>

Considering these extreme violations of the right to life of Armenians within Artsakh and beyond, it is important to note that concerns from Yerevan regarding the security of Artsakh-Armenians and their welfare within the current situation of the total blockade have been met with sharp rebuttals from Azerbaijani leadership.

When pressed with the need to ensure the security and safety of the 120,000 Artsakh Armenians in advance of peace talks, Azerbaijani Foreign Minister Jeyhun Bayramov claimed that the welfare of the Armenians of Artsakh “is an internal, sovereign issue. The Azerbaijan constitution and a number of international conventions to which Azerbaijan is party provide all the necessary conditions in order to guarantee the rights of this population.”<sup>334</sup> Minimal other guarantees surrounding the welfare of Artsakh Armenians have been offered from Azerbaijani leadership.

## 9.2 Denial of the existence of protected groups or of recognition of elements of their identity.

Azerbaijan has persistently adopted a narrative that contests the indigeneity of Armenians in the region by persistently denying the conclusive evidence of their historical presence. This state-sponsored narrative characterizes Armenians as “external invaders” of the South Caucasus (see Section 2.7 above) and has, in the eyes of the Azerbaijani regime, justified the erasure of Artsakh-Armenian cultural heritage and identity.

Following the end of the war in 2020, President Aliyev and Azerbaijan's Cultural Ministry ordered the removal of medieval Armenian inscriptions from Armenian churches found within and around territories

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<sup>333</sup> Office of the United Nations High Commissioner for Human Rights. (2021). “The Treatment of Armenian Prisoners of War and Civilian Captives in Azerbaijan.”

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36119>

<sup>334</sup> Osborn, A., & Collett-White, M. (2023). “Nagorno-Karabakh: Azerbaijan says extra guarantees for enclave's ethnic Armenians not possible.”

<https://www.reuters.com/world/azerbaijan-rejects-demand-guarantees-nagorno-karabakhs-ethnic-armenians-2023-06-22/>

occupied by the Azerbaijani Armed Forces, explicitly promising to erase the “fictitious [Armenian] traces.”<sup>335</sup> In March 2021, President Aliyev visited a 12th-century church in the village of Tsakuri, calling its inscriptions “fake” and the church itself as “Armenianized” from its “Caucasian-Albanian” origins: “[Armenians] created a falsified history for themselves in our ancient lands.”<sup>336337</sup> Later, in May of 2021, Azerbaijan began reconstruction of Shushi’s 19th-century Ghazanchetsots Cathedral, an Armenian church that was twice targeted and bombed during the war,<sup>338</sup> to what the Azerbaijani Ministry of Foreign Affairs claims as its “original architectural style”<sup>339</sup> without any consultation from external parties or former congregants.

Developed in the 1950s by controversial Azerbaijani historian Ziya Bunyatov, the “Caucasian-Albanian theory” claims that ancient Armenian churches in Artsakh were constructed by Albanian tribes, rather than by Armenians. This theory has been analyzed and completely rejected by international scholarship on the subject.<sup>340</sup> Yet this theory has been instrumentalized by the Azerbaijani government and government-supported scholars to further deny the existence of Artsakhis in their indigenous homelands and justify the destruction of culturally significant artifacts and sites by altering or entirely erasing elements of their construction that have historically identified them as Armenian.

### 9.3 History of atrocity crimes committed with impunity against protected groups.

As explained in further detail in Sections 1.1, 2.2, 2.3, 2.6, and 7.8, during the First Nagorno-Karabakh War, the Second Nagorno-Karabakh

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<sup>335</sup>Chapple, A. (2022). “‘Forgeries’: The Armenian Art That Azerbaijan May ‘Erase’ From Churches.” *RadioFreeEurope/RadioLiberty*.

<https://www.rferl.org/a/azerbaijan-armenia-churches-inscriptions-erase/31693154.html>

<sup>336</sup>Minval.az. (2021). In Russian: “President Aliyev: We will repair this ancient Albanian church.”

<https://minval.az/news/124099506>

<sup>337</sup>Isayev, H. (2022). “Azerbaijan announces plan to erase Armenian traces from churches.” *Eurasianet*.

<https://eurasianet.org/azerbaijan-announces-plans-to-erase-armenian-traces-from-churches>

<sup>338</sup>Human Rights Watch. (2020). “Azerbaijan: Attack on Church Possible War Crime.”

<https://www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime>

<sup>339</sup>Kucera, J. (2021). “Azerbaijan begins controversial renovation of Armenian church.” *Eurasianet*.

<https://eurasianet.org/azerbaijan-begins-controversial-renovation-of-armenian-church>

<sup>340</sup>Agha, J. (2021). “Perspectives | Who were the Caucasian Albanians?” *Eurasianet*.

<https://eurasianet.org/perspectives-who-were-the-caucasian-albanians>

War, and again in September 2022, Azerbaijani soldiers committed atrocities against Armenian civilians and soldiers—some of which proved reminiscent of the violence of the Armenian Genocide. In light of these atrocity crimes, Azerbaijan has repeatedly failed to hold its servicemembers accountable for these atrocities. Much the opposite: President Ilham Aliyev has created a space of impunity where the ill-treatment of Armenians is not only tolerated, but also encouraged. This impunity has caused the deterioration of the current situation on the ground in Artsakh and leads to fears of widespread atrocity in the event of another outbreak of armed conflict.

Furthermore, Azerbaijan has continued to kidnap Armenians from Artsakh with impunity, often providing no information about the reasons for their “arrest” or making unsubstantiated claims. On 29 July 2023, Azerbaijani authorities arrested a medical patient being transported by the ICRC through the Lachin Corridor for medical care in Armenia.<sup>341</sup> On 28 August 2023, Azerbaijani authorities arrested three very young men at the Lachin Corridor who were traveling with Russian peacekeepers in a convoy bringing university students to Armenia so they could continue their studies.<sup>342</sup>

Finally, Azerbaijan continues to fire on Armenian farmers in Artsakh on a regular basis, disrupting the locally-grown food supply.<sup>343344345</sup>

9.4 Past or present serious tensions or conflicts between protected groups or with the State, with regards to access to rights and resources, socioeconomic disparities, participation in decision making processes, security, expressions of group identity or to perceptions about the targeted group.

