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Prévention des conflits armés

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Droit des peuples à l'autodétermination

Promotion et protection des droits humains

La responsabilité de protéger et la prévention du génocide, des crimes de guerre, du nettoyage ethnique et des crimes contre l'humanité

Conseil de sécurité
Soixante-dix-septième année

Lettre datée du 12 avril 2022, adressée au Secrétaire général par le Représentant permanent de l'Arménie auprès de l'Organisation des Nations Unies

J'ai l'honneur de vous faire tenir ci-joint le rapport périodique du Médiateur pour les droits de l'homme du Haut-Karabakh (République d'Artsakh) (voir annexe)*, dans lequel celui-ci recense les attaques ciblées contre la population civile commises par l'Azerbaïdjan en vue d'entraver le développement économique, social et culturel de la population en la privant de ses moyens de subsistance, entraînant ainsi une crise humanitaire au Haut-Karabakh.

Je vous serais reconnaissant de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document de l'Assemblée générale, au titre des points 35, 72, 73, 74 et 134 de l'ordre du jour, et du Conseil de sécurité.

L'Ambassadeur,
Représentant permanent
(*Signé*) Mher **Margaryan**

* L'annexe est distribuée uniquement dans la langue de l'original.

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Merci de recycler

Annexe à la lettre datée du 12 avril 2022 adressée au Secrétaire général par le Représentant permanent de l'Arménie auprès de l'Organisation des Nations Unies

REPUBLIC OF ARTSAKH

HUMAN RIGHTS DEFENDER

INTERIM REPORT

On violations of the rights of Artsakh people by Azerbaijan

in February-March 2022

STEPANAKERT - 2022

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Introduction

In September-November 2020, with the involvement of Turkey and international mercenaries, Azerbaijan carried out aggressive hostilities against the civilian population of Artsakh (Nagorno-Karabakh) Republic, during which the Azerbaijani side committed numerous war crimes and crimes against humanity. All crimes were clearly documented in the reports prepared by the Artsakh Human Rights Defender, which were presented to international organizations, decision-makers of individual states. These reports are published on the official website of the Human Rights Defender[1].

On November 9, 2020, the President of the Russian Federation, the Prime Minister of the Republic of Armenia and the President of the Republic of Azerbaijan signed a trilateral statement on the cessation of war in Nagorno Karabakh, which ended large-scale hostilities and deployed Russian peacekeeping forces. For almost a year and a half after the establishment of the ceasefire, the Azerbaijani side, through various means, has violated the rights of the people of Artsakh, including the right to life, health, physical and psychological integrity. These actions became more aggressive in February-March 2022, the details are presented in Section 1 of this report.

On March 8, 2022, at 01:00, the operation of the only gas pipeline coming from the Republic of Armenia to Artsakh was completely destroyed, as a result of which the entire population of Artsakh was deprived of gas supply. The facts obtained from various sources prove that the gas pipeline was deliberately blown up by the Azerbaijani Armed Forces. The fact that the Azerbaijani side has blocked specialists of the local gas supply company from accessing the damaged part of the pipeline for more than a week to carry out emergency repair works speaks of the direct intention of Azerbaijan to disrupt the gas supply and consequently create a difficult humanitarian situation in Artsakh. The general description of the humanitarian problems caused by the disruption of gas supply is presented in Section 2 of this report.

In parallel with the criminal actions against different communities, the deliberate disruption of the gas supply, the Azerbaijani side is carrying out psychological pressure and propaganda campaigns against the people of Artsakh, pursuing the aim of forcing the civilian population to leave their homes. The facts of such cases and their analysis are presented in Section 3 of this report.

[1] Human Rights Defender's Official Website, Ad-hoc Reports, https://artsakhombuds.am/hy/ad_hoc_reports

The report was prepared on the basis of studies conducted by the Human Rights Defender's Office, on the visits to various communities, educational and health institutions, to citizens' houses, on private conversations with citizens, and information received from state authorized bodies.

The aim is to document the cases of violation of the rights of the people of Artsakh by Azerbaijan and their various manifestations and to draw the attention of international institutions and human rights organizations to the situation in Artsakh.

