

AMNESTY INTERNATIONAL PUBLIC STATEMENT

29 September 2023 EUR 55/7254/2023

AZERBAIJAN: AS AZERBAIJANI FORCES ASSUME FULL CONTROL OVER NAGORNO-KARABAKH, IT MUST RESPECT AND PROTECT THE RIGHTS OF LOCAL ETHNIC ARMENIANS

Nagorno-Karabakh is a formerly autonomous region within Azerbaijan's internationally recognized borders (the borders of the Azerbaijani Soviet Republic at the time of the USSR's break-up). Its predominantly ethnic Armenian population was seeking change of the territory's status and independence since the late 1980s. The tensions escalated into a full-scale military conflict in 1991, which ended in 1994 with the de facto secession of Nagorno-Karabakh from Azerbaijan and mass displacement of population. Over 400,000 Armenians became refugees from Azerbaijan to Armenia while more than 600,000 Azerbaijanis were internally displaced in Azerbaijan.

For nearly three decades, Nagorno-Karabakh was an unrecognized self-governed break-away region heavily reliant on Armenia for economic, military, energy, food and other vital support. It also controlled significant surrounding Azerbaijani territories from which the local ethnic Azerbaijani population (up to 800,000 according to some estimates) was entirely displaced.

In September 2020, Azerbaijan re-established control over much of these territories in the course of a 44-day military assault. The Armenian-controlled territory in Nagorno-Karabakh shrank to the local capital Stepanakert (Khankendi) and only some parts of the region around it. Its population consisted of an estimated 120,000-strong ethnic Armenian community, which was promised access to Armenia via a single route, the so-called Lachin corridor, under the protection of Russian peacekeepers. Armenia promised to withdraw its forces from Nagorno-Karabakh and claims to have done so, which Azerbaijan disputed. Occasional skirmishes between the two sides continued, as did military incursions by Azerbaijani forces into Armenia.

In December 2022, the Lachin corridor was blocked by a group purporting to be environmental activists (but widely believed to be Azerbaijani government's proxies; they claimed they sought to end unlawful mining by ethnic Armenians) who demanded full Azerbaijani control over Nagorno-Karabakh. The Russian peacekeepers failed to ensure freedom of movement of people and goods between Nagorno-Karabakh and Armenia, and instead blocked all movement along it. For months the population of Nagorno-Karabakh found itself under blockade, running critically short of all basics, including food and medicines.

Various international actors, including the UN and [Amnesty International](#), called on Azerbaijan to ensure movement of people and delivery of humanitarian goods between Armenia and Nagorno-Karabakh. In August and September 2023, Azerbaijan deployed additional military forces in the vicinity of Nagorno-Karabakh and along its border with Armenia. On 19 September, it launched a major military action, which it described as a "counter-terrorist operation" intended to disarm and disband what it called an illegal regime in Nagorno-Karabakh, and remove the remaining Armed Forces of Armenia from the region (which Armenia denied having there). Within hours, Azerbaijan forced the de facto Nagorno-Karabakh authorities to accept its terms for a ceasefire. They agreed to full disarmament of all forces under their command and on 28 September formally accepted that from 1 January 2024 all structures of the self-styled Republic of Artsakh will be disbanded.

Irrespective of the status of Nagorno-Karabakh, fundamental rules of international humanitarian law, in addition to international human rights law, apply to the situation in the region. These include rules governing the conduct of hostilities which apply to all sides of the conflict, including the prohibition of direct attacks on civilians and civilian objects, and of indiscriminate and disproportionate attacks; the humane treatment of those deprived of liberty, prohibition of torture and other ill-treatment; and the prohibition of forced displacement of civilian populations. All reported violations of these rules, past and ongoing, must be impartially and effectively investigated and those suspected of responsibility for crimes brought to justice in fair trials. There is no statute of limitation for crimes under international law.

As Azerbaijan assumes full control over Nagorno-Karabakh, it must fully comply with all its obligations under international humanitarian and human rights law, including to respect and protect the rights of people in Nagorno-Karabakh.

Azerbaijani authorities insist that the country is fully compliant with these obligations. However, over the past year along, Azerbaijan violated the human rights of the population of Nagorno-Karabakh when it imposed a blockade on the region and deprived its people of food, medicines and other basic necessities and essential services, and prevented free movement of people. Azerbaijan failed to implement a February 2023 order by the International Court of Justice to “ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions”. As Amnesty International and other human rights monitors have documented, as recently as 2020 Azerbaijani forces violated international humanitarian law, including by [using cluster munitions](#), or [conducting unlawful strikes resulting in civilian casualties and destruction](#). Members of Azerbaijani forces stand accused of having committed war crimes such as [torture and other ill-treatment, enforced disappearances, and killing of prisoners of war and civilian captives](#), which Azerbaijan has never effectively investigated nor acknowledged despite these allegations being supported with compelling evidence.