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<sup>341</sup> International Committee of the Red Cross. (2023). “Armenia/Azerbaijan: Medical patient arrested during transfer through Lachin Corridor”. <https://www.icrc.org/en/document/armenia-azerbaijan-medical-patient-arrested-during-transfer-through-lachin-corridor>

<sup>342</sup> Asbarez. (2023). “Azerbaijan Abducts and Arrests 3 Young Artsakh Residents”. <https://asbarez.com/azerbaijan-abducts-3-young-artsakh-residents/>

<sup>343</sup> Armenia News. (2023). “Azerbaijan shoots at farmers carrying out spring sowing in Armenia village”. <https://news.am/eng/news/753734.html>

<sup>344</sup> Armenpress. (2023). “Azeri forces again target farmers in Nagorno-Karabakh, vehicle hit”. <https://armenpress.am/eng/news/1117087/>

<sup>345</sup> Ghazanchyan, S. (2023). “Farmer in Artsakh comes under Azerbaijani fire.” *Public Radio of Armenia*. <https://en.armradio.am/2023/08/16/farmer-in-artsakh-comes-under-azerbaijani-fire-3>

As noted throughout this report, tensions and conflicts between the protected group of Armenians in Artsakh and the Azerbaijani state have been ongoing since the end of World War I. Throughout the past 100 years, the voices and needs of Armenians in Artsakh have been rejected by Azerbaijan and ignored by the international community. The silencing of Artsakhsis voices has led to numerous wars and has perpetuated an extremely dangerous international misperception that the struggle over Artsakh is merely a ‘technical and legal issue’ about state borders.

While this report is not intended to lay out a legal case for Artsakh’s right to self-determination, it has demonstrated how the political realities in the region and the historical dynamics of violence that accompany Artsakh’s struggle for survival clearly mandate that Artsakhsis maintain control over their own security—that is, if the world is serious about protecting continued Armenian existence in Artsakh and preventing a further escalation of the genocide.

9.5 Past or present serious tensions or conflicts involving other types of groups (political, social, cultural, geographical, etc.) that could develop along national, ethnic, racial or religious lines.

Azerbaijan’s state-sanctioned policy of Armenophobia, while directed at a distinct ethnic and national group, is also directed at the political entity of the Republic of Artsakh and its institutions—including its democracy.

In a manner analogous to Russia’s current treatment of Ukrainians within the context of the Russo-Ukrainian War, Azerbaijani leaders routinely conflate their hatred of “Armenians” with their hostility to the Republic of Artsakh, denying their identity, their history, and their claims to self-determination. Just as the Republic of Artsakh is considered illegitimate and a figment of Armenian “lies,” the Armenian presence in Artsakh is considered to be historically and morally without foundation or legitimacy.

This conflation of ethnonational and political factors which generate hostility towards Armenians—which constitutes an assault on the very idea of Armenian existence as a sovereign people anywhere, extending

to attitudes towards the Republic of Armenia—is deeply genocidal in its intent, as it frames any Armenian claims to sovereignty to be a provocation requiring that Azerbaijan once again “smash the head of Armenian fascism.”<sup>346</sup>

In fact, President Aliyev’s statement veer from denying Armenians’ ability to exercise sovereignty, to calling their sovereign claims a “provocation,” and to suggesting that any sovereignty that they do exercise or claim is illegitimate, as well documented by the Armenian representative at the ICJ public sitting on 14 October 2021:

“In May [2021], he referred to Armenians as “barbarian[s]”, who destroyed and plundered the land like a “wild tribe”, and declared that “this people cannot build a state . . . this people can only live within other large states.” In June, he claimed that “[t]he whole world knows” that “[t]he first Armenian state was established on [Azerbaijan’s] historical lands.” In July, he reiterated that Armenians “have no historical basis for living there,” meaning Nagorno-Karabakh. In August, he found “vandalism” to be “inherent” in Armenians. In September, he once again proclaimed that Armenians have a “mental illness,” and are a “depraved” and “impertinent” “tribe.” A mere ten days ago, he stated that the “Armenian nation has nothing to do with the Caucasus,” and that Armenians “are . . . settlers here and everyone knows where they came from.”<sup>347</sup>

Official Azerbaijani descriptions of the Armenian diaspora also align with this logic. Due to Armenia’s efforts to have the acts of aggression against the territory of the sovereign Republic of Armenia in 2022 recognized, the Armenian government and the Armenian diaspora have been called “*a cancerous tumor of Europe*” by the Azerbaijani Parliament, as noted in section 4.7 above.

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<sup>346</sup>Azeri-Press Agency (APA). (2021). “Victorious Commander-in-Chief, President Ilham Aliyev, addressed the nation on the occasion of the Remembrance Day.” *APA.az*  
<https://apa.az/en/xeber/official-news/victorious-commander-in-chief-president-ilham-aliyev-addressed-the-nation-on-the-occasion-of-the-remembrance-day-video-updated-358654>

<sup>347</sup>International Court of Justice. (2021). “Public sitting held on Thursday 14 October 2021, at 10 a.m., at the Peace Palace, President Donoghue presiding, in the case concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan).”  
<https://www.icj-cij.org/sites/default/files/case-related/180/180-20211014-ORA-01-00-EN.pdf>



Also of concern with respect to this indicator is the inclusion of other minority groups within the South Caucasus in further hostilities surrounding the survival of Artsakh. As noted in section 5.5 above, the Turkish government cooperated in sending Syrian mercenaries to fight with the Azerbaijani military.<sup>348</sup> Furthermore, intelligence cited by Artsakh's then Presidential Spokesperson Vahan Poghosyan suggests that a deal was reached between the Turkish government and the Islamic Party of Afghanistan regarding the inclusion of Afghan soldiers to support the Azerbaijani military in the conflict.<sup>349</sup>

This pattern of external linkage suggests that the perpetuation of conflict in Artsakh not only has already drawn sizable numbers of external groups into the fray, but has upset the balance of great power politics in the region.

The interconnected web of alliances and affinities of the nations of the South Caucasus with bordering states (Türkiye, Iran, Russia) and beyond<sup>350</sup> implies that the humanitarian crisis in Artsakh is not isolated in its demographic, social or geographic reach. The perpetuation of conflict within Artsakh is likely to generate conflicts and fractures that extend well beyond that of the Armenian/Azerbaijani divide, and outbreaks of hostilities will destabilize the region.

#### 9.6 Lack of national mechanisms or initiatives to deal with identity-based tensions or conflict.

As stated above in Sections 2.1 to 2.6 and 2.8: Azerbaijan's legal institutions do not afford much protection to segments of its own population within the confines of domestic law, let alone provide a reasonable basis upon which one could expect protections for Armenians resident within Azerbaijan or Armenian prisoners of war.

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<sup>348</sup> Office of the United Nations High Commissioner of Human Rights. (2020). "Mercenaries in and around the nagorno-karabakh conflict zone must be withdrawn – UN experts." <https://www.ohchr.org/en/press-releases/2020/11/mercenaries-and-around-nagorno-karabakh-conflict-zone-must-be-withdrawn-un>

<sup>349</sup> Sarukhanyan, V. "Azerbaijan opens new "vein" Via Afghanistan, in addition to Turkey and Israel routes." *HETQ Investigative Journalism*. <https://hetq.am/en/article/123302>

<sup>350</sup> Gabuev, A. (2020). "Viewpoint: Russia and Turkey - unlikely victors of Karabakh conflict." *BBC News*. <https://www.bbc.com/news/world-europe-54903869>

Contrary to the statements of Azerbaijani officials,<sup>351</sup> Azerbaijan’s legal institutions will certainly not protect the rights of ethnic Armenians. It is well-established by the ECtHR that there is no effective remedy available for Armenians in Azerbaijan. This can be found in each and every judgment against Azerbaijan concerning Armenians (mainly captives).