Section 1. Violations of the ceasefire regime and the rights of the civilian population

Following the trilateral statement of the President of the Russian Federation, the Prime Minister of the Republic of Armenia and the President of the Republic of Azerbaijan on November 9, 2020, Azerbaijan has regularly violated the provision of "complete cessation of fire and hostilities" mentioned in Paragraph 1 of the Statement[2]. As a result of which people are killed, the basic rights for human existence and life are violated. Along the Artsakh-Azerbaijani line of contact, the Azerbaijani side is resorting to provocative actions, violating the rights of people living in Artsakh, committing crimes against their life, health and property.

In the aftermath of the 44-day war, more than 30 of 108 communities of Artsakh, with a population of more than 15,000 (Image 1), became borderlands, in the vicinity of which Azerbaijani combat positions are located at a distance of 150 meters to 1.5 km. After the establishment of the ceasefire, the Azerbaijani side regularly fired from those positions in the direction of civilian communities. Since November 9, 2020, more than 100 crimes have been committed against the population of Artsakh from the mentioned combat positions. As a result, 3 civilians and 10 servicemen were killed, 81 (31 civilians, 50 servicemen) attempted murder, 38 people (10 civilians, 28 servicemen) were wounded. Nine of the citizens of the Artsakh Republic, who appeared in the territories controlled by Azerbaijan as a result of getting lost, were subjected to physical violence, and 2 were threatened with death.

Residents of the border communities of Martakert, Martuni, Shushi and Askeran regions have been deprived of the opportunity to be engaged in agriculture in the areas that are under the observance of nearby Azerbaijani military positions. All the opportunities of established cooperation have been gradually reduced, and in recent weeks, almost completely eliminated. Russian peacekeepers are unable to provide with security guarantees for civilians engaged in agricultural work. During the work, firearms are shot into the air, in the direction of workers and agricultural machinery, orchards and arable lands. As a result of these threats, 5,000 hectares of Artsakh's approximately 37,000 hectares of arable land and orchards have been left uncultivated, causing severe damage to hundreds of families and deepening their socio-economic deprivation.

[2] Trilateral Statement of the President of the Russian Federation, President of the Republic of Azerbaijan and Prime Minister of the Republic of Armenia, http://kremlin.ru/events/president/news/64384, 10.11.2020

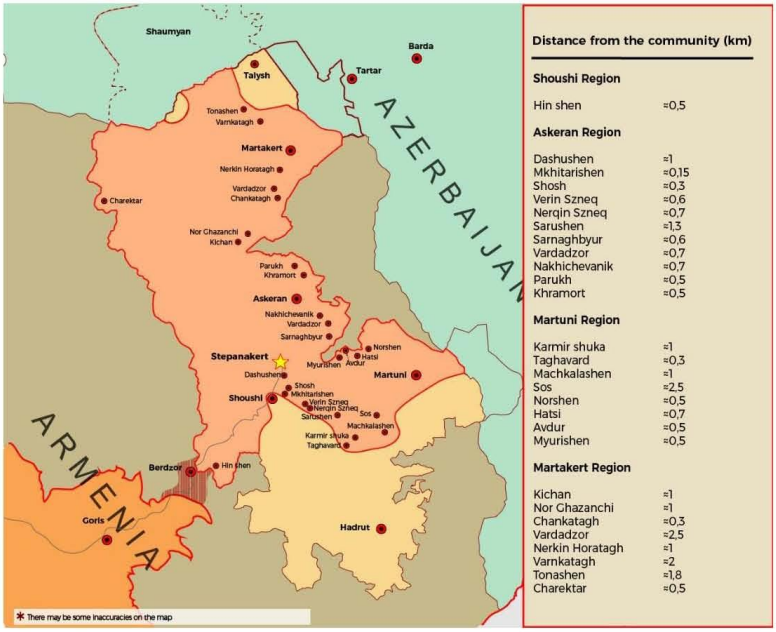

Image 1. Border communities of Artsakh after 44-day war

The propaganda, military, psychological and economic threats and terrorist acts of the Azerbaijani side intensified in February-March 2022. If in the past, the Azerbaijani Armed Forces fired mainly with small-caliber firearms, since March 7, 2022, high-caliber weapons has been used. From March 7 to March 12, 2022 the Azerbaijani side used a 60 mm grenade launchers in different parts of Artsakh, firing a total of 57 projectiles. At the same time, the ceasefire continued to be violated by firearms, targeting homes and civilian infrastructure.

Khramort, Khnapat, Nakhichanik, Parukh communities of Askeran region and Karmir Shuka, Taghavard, Khnushinak communities of Martuni region were main targets during the mentioned period[3].

The recorded cases and their circumstances according to the chronology are presented below.