Amnesty International also documented violations by Armenian forces, including [use of cluster munitions, unlawful strikes, ill-treatment of prisoners of war and the killing of at least one captive](#), for which there has been no accountability. This however in no way exonerates Azerbaijan of the violations its forces have committed.

Moreover, concerns over Azerbaijan’s commitment to respect and protect the rights of people in Nagorno-Karabakh are particularly relevant in light of its human rights record in the rest of the country. Amnesty International has for years reported widespread violations of fundamental human rights throughout Azerbaijan, committed with impunity. These include violations of the rights to freedom of expression, association and peaceful assembly; severe reprisals against human rights defenders and an effective ban on independent human rights monitoring in the country; widespread violations of the right to a fair trial and abuse of the criminal justice system for political purposes. These constitute a crucial context for the unfolding events in and around Nagorno-Karabakh at present, beyond past violations of international humanitarian law that have been committed with impunity by members of Azerbaijan’s forces.

Below are some of the key areas which require particularly close international attention as Azerbaijan is set to establish full control over Nagorno-Karabakh.

PROTECTION OF THE CIVILIAN POPULATION AND CIVILIAN OBJECTS FROM MILITARY ATTACKS

In 2021, Amnesty International [published evidence](#) documenting disproportionate and indiscriminate attacks by Azerbaijani military forces. To date, there has not been open, transparent and effective investigation into allegations of disproportionate and indiscriminate attacks by their forces. The Azerbaijani authorities’ assurances that strikes by Azerbaijan’s forces have been, and will only ever be, directed only at legitimate military targets cannot be taken at face value in the absence of effective investigation into past allegations against the Azerbaijani forces.

PROTECTION OF THE CIVILIAN POPULATION FROM VIOLENCE, ILL-TREATMENT AND OTHER VIOLATIONS BY THE AZERBAIJANI FORCES AS THEY ESTABLISH PRESENCE IN NAGORNO-KARABAKH

Credible evidence of violence, including killing, of civilians by Azerbaijani forces in the past has been documented, none of which has ever been effectively if at all investigated. Credible past allegations and impunity for the respective crimes underline the ongoing concern over the Azerbaijani authorities’ commitment to ensure protection of civilians in Nagorno-Karabakh.

ARBITRARY DETENTION AND UNFOUNDED PROSECUTION OF LOCAL RESIDENTS OF NAGORNO-KARABAKH

The Azerbaijani authorities have stated publicly that civilians in Nagorno-Karabakh who have committed no crimes will not be targeted for prosecution. However, which activities they will regard as crimes, and their reliance on terms such as “counter-terrorist operation” in relation to their military takeover of Nagorno-Karabakh, raise concern as to whether they will rely on criminal proceedings solely in relation to recognizable crimes. This concern is particularly relevant given that for years, the authorities in Azerbaijan have abused the country’s criminal justice system to crackdown on political and other dissent, and imprisoned people following unfair trials, including under trumped-up charges and based on false or illegally acquired evidence, including testimonies obtained under torture or duress. Thus, Amnesty International has documented the [use of unfounded terrorism-related charges](#) by Azerbaijani authorities to target religious dissenters, leading to long-term imprisonment after unfair trial and involving evidence obtained under torture, and threatening the dissenters’ lawyers with prosecution for “defending the terrorists”.

In the 2020 war, older male civilians who were ethnic Armenian residents of Nagorno-Karabakh [were arbitrarily detained](#) by members of Azerbaijani forces and transferred to detention facilities in Azerbaijan, where they were often targeted for ill-treatment because Azerbaijani soldiers believed they had participated in Armenia’s war effort during the 1990s. This

underlines vulnerability of the local population of Nagorno-Karabakh to unlawful deprivation of liberty and arbitrary prosecution without access to effective legal remedies, and denial of the right to a fair trial.

TORTURE AND OTHER ILL-TREATMENT IN DETENTION

Torture and other ill-treatment in detention are widespread in Azerbaijan, and are committed with impunity by police and members of other investigating agencies. There is no independent complaints mechanism, and no effective remedies for the victims. This represents a considerable concern, particularly since allegations of ill-treatment of captives by the Azerbaijani forces have been well documented. The pattern of impunity for torture is particularly alarming in light of the fact that the authorities failed to investigate and prosecute suspected perpetrators despite the existence of credible evidence and of materials, such as video recordings, that appear to identify the alleged perpetrators.

FORCED DISPLACEMENT OF THE ETHNIC ARMENIAN POPULATION FROM NAGORNO-KARABAKH

The history of the Azerbaijani-Armenian conflict provides numerous examples of forced displacement of entire ethnic communities from the territories controlled by the other side. Forced displacement need not necessarily take the form of physical expulsion, but would effectively take place if the respective group was placed in conditions that left it with no genuine choice of staying, including through fear of possible violence or other reprisals. Since the beginning of the military conflict in 1991, there have been no examples of safe and dignified return of displaced ethnic communities to territories controlled by the other side. At present the ethnic Armenian population of Nagorno-Karabakh finds itself extremely vulnerable and most, if not all, appear to be intent on seeking safety in Armenia provided they can safely reach it. At the time of writing, tens of thousands of ethnic Armenians have already crossed into Armenia from Nagorno-Karabakh, and many more remain stranded en route.