It is likely that legal institutions will be manipulated to legitimize hostile actions of the Azerbaijani state against ethnic Armenians. As cited in the sections 2.1, 2.2, 4.6, 4.8, 7.14 and 9.2 above, when the Azerbaijani regime is caught engaging in blatant violations of international law and challenging established norms, the government will seek to justify its actions rather than engage in genuine efforts of reform.

These patterns indicate that Azerbaijan has no effective national mechanism and no effective institutions to protect Armenians or properly address crimes committed against Armenians; in some cases, it is clear that the nature of the Azerbaijani legal system will aid in the commission of atrocity crimes.

**Risk Factor 10: Signs of an intent to destroy in whole or in part a protected group**

*Risk Factor 10 covers “Facts or circumstances that suggest an intent, by action or omission, to destroy all or part of a protected group based on its national, ethnical, racial or religious identity, or the perception of this identity.”*

*There is strong evidence of the presence of all eight indicators of Risk Factor 10 in the current Azerbaijani state, particularly in reference to its policies towards the Republic of Artsakh, as outlined below.*

**10.1 Official documents, political manifests, media records, or any other documentation through which a direct intent, or incitement, to target a**

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<sup>351</sup> United Nations Meetings Coverage and Press Releases (2023). “Lachin Corridor Must Be Reopened for Humanitarian Aid, Security Council Hears, as Speakers Urge Armenia, Azerbaijan to Normalize Relations.” <https://press.un.org/en/2023/sc15384.doc.htm>

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protected group is revealed, or can be inferred in a way that the implicit message could reasonably lead to acts of destruction against that group.

As documented within prior sections of this report, Azerbaijan’s actions support its goal of seizing the territory of Artsakh and eliminating any trace of Armenian existence within the region. The desire to erase Armenian historical and current presence in Artsakh may arise from Armenophobic convictions, a desire to consolidate power at home, geopolitical and economic interests, fear of Armenians (who are often dehumanized as “terrorists” by the Aliyev regime), and/or suspicions of Armenians. Regardless of the interplay of motives underpinning Azerbaijan’s actions, it is clear that hatred and hostility towards Armenians is evident in the speeches and decrees of President Ilham Aliyev, the rulings and edicts of the consolidated bureaucracy under his control, and acts and behaviors of the armed forces of Azerbaijan.

The ideological construction of Armenians as threatening and “evil” (see Section 8.6 above) is directly inherited from the ideology of the Ottoman Empire’s Young Turk-led government—which drove the Armenian Genocide, framing Armenians as internal threats to the Ottoman Empire, as treacherous Russian allies, and as biological threats to Turkic power.

Under the reign of Azerbaijani President Ilham Aliyev, the twin ideologies of Armenophobia and pan-Turkism have become an official state ideology.<sup>352</sup>

Because of the open, public Armenophobic orientation of Azerbaijan’s state apparatus and the impunity it has enjoyed so far in the international arena, Aliyev has never tried to hide his genocidal aims towards Armenians and has persistently repeated his goals of eliminating any Armenian presence from Artsakh. A particularly candid example of this policy can be found in a speech made in May of 2022 in which, while speaking to Azerbaijani servicemembers and veterans, he claimed that

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<sup>352</sup>MassisPost. (2022). “Armenophobia: The Essence of Azerbaijani National Ideology”.  
<https://massispost.com/2022/01/armenophobia-the-essence-of-azerbaijani-national-ideology/>

“our primary duty [in the Second Nagorno-Karabakh War of 2020] was to expel the Armenians from our lands.”<sup>353</sup>

Later, he rearticulated this policy goal within the context surrounding a series of attacks committed by the Azerbaijani military between 13-14 September 2022—and in the context of the blockade of the Lachin Corridor in December 2022. Referring to the situation on the Goris-Stepanakert highway in an interview on 10 January 2023, President Aliyev openly stated:

“[W]hoever does not want to become our citizen, the road is not closed; it is open. They can leave whenever they want; no one would stop them. They can travel in the back of peacekeepers’ trucks or take a bus. The road is open.”<sup>354</sup>

Given this evidence, the reality of the situation becomes quite clear: The unlawful blockade of the Lachin Corridor (and ensuing humanitarian crisis that has followed), the creation of a checkpoint on the Hakari River Bridge, and the total closure of the Corridor starting from 15 June 2023 all serve to affirm that the overarching objective of the Azerbaijani government is to carry out a genocide within Artsakh. Upon close examination, the regime has already demonstrated its strategy to achieve this goal: seize control of Artsakh's land through military conquest, eject surviving indigenous Artsakh Armenians from their ancestral home, and then erase any trace of their existence within the region.

10.2 Targeted physical elimination, rapid or gradual, of members of a protected group, including only selected parts of it, which could bring about the destruction of the group.

From 27 September 2020 to 27 September 2021, at least 80 ethnic Armenian civilians were killed by the Azerbaijani Armed Forces. There

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<sup>353</sup>The President of the Republic of Azerbaijan. (2022). “Ilham Aliyev and First Lady Mehriban Aliyeva have attended the opening of a new residential complex for families of martyrs and war disabled in the Sabunchu district, Baku.” <https://president.az/en/articles/view/55929>

<sup>354</sup>President of the Republic of Azerbaijan. (2023) “Ilham Aliyev was interviewed by local TV channels.” <https://president.az/en/articles/view/58555>

were also several cases of torture and mutilation documented by the Republic of Artsakh.<sup>355</sup>

As a result of the Second Nagorno-Karabakh War, Azerbaijan has taken control of several regions of Artsakh. No ethnic Armenians remain in these territories today, as they were all detained, tortured, killed, and/or expelled.<sup>356357</sup> This pattern, which aligns with statements made by Azerbaijani President Ilham Aliyev, strongly suggests that Azerbaijan will pursue similar genocidal cleansing efforts if it seizes more territory from the Republic of Artsakh. Beginning with the blockade of the Lachin Corridor, Azerbaijan has tightened its chokehold on Artsakh and signaled an intention to escalate hostilities; as of the date of this report's publication, disturbing news reports seem to indicate that the illegal detention, kidnapping, and disappearance of Armenians within Artsakh has slowly started in a renewed stage of hostilities,<sup>358</sup> as well as possible and imminent armed attacks.

The Azerbaijani government has repeatedly demonstrated its undisguised intention to destroy the entire Armenian population of Artsakh. As mentioned above in Section 10.1 (and throughout this report), President Ilham Aliyev has candidly spoken of his desire to force Armenians out of Artsakh unless they accept the sovereignty of the Azerbaijani government and surrender their indigenous identity as Artsakh Armenians. Given Azerbaijan's public record of persecution, discrimination, illegal detention, murder, torture, and systematic stigmatization of Armenians (as documented in other sections of this report), accepting Azerbaijan's territorial claims and jurisdiction over Artsakh is, for Artsakhsis, the equivalent of accepting a death sentence. Azerbaijan's autocratic regime praises, honors, and decorates

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<sup>355</sup> The Republic of Artsakh Human Rights Ombudsman (2021). Interim Report.

<https://artsakhombuds.am/en/document/785>

<sup>356</sup> Committee on the Elimination of Racial Discrimination (2016). "Concluding observations on the combined seventh to ninth periodic reports of Azerbaijan". CERD/C/AZE/CO/7-9.

<https://www.ohchr.org/en/documents/concluding-observations/concluding-observations-combined-seventh-ninth-periodic-reports>.

<sup>357</sup> See *ut supra* note 73.

<sup>358</sup> First Channel News. (2023). "ECHR gave time to Azerbaijan to provide information about 3 persons kidnapped from Lachin Corridor."

<https://www.1lurer.am/en/2023/08/31/ECHR-gave-time-to-Azerbaijan-to-provide-information-about-3-persons-kidnapped-from-Lachin-Corridor/986997>

individuals convicted in foreign courts for criminal acts—including physical abuse, sexual abuse, and murders—against Armenians.<sup>359</sup>

Azerbaijan's actions have been strategically designed to render conditions for Armenians in Artsakh unbearable and (for vulnerable populations) unsustainable for life. The first death from starvation in Artsakh occurred on 15 August 2023, as evidenced by reports from both the coroner and the medical examiner of the Republic of Artsakh.<sup>360</sup> Artsakh authorities estimate that malnutrition is now the cause of every third death due to the ongoing blockade.<sup>361</sup>

President Aliyev's public statements, coupled with his government's openly Armenophobic practices, clearly display the Azerbaijani regime's goal to completely eliminate the ethnic Armenian community residing in Artsakh, striving to eradicate any Armenian presence from the region. These verbalized aspirations, frequently translated into legal measures and manifested through the cited criminal acts detailed in this report, meet the criteria for the essential intent necessary for classifying these actions as genocidal.

In making this assertion, it is important to highlight the “intent” requirement to prove the crime of genocide—which, due to very strict interpretations of the term in the wake of the Genocide Convention of 1948, has unfortunately benefited a large number of perpetrators of genocide around the world. According to a number of legal experts, the crime of genocide consists of two components regarding “intent” as a concept.

The first component is the indication of the broad intention that pertains to the purpose or tangible components of the offense (i.e. the actions listed in the Genocide Convention and the Rome Statute). To fulfill this

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<sup>359</sup> International Court of Justice. (2023). “Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Order of 7 December 2021 Indicating Provisional Measures.”

<https://www.icj-cij.org/sites/default/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>

<sup>360</sup> OC Media. (2023). “First death from starvation reported in blockade-struck Nagorno-Karabakh”.

<https://oc-media.org/first-death-from-starvation-reported-in-blockade-struck-nagorno-karabakh/>

<sup>361</sup> Armenpress. (2023). “Every third death in Nagorno-Karabakh is caused by malnutrition amid blockade.”

<https://www.armenpress.am/eng/news/1118287/#:~:text=Addressing%20demonstrators%20outside%20the%20parliament,Nagorno%2DKarabakh%20in%20Lachin%20Corridor>

requirement, the individual or organization carrying out genocidal actions must acknowledge that their conduct is aimed at one of the protected groups listed in either of the aforementioned documents.<sup>362</sup> The inhabitants of Artsakh are predominantly of Armenian descent. High-ranking officials in the Azerbaijani military and state bureaucracy who oversee the implementation of the Aliyev regime's policy agenda—along with intermediate-level officials and soldiers who carry out illegal actions such as unlawful detentions, arrests, illegal convictions through “kangaroo courts,” torture, homicides, amongst others—have demonstrated that they are keenly aware of the Armenian heritage of Artsakhsis and Armenians within Azerbaijani captivity. There is no denying that the perpetrators indisputably recognize the identity of the specific group being targeted.

The other component of “intent,” which is exclusive to the crime of genocide, is the “intent to destroy.” As established through legal precedent in international law, “intent to destroy” signifies a distinct intention rooted in the aim of partially or completely eradicating the targeted group.<sup>363</sup> Seeing as it is not the objective of this report to analyze the controversial element of an “intent[ion] to destroy,” we will limit our judgment on the matter to assert that, irrespective of doctrinal or legal interpretations, an evident intention to wholly eliminate the Armenian population of Artsakh clearly exists. It cannot be denied that all individuals responsible within Azerbaijan's state and military apparatus possess the awareness and desire to establish circumstances that may ultimately lead to the physical destruction of Armenians within Artsakh and beyond. The killings, the tortures, illegal detentions and the intensifying persecution of Armenians by Azerbaijan constitute the materialization of threats to expel them from their indigenous land and erase any evidence of them having existed on it.

Furthermore, the crippling blockade of the Lachin Corridor, which has caused the total isolation of Artsakh, is unmistakably genocidal in nature. The ongoing conditions of artificially-imposed food insecurity that has led to starvation within Artsakh and the arbitrary prevention of access to humanitarian aid ultimately correspond to several elements of

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<sup>362</sup> Ambos, K. (2010). “¿Qué significa la «intención de destruir» en el delito de genocidio?, *Revista Penal*. <https://dialnet.unirioja.es/servlet/articulo?codigo=4969738>

<sup>363</sup> Op. Cit.

the acts that constitute genocide, as outlined in the clauses of both the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the 1998 Rome Statute.

Given the gravity of this scenario, the ICRC has issued a public declaration expressing severe concern about the worsening humanitarian crisis and appealing for the resumption of transportation of humanitarian assistance through the Lachin Corridor.<sup>364365</sup>

Examined within the broader framework of persisting tensions that have been reinforced by authoritative declarations, these criminal actions undeniably imply Azerbaijan's deliberate aim to completely eradicate the ethnic Armenian population of Artsakh. Consequently, amid the deliberate blockade of the Republic of Artsakh and artificial imposition of conditions devised to lead to the extermination of the group through direct and indirect means alike, all elements of the crime of genocide appear to be present.

Therefore, even under the strictest possible interpretation of the law, the acts committed by Azerbaijanis under the direct orders of President Ilham Aliyev appear to constitute the crime of genocide. This has caused, as per the wording of the Convention's provisions, "serious bodily or mental harm to members of the group" (Article II.b.) and "conditions of life calculated to bring about [the] physical destruction" (Article II.c.) of Artsakh's whole population. If these acts remain unaddressed, the stage is set for a full-scale mass-murder pattern of genocide and the complete elimination of Armenians from Artsakh.