The prevalence in Azerbaijan of discrimination and advocacy of hatred directed towards ethnic Armenians also undermines the credibility of assurances of safety and respect for rights, including to a fair trial, offered by Azerbaijan to ethnic Armenians. Both the United Nations Committee on the Elimination of Racial Discrimination (CERD) and the European Commission against Racism and Intolerance (ECRI) have expressed concerns regarding incitement to racial hatred against ethnic Armenians, including by public figures and government officials. Azerbaijan has also failed to fully implement the provisional measures by the International Court of Justice on 7 December 2021, ordering Azerbaijan to “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” as well as to “take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage...”.

Azerbaijan must ensure the local population’s safe and unimpeded access to Armenia or other destinations which they consider safe, for all those who choose this option, in line with its obligations under international humanitarian and human rights law. Azerbaijan must ensure that all displaced persons from Nagorno-Karabakh can return to their homes in safety and dignity, and are entitled to recover their property, and/or receive compensation in cases of damages or loss.

Azerbaijani authorities have announced that any local Armenians who accept Azerbaijani citizenship will be able to remain in Nagorno-Karabakh and be guaranteed safety. Apart from the above concern over whether their safety would be fully ensured, the right to remain in their own homes and other rights should not be made conditional on accepting Azerbaijani citizenship.

PROVISION OF FOOD, SHELTER AND BASIC SERVICES TO THE LOCAL POPULATION

For months, the local population in Nagorno-Karabakh has experienced severe shortages of food, medicines, fuel and other basics due to the Azerbaijani blockade of the enclave. Azerbaijan is responsible for ensuring that the local population has access to these basics, as well as to all essential services, including healthcare, education, etc., and that all those who have lost their homes have access to suitable shelter.

Reportedly, the Azerbaijani forces have damaged the electricity grid in Martakert region resulting in complete energy blackout in Martuni and Askeran regions. Among consequences has been the disruption of telecommunications in these regions, with separated family members losing contact with each other. It is Azerbaijan’s responsibility to restore the energy supply, which is particularly urgent with the advent of the cold season. It must also ensure conditions that facilitate the search for missing persons and separated family members.

The government of Azerbaijan must ensure the following:

The Azerbaijani forces, as well as any forces operating in the region, must fully abide by the laws of war, and in particular take all feasible steps to protect civilian population and civilian infrastructure.

They must treat any prisoners they hold humanely and ensure their dignity and effective protection from torture and other ill-treatment.

All reports of violations of international humanitarian and human rights law must be promptly, effectively and impartially investigated. These include both recent/ongoing and past violations.

War crimes and other crimes under international law have no statute of limitation. All those against whom there is admissible evidence of responsibility for crimes under international law must be brought to justice in fair trial proceedings.

No-one should be detained as a criminal suspect unless there is sufficient admissible evidence of their responsibility for an internationally recognizable crime, and they are promptly charged, and tried in proceedings fully respecting their right to a fair trial. The principle of presumption of innocence must be fully respected and ensured.

No-one should be deprived of their liberty unlawfully or arbitrarily, and every remanded person must have the decision on their detention promptly reviewed by a competent and impartial judge.

Azerbaijan must respect and enable freedom of movement, and in particular ensure that all civilians in Nagorno-Karabakh are able to freely take and implement a decision as to whether remain in the region or relocate, in safety and dignity, to Armenia or other available destination that they regard as safe, as well as to freely return at any future point, in safety and dignity, should they chose to do so.

Local residents of Nagorno-Karabakh should not be forced to accept citizenship of Azerbaijan as a condition for their remaining in their own homes.

Azerbaijan must ensure provision of food, shelter, energy and essential services to the local population, and ensure access to all their other humanitarian needs, and must ensure that access to these is free from any form of discrimination on the basis of ethnicity, citizenship or other such ground.

The international community should commit all necessary diplomatic, political, economic and other resources as required to ensure observance of international humanitarian law and full respect of human rights of the population of Nagorno-Karabakh. This includes ensuring Azerbaijan accepts the deployment of international monitors to observe and report on freedom of movement, in safety and dignity, by people out of/in Nagorno-Karabakh, the safety of those remaining in the region, as well as the conditions of the displaced people within and outside of the region; the treatment of those deprived of their liberty, and monitoring the workings of Azerbaijan's criminal justice system and ensuring timely and objective reporting on the impartiality and fairness of the judicial process and decisions; and insisting that the Azerbaijani authorities provide unimpeded access for the international media, as well as international human rights monitors, to the country, including Nagorno-Karabakh.