10.3 Widespread or systematic discriminatory or targeted practices or violence against the lives, freedom or physical and moral integrity of a protected group, even if not yet reaching the level of elimination.

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<sup>364</sup> International Committee of the Red Cross. (2023). "Azerbaijan/Armenia: Sides must reach "humanitarian consensus" to ease suffering."  
<https://www.icrc.org/en/document/azerbaijan-armenia-sides-must-reach-humanitarian-consensus-to-ease-suffering>

<sup>365</sup> International Committee of the Red Cross. (2023). "Operational update on ICRC's work across the Lachin Corridor".  
<https://www.icrc.org/en/document/operational-update-icrcs-work-across-lachin-corridor>



Azerbaijan’s government has a history of discriminating against individuals who are Armenian or who it suspects of being of Armenian descent. This has manifested itself in various forms outlined throughout this report, but one particular practice is addressed here: the denial of entry into Azerbaijan because of one’s actual or suspected Armenian background.

Azerbaijan has historically denied entry to certain individuals for a variety of suspect reasons, including their background as an ethnic Armenian<sup>366,367</sup> and having a last name that resembles that of an Armenian.<sup>368</sup> This discriminatory behavior is so pervasive that even well-known personalities who have the privilege of being protected by the potential public outcry that would occur in the event of their detention or abduction—including footballer Henrikh Mkhitaryan and chess Grandmaster Levon Aronyan—have expressed fear<sup>369,370</sup> over attending tournaments in Azerbaijan because of their Armenian ethnicity. This policy is not limited to Armenians alone; Azerbaijani authorities have previously interrogated and threatened<sup>371</sup> Azerbaijanis themselves for even daring to support Armenia in international competitions.

This is a case where President Aliyev’s claims that the Armenians of Artsakh will be protected by the laws of Azerbaijan if they simply accept Azerbaijani rule prove completely inconsistent with Azerbaijan’s state policy and its history of discrimination against Armenians. There is nothing to suggest that Azerbaijan’s treatment of individuals of

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<sup>366</sup> Committee to Protect Journalists. (2011). “Citing ethnicity, Azerbaijan bars photojournalist” <https://cpj.org/2011/07/citing-ethnicity-azerbaijan-bars-photojournalist/>

<sup>367</sup> Regnum. (2017). “Russian Foreign Ministry: Baku must stop discrimination against Russians with Armenian surnames”. <https://regnum.ru/news/2296993> (in Russian)

<sup>368</sup> SonDakika. (2014). “Surname Wasn't Introduced to Azerbaijan Because 'Armenian'” <https://www.sondakika.com/haber/haber-soyadi-ermeni-diye-azerbaycan-a-sokulmadi-6089254/> (in Turkish)

<sup>369</sup> Ghazanchyan, S. (2023). “GM Levon Aronian says feels unsafe traveling to Baku for FIDE World Cup”. *Public Radio of Armenia*. <https://en.armradio.am/2023/06/08/gm-levon-aronian-says-feels-unsafe-traveling-to-baku-for-fide-world-cup/>

<sup>370</sup> Lawrence, A. & Ingle, S. (2023). “Arsenal’s Henrikh Mkhitaryan to miss Europa League final over safety fears”. *The Guardian*. <https://www.theguardian.com/football/2019/may/21/arsenal-henrikh-mkhitaryan-miss-europa-league-final-safety-chelsea-baku>

<sup>371</sup> Michaels, S. (2009). “Azerbaijan authorities interrogate music fans in Eurovision probe”. *The Guardian*. <https://www.theguardian.com/music/2009/aug/18/azerbaijan-authorities-interrogate-music-fans>

Armenian descent has changed over the past year, and evidence points to the Armenians of Artsakh facing a life sentence of legalized, systematic discrimination—or worse—if they are forced to live under Azerbaijani rule.

#### 10.4 Development of policies or measures that seriously affect the reproductive rights of women, or that contemplate the separation or forcible transfer of children belonging to protected groups.

While there are no records in the recent history of the conflict indicating an intention in Azerbaijan's actions to directly challenge the reproductive rights of women or legally revoke codified laws that protect such rights, the current humanitarian crisis in Artsakh as a consequence of the siege has had a material impact on women's reproductive rights. There are currently news reports emerging from Artsakh that have documented increases in miscarriages and stillbirths due to lack of food and medicine.<sup>372</sup>

Although it cannot be legally affirmed that the volitional element of the “intent to destroy” of the crime of genocide exists simply by virtue of the limitation (or elimination) of the ability of Artsakh Armenian women to carry a pregnancy to term through starvation and lack of access to proper medical care, it does not negate the impact of the humanitarian crisis on pregnant and childbearing women in Artsakh. It's clear that this tragic development is a predictable outcome of a humanitarian crisis of such scale and intensity, and it must be analyzed as a component of the collective criminal actions carried out by Azerbaijan against the Armenians of Artsakh.

#### 10.5 Resort to methods or practices of violence that are particularly harmful against or that dehumanize a protected group, that reveal an intention to cause humiliation, fear or terror to fragment the group, or that reveal an intention to change its identity.

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<sup>372</sup> CivilNet. (2023). “Miscarriages surge in Karabakh amid widespread food shortages”. <https://www.civilnet.am/en/news/745150/miscarriages-surge-in-karabakh-amid-widespread-food-shortages/>  
Derderian, A. (2023). “Artsakh Blockade Causes Late-Term Miscarriage for Young Armenian Mom”. *Miaseen* <https://www.miaseeninc.com/post/artsakh-blockade-causes-late-term-miscarriage-for-young-armenian-mom>

Throughout this report, we have highlighted the many forms through which Azerbaijan has engaged in the persecution, discrimination, and stigmatization of Armenians within the South Caucasus and beyond. This report has further delved into how the country's autocratic regime glorifies, rewards, and condones acts of racism against Armenians, including ethnically motivated murder, torture, and acts of cruelty. However, to avoid excessive repetition, a short review of content covered prior in the report will follow below.

During the Second Nagorno-Karabakh War of 2020 and the more recent large-scale attacks committed in September of 2022, Azerbaijani soldiers committed several war crimes and atrocity crimes that were motivated by hatred towards the Armenian identity. These crimes were committed against soldiers and civilians alike, and they were published on the internet through social media channels (i.e. Telegram, Twitter/"X") with the dual purpose of glorifying these crimes and stoking fear in Armenian audiences through intimidation.

The crimes committed by Azerbaijani soldiers include: the extrajudicial executions of soldiers and civilians; the destruction of cultural heritage, including religious monuments and symbols; the psychological and physical torture of civilians and soldiers; the sexual abuse of civilians and soldiers; and the desecration of the dead bodies of Armenian soldiers. These acts include a wide array of other criminal actions which have been documented by the perpetrators on video and remain accessible on the internet.<sup>373</sup> The international community largely has not responded to these crimes (despite abundant documentation) and has yet to advocate for the provision of justice for victims and accountability for Azerbaijani perpetrators.

In light of these actions and the violence (of a physical, emotional, and verbal nature) which accompanied them, it is possible to affirm that Azerbaijan has engaged in a consistent, systematic genocidal policy against Armenians that has reached its peak amid the current siege of Artsakh. The total isolation of this territory, beginning in December 2022 with the blockade of the only road that exists between Artsakh and Armenia—which has deepened in severity with the establishment of a

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<sup>373</sup> Azeri War Crimes. (2023). "Willful killing, mutilation, torture, and inhuman treatment of Armenians by Azerbaijani forces." <https://azeriwarcrimes.org/atrocities/>

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checkpoint in April of this year—represents the epitome of violence exerted against Armenians of the region. No state-sponsored policy of denial can erase the violence of slow, painful deaths from starvation, isolation, lack of access to medicine, and the imposition of collective physical abuse and psychological torment caused by the blockade.

10.6 Resort to means of violence that are particularly harmful or prohibited under international law, including prohibited weapons, against a protected group.

There were various reports and allegations regarding the use of white phosphorus during the Second Nagorno-Karabakh War.<sup>374</sup> White phosphorus is a highly controversial substance which, when used in warfare, can cause severe burns and other injuries when placed in contact with human skin. The use of white phosphorus in populated areas or against civilian targets is strictly prohibited under international law, specifically the Protocol III of the Convention on Certain Conventional Weapons (CCW) and the Additional Protocol I of the Geneva Conventions<sup>375 376</sup>.

Although white phosphorus ammunition was allegedly used by Azerbaijan to ignite and clear forests in widespread burns, its use demonstrates Azerbaijan's total disregard for the health of Artsakh's ecosystem while destroying the autochthonous flora and fauna. Likewise, inflicting severe ecological damage through the use of white phosphorus is a known strategy that is used to expel inhabitants in contaminated territory, since life in the affected areas is practically impossible to sustain.<sup>377</sup> Nevertheless, there are reports that 87 Armenian soldiers sustained burn injuries consistent with the use of

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<sup>374</sup> DRFLab. (2020). "Satellite imagery shows environmental damage of reported white phosphorus use in Nagorno Karabakh". *Medium*.  
<https://medium.com/dfrlab/satellite-imagery-shows-environmental-damage-of-reported-white-phosphorus-use-in-nagorno-karabakh-9826391a295>

<sup>375</sup> Cornell Law School Legal Information Institute. (ND) "Geneva Conventions and their additional protocols."  
[https://www.law.cornell.edu/wex/geneva\\_conventions\\_and\\_their\\_additional\\_protocols](https://www.law.cornell.edu/wex/geneva_conventions_and_their_additional_protocols).

<sup>376</sup> United Nations Office for Disarmament Affairs. (1983). "The Convention on Certain Conventional Weapons."  
<https://disarmament.unoda.org/the-convention-on-certain-conventional-weapons/#:~:text=3%2F%20Protocol%20III%20-%20Incendiary%20Weapons,cause%20burn%20injuries%20against%20civilians>.

<sup>377</sup> Leaning, Jennifer. (2002). National Library of Medicine. "Environment and health: Impact of war."  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC80251/>

white phosphorus during the Second Nagorno-Karabakh War.<sup>378</sup> Those victims were treated in Yerevan, and nine of them died due to the burns.

In the context of the evidence presented and analyzed within this report, it is clear that Azerbaijan's intention is to cause and inflict excessive suffering through cruel physical and mental practices wielded against Armenian soldiers—and possibly including civilians—through the use of this deadly chemical weapon. In addition to causing extremely painful and severe burns upon contact with human skin, potentially leading to long-term physical and psychological trauma, white phosphorus can ignite fires that are difficult to control, placing civilian populations and the environment in lethal danger.

Although there have been mutual allegations regarding the use of white phosphorus in warfare, the detection of the geographical place and the time in which the fires occurred, established in satellite imagery, demonstrates that the use was carried out, *prima facie*, by Azerbaijan.<sup>379</sup>

#### 10.7 Expressions of public euphoria at having control over a protected group and its existence.

As has been noted throughout this report, expressions of Armenophobic hatred from President Ilham Aliyev and members of the Azerbaijani government, officers and soldiers of different ranks of the Azerbaijani military, and civilians across various strata of Azerbaijani society are very common. Given the sheer number of statements made by Azerbaijani officials in the last century, it would be practically impossible to offer a truly thorough, comprehensive account of Armenophobic statements made by Azerbaijani officials in totality within this report. However, it can be noted that, since the Second Nagorno-Karabakh War, these expressions appear to have intensified in number.

Furthermore, these expressions of Armenophobia by Azerbaijani officials clearly denote an indisputable intention to control the Armenian

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<sup>378</sup> France 24. (2020). “Nagorno-Karabakh: Armenia accuses Azerbaijan of using phosphorus bombs”. <https://www.france24.com/en/europe/20201119-nagorno-karabakh-ceasefire-armenia-accuses-azerbaijan-of-using-phosphorus-bombs>

<sup>379</sup> See *ut supra* note 71.

population of Artsakh, submit them to Azerbaijani rule, or expel them from their lands through the imposition of a crippling blockade that has killed Artsakhsis through starvation and the inhibition of necessary medical supplies to support vulnerable populations while inflicting psychological trauma on the victims of the blockade.

In particular, statements by Azerbaijani President Ilham Aliyev have made it clear that Armenophobia now constitutes more than solely an ideology of hatred: Its brand of Armenophobia has become a genocidal ideology that specifically frames geopolitical issues as an existential battle of *good* (the Republic of Azerbaijan) against *evil* (Armenians as a people). In an address to the Azerbaijani public on 27 September of 2021, President Aliyev presented the “victory” over Artsakh as a culminating event of his presidency, a realization of an Azeri “historical mission,” and a restoration of “national dignity” that rendered Azerbaijan a “victorious nation and a victorious state.”

“I have repeatedly said that the Azerbaijani people will never come to terms with the occupation. I have repeatedly said that we will return our lands at any cost. I have repeatedly said that if the enemy does not leave our lands on its own we will expel them from our lands, and this is exactly what happened. We did not come to terms with the defeat in the First Karabakh War, gathered strength, mobilized all our forces, strengthened our army, invigorated the country's economy, boosted our country's relevance and honorably fulfilled our historic mission. We have expelled the enemy from our lands and restored justice and international law. We have restored our national dignity. Today, the people of Azerbaijan live as a victorious people. Today, the Azerbaijani state lives as a victorious state. From now on, we will forever live as a victorious nation and a victorious state.”<sup>380381</sup>

These speeches are not only manifestations of hatred towards the Armenian population of Artsakh. They also directly demonstrate

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<sup>380</sup> Azerbaijan State News Agency. (2021). “Victorious Commander-in-Chief, President Ilham Aliyev addressed the nation on the occasion of the Remembrance Day.” Azertag.az [https://azertag.az/en/xeber/Victorious\\_Commander\\_in\\_Chief\\_President\\_Ilham\\_Aliyev\\_addressed\\_the\\_nation\\_on\\_the\\_occasion\\_of\\_the\\_Remembrance\\_Day\\_VIDEO-1886079](https://azertag.az/en/xeber/Victorious_Commander_in_Chief_President_Ilham_Aliyev_addressed_the_nation_on_the_occasion_of_the_Remembrance_Day_VIDEO-1886079)

<sup>381</sup> Further reference: refer to Footnote #321

Aliyev's genocidal objectives to completely erase the presence of Artsakh Armenians in their homeland. Just as his speeches reveal a sense of euphoria for control over Armenian territories that Azerbaijan claims as its own, Aliyev continues to deny the ancestral origin of the indigenous Armenian population of Artsakh. Aliyev's speeches often contain such references; instead of being edited to deliberately render them more palatable for international audiences (and adhere to international norms), they're accessible in what appears to be their original form on the President's personal website<sup>382</sup> without censorship of any kind—possibly reflecting an environment in which the international community has failed to condemn Aliyev's Armenophobic rhetoric.

Beyond genocidal Armenophobia, President Aliyev has also directly expressed his intention to expel Armenians from their lands and to exercise control over the entirety of the territory of Artsakh. In an interview held in January of 2023, he said: “Conditions will be created for those who want to live under the flag of Azerbaijan. Like the citizens of Azerbaijan, their rights and security will be ensured. For whoever does not want to become our citizen, the road is not closed, but open. They can leave. They can go on their own, or they can ride with peacekeepers, or they can go by bus. The road is open.”<sup>383</sup> His expressions maintain that Artsakh Armenians actually have the possibility to leave the territory any time, for any reason—which is not supported by fact, as the current Azerbaijani blockade of the Lachin Corridor prevents any Armenians from traveling in or out of Artsakh.

On 28 May, over a month after the establishment of the checkpoint at the Hakari bridge, Aliyev reiterated his ultimatum to Armenians to leave or “obey the laws of Azerbaijan [and] be a loyal and normal citizen of Azerbaijan.”<sup>384</sup>

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<sup>382</sup> President of Azerbaijan. (ND). “Speeches” (Website).

<https://president.az/en/news/category/speeches>

<sup>383</sup> Kitachayev, B. (2023). “What’s next for the Azerbaijani blockade of Nagorno-Karabakh?”. *Open Democracy*.

<https://www.opendemocracy.net/en/odr/nagorno-karabakh-blockade-azerbaijan-armenia-citizenship/>

<sup>384</sup> OC Media. (2023). “Aliyev offers ‘amnesty’ to Stepanakert authorities if they dissolve government and parliament”.

<https://oc-media.org/aliyev-ready-to-offer-amnesty-to-stepanakert-authorities-if-they-dissolve-government-and-parliament/>

In spite of the ongoing blockade of the Lachin Corridor, which has prevented the departure of most Artsakh Armenians from the region even for pressing medical reasons, Aliyev issued this ultimatum to either submit to Azerbaijani authority or leave. He seems to hope that deceptions like this will make him immune from criticism from the international community and will serve to spare his strong backers, such as Israel, the embarrassment of supporting a clearly genocidal regime. To drive home the deception, in the statement quoted above President Aliyev went on to blame Armenians for the blockade by observing that he was teaching the Armenians of Artsakh “a lesson” for their “wrongdoings.”<sup>385</sup>

None of the above-mentioned proposals to Artsakh Armenians are legal, legitimate, or even possible for them to accept. Even if the people of Artsakh chose to submit to Azerbaijani governance, the evidence presented in this report is more than sufficient to conclude that life for Armenians under President Aliyev’s dictatorial regime is not a viable option. The only viable, non-genocidal option is for the Armenians of Artsakh to retain control of their own security through the support of the international community.

#### 10.8 Attacks against or destruction of homes, farms, businesses or other livelihoods of a protected group and/or of their cultural or religious symbols and property.

The destruction of Armenian property, cultural sites, and heritage in Artsakh constitutes a common strategy used by Azerbaijan in order to eliminate any trace of Armenian presence within their indigenous homeland. Several reports published by national and international organizations, both governmental and non-governmental, have attempted to alert audiences to the systematic destruction of cultural heritage—including (but not limited to) churches, tombstones and traditional stone-crosses known as Khachkars—by Azerbaijani authorities, whose actions are clear attempts to erase the indigeneity of ethnic Armenians within this region.

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<sup>385</sup> Id.



Since 1991, Azerbaijan has steadily and systematically destroyed property and cultural heritage within Artsakh. Given prior examples cited in sections 1.2, 2.2, 2.5, 7.11, 7.13, and 9.2 of this report, several additional examples will suffice to clearly show that Azerbaijan is engaging in the erasure and destruction of Armenian identity in Artsakh through the destruction of cultural representations and property and an ensuing falsification of Artsakh indigeneity.

One particularly well-documented example of this practice is the destruction of the Old Jugha/Djulfa cemetery in Nakhichevan, which once possessed the world's largest collection of Khachkars from the 15th and 16th centuries.<sup>386</sup> The destruction of this heritage has been acknowledged and denounced by the International Council on Monuments and Sites, the European Parliament, and international press agencies who have condemned Azerbaijan's acts as constituting "the worst cultural genocide of the 21st century."<sup>387</sup>

In regards to the destruction of cultural heritage, the Second Nagorno-Karabakh War (2020) and its aftermath differ very little from the pattern established in Djulfa. Several videos published—most likely by the perpetrators themselves—document the vandalism and systematic destruction of Artsakh cultural heritage within occupied territories in which Azerbaijani soldiers shot, defaced, and destroyed monuments, crosses, family tombs, churches, statues and monuments.<sup>388</sup>

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<sup>386</sup> Maghakyan, S. & Pickman, S. (2019). "A Regime Conceals Its Erasure of Indigenous Armenian Culture," *Hyperallergic*. <https://hyperallergic.com/482353/a-regime-conceals-its-erasure-of-indigenous-armenian-culture/>;

*Horizon Weekly*. (2018). "Azerbaijan must be held accountable for the destruction of Armenian cultural heritage," <https://horizonweekly.ca/en/azerbaijan-must-be-held-accountable-for-the-destruction-of-armenian-cultural-heritage>

Haghnazarian, A. & Wickmann, D. (2007). "Azerbaijan, destruction of the Armenian Cemetery at Djulfa – Continued," *Heritage at Risk* 37. [https://www.icomos.org/risk/world\\_report/2006-2007/pdf/H@R\\_2006-2007\\_09\\_National\\_Report\\_Azerbaijan.pdf](https://www.icomos.org/risk/world_report/2006-2007/pdf/H@R_2006-2007_09_National_Report_Azerbaijan.pdf) ;

Zambon, K. (2010). "Satellite Images Show Disappearance of Armenian Artifacts in Azerbaijan," *American Association for the Advancement of Science*. <https://www.aaas.org/news/satellite-images-show-disappearance-armenian-artifacts-azerbaijan>

<sup>387</sup> Berning Sawa, D. (2019). "Monumental loss: Azerbaijan and the 'worst cultural genocide of the 21st century'", *The Guardian*, March 1st.

<https://www.theguardian.com/artanddesign/2019/mar/01/monumental-loss-azerbaijan-cultural-genocide-khachkars>

<sup>388</sup> For evidence on the destruction of cultural heritage access the following links:

<https://youtu.be/yDWqHR1bc7k>, <https://twitter.com/i/status/1327673231550124035>,

<https://horizonweekly.ca/en/armenia-raises-the-issue-of-destruction-of-artsakhs-heritage-by-azerbaijan->



Since July 2021, the Lemkin Institute for Genocide Prevention has issued one Active Genocide Alert for Azerbaijan in Artsakh as well as several Red Flag Alerts for Genocide for Azerbaijan and Statements of Concern regarding the Armenophobic speeches and statements of President Ilham Aliyev and the actions carried out by his regime. As cited in Risk Factor 10, Azerbaijani official discourse and actions reveal the special dual genocidal intent required by the provisions of the Genocide Convention. The Lemkin Institute's Statements of Concern, Red Flag Alerts, and Active Genocide Alert have warned the international community that the escalating verbal and material violence against ethnic Armenians of Artsakh could lead to genocide. From the continued illegal and inhumane detention of Armenian POWs to the crippling humanitarian crisis that has emerged as a consequence of the blockade of the Lachin Corridor and the total siege of Artsakh, the Lemkin Institute has highlighted the very real threat of genocide within the territory of the Republic of Artsakh.

Because Azerbaijan is currently a genocidal state, its hostile stance against the Armenians of Artsakh and the Armenians of the Republic of Armenia must be understood with reference to existing early warning mechanisms for genocide, as well as the prevention toolboxes that are available to respond to the threat of this particular crime.

The most reliable evidence we have of how Armenians will be treated under Azerbaijani control is the behavior of Azerbaijani soldiers during the Second Nagorno-Karabakh War of 2020 and the outbreak of hostilities in 2022, behavior that has been celebrated by the upper echelons of the Azerbaijani state. In both of these wars, Azerbaijan committed several crimes that clearly amount to war crimes and crimes against humanity and that may satisfy the intent required by the Genocide Convention. These crimes included (but were not limited to) the forced displacement of people, instances of torture, extrajudicial executions through beheadings, large-scale homicides, sexualized violence, the usage of prohibited weapons in warfare, and the destruction of cultural heritage (churches, tombstones and sites of worship) representative of Armenian identity in the region.

In many clearly documented cases, these crimes were committed with clear evidence of hatred expressed towards Armenian victims, such as when POWs were forced to repeat the slogan that “Karabakh is Azerbaijan” under the threat of physical abuse and when victims were killed while wrapped in the flags of Artsakh and the Republic of Armenia.

Since the end of the Second Nagorno-Karabakh War Azerbaijan has increased its genocidal Armenophobic rhetoric. The international community has failed to forcefully condemn this language, giving the Aliyev regime a green light to stoke hatred of Armenians within his own population and to promote disinformation and Armenophobia abroad. In addition to the blockade, attacks against the territory and people of Artsakh as well as the Republic of Armenia are an almost daily occurrence, so much so that one can hardly speak of a “ceasefire” at all from the Azerbaijani side.

With strong evidence that the precursors to full-scale cultural and physical erasure are already in progress within the territory of the Republic of Artsakh, the Lemkin Institute warns external observers that that the Azerbaijani regime is preparing to commit—and is possibly already committing—genocide in Artsakh.

## **V. Recommendations**

This report underscores the importance of addressing the root causes as well as the immediate threats and potential triggers of violence in efforts to prevent genocide, avoid an escalation of violence, and build a lasting peace in the South Caucasus region. The implication of this report is that any long-term peace in the region will require a just settlement of the issue of the right to self-determination of the Armenians of Artsakh.

The Lemkin Institute for Genocide Prevention recommends that members of the international community, including United Nations member states with influence over Azerbaijan, undertake the following

actions to prevent the starvation and forced population displacement of Armenians in Artsakh as well as any possible future genocidal assaults on the Armenians of the Republic of Armenia:

1. Recognize publicly the threat of genocide against Armenians in the Republics of Artsakh and Armenia that is evidenced by Azerbaijani President Ilham Aliyev's statements as well as the actions of his regime.
2. Demand the immediate lifting of the blockade and the opening of the Lachin Corridor linking Artsakh both to Armenia and to the outside world, as stipulated in the Tripartite Ceasefire Statement of 9 November 2020 and ordered by the ICJ in February and July of 2023.
3. Organize an immediate humanitarian airlift to bring aid to the citizens of Artsakh while political deliberations continue.
4. Actively intervene to defend Artsakh against an armed attack by Azerbaijan in order to prevent a full-scale massacre against Armenians and the many other international crimes usually committed by the Aliyev regime against Armenians.
5. Empower and fund an independent investigative team to conduct a thorough documentation of the current situation in Artsakh, including an investigation of the atrocities committed by Azerbaijani military personnel in the Second Nagorno-Karabakh War and afterwards.
6. Utilize all available diplomatic measures, including sanctions and the withdrawal of foreign aid, to challenge the impunity enjoyed by the Aliyev regime in Azerbaijan.
7. Pressure Azerbaijan to immediately cease its threats against the people of Artsakh and Armenia and institute a domestic National Mechanism to prevent the crime of genocide as a necessary condition for any foreign aid.
8. Encourage the reform of the Azerbaijani education and security sectors, which are deeply tainted by genocidal Armenophobia.
9. Support the Armenians of Artsakh with humanitarian and economic aid, particularly funding for destroyed infrastructure, institution-building and democracy-building projects, and increased security sector capacity.

10. Address the long-standing and underlying core issue of the right to self-determination of the people of Artsakh as a basic principle under international law and in the recognition that, as facts on the ground prove, Armenians are unable to live under Azerbaijani authority and power.
11. Recognize the decades-long efforts of the Artsakh people to establish a State according to the international requirements for statehood, which has resulted in the building of a government based on the division of powers and democratic representation.
12. Lay the groundwork for an eventual restorative and transformative justice process in the region to address past and current grievances and clear the path for a long-lasting peace.



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Website: [www.lemkininstitute.com](http://www.lemkininstitute.com)

Contact: [info@lemkininstitute.com](mailto:info@lemkininstitute.com)