[3] MediaHub, https://www.facebook.com/messenger_media/?thread_id=100002549498531&attachment_id=1365975613829894&message_id=mid.%24cAAAAAE51Z9eFw8JNBV_knypMfmjV

March 7, 2022 - at around 17:30, the Azerbaijani Armed Forces fired 3 projectiles from a 60 mm caliber grenade launcher in the administrative area of Khramort community of Askeran region. The mines exploded near the village cemetery.

March 9, 2022 - at around 14:20, the Azerbaijani Armed Forces fired 4 projectiles from a 60 mm caliber grenade launcher in the direction of the gardens and nearby bases in the administrative area of Khnushinak community of Martuni region. Agricultural work was stopped immediately to avoid casualties.

March 9-10, 2022 - a total of 24 projectiles were fired 16 times from a 60 mm caliber grenade launcher in the direction of Khramort and Khnapat communities in the Askeran region. On the night of March 9-10, women and children of the Khramort community (about 150 people) were evacuated to nearby villages.

March 9, 2022 - at around 22:50, the Azerbaijani side brought two tanks to an Azerbaijani combat position located near the Khramort community in the Askeran region, which were withdrawn at around 07:50 the next morning.

March 9-10, 2022 - a tractor parked in a field in the administrative territory of Nakhichevanik community of Askeran region was shot and damaged by the Azerbaijani Armed Forces.

March 10, 2022 - at around 10:00, the Azerbaijani side fired a projectile in the direction of Khramort community using a 60 mm caliber grenade launcher, which exploded and wounded a resident of the same community Suren Baghryan (born in 1971).

March 10, 2022 - at around 10:45 am, two projectiles were fired in the direction of the forests adjacent to Parukh community of Askeran region, and at around 10:55, one projectile was fired in the direction of Khramort community and one in the direction of the combat positions of Artsakh Defense Forces.

March 11, 2022 - at around 10:00, the Azerbaijani side fired 2 projectiles from a 60 mm caliber grenade launcher in the direction of the gorge near the school of Khnapat community in Askeran region. Classes were stopped, and schoolchildren and teachers were evacuated immediately.

March 11, 2022 - at around 16:00, 2 projectiles exploded in the administrative areas of Khramort and Khnapat communities.

March 11, 2022 - at 16:05, 19:57, 20:54, 4 projectiles exploded in the administrative territory of Khnapat community.

March 11, 2022 - at 16:20, 16:30, 17:15, 17:20, 17:28, 18:00, six projectiles exploded in the direction of Askeran town.

March 11, 2022 - 7 projectiles exploded in the direction of Parukh village of Askeran region between 12:00-19:00.

Image 2 . Damaged community building in Parukh village

Image 3 . Damaged tractor in Nakhichejanik village

Image 4 . Ammunition remains in a vineyard in Khramort community

Image 5 . Injured civilian in Khramort

Section 2. Humanitarian consequences of gas supply disruption

Since March 8, at 01:00, the whole territory of Artsakh has been deprived of gas supply due to damage to the only gas supply pipeline coming from the Republic of Armenia to the Republic of Artsakh.

As a result of the research carried out by the Artsakh Human Rights Defender, it was revealed that the gas pipeline was damaged in the area under the control of the Azerbaijani Armed Forces, and the Azerbaijani side does not allow restoration works. The residents of the districts of Stepanakert, located near the town of Shushi, testified that a loud explosion was heard that night, at about the same time when the gas supply was cut off. The main assumption of the cause of the damage to the pipeline is that the Azerbaijani side deliberately blew up the pipeline.

Taking into account the fact that the Azerbaijani side is obstructing the investigation of the accident by the specialists of "Artsakhgaz" CJSC, the Artsakh law enforcement bodies and the representatives of the Russian peacekeeping troops deployed in Artsakh, at the moment, it is impossible to examine whether the accident took place due to technical reasons or as a result of the actions of the Azerbaijani side. However, it should be noted that the obstruction of the restoration of the gas pipeline confirms the assumption that the Azerbaijani side is responsible for depriving the population of Artsakh from gas supply with the intention to cause humanitarian problems in Artsakh, to disrupt the normal life of the population.

Gas supply is used by people throughout the country in various areas of life: for heating houses, public and private organizations, educational and health organizations, for hot water supply, for food production, and other economic activities. Therefore, due to the disruption of gas supply, many humanitarian problems have arisen in Artsakh[4]. At the same time, it should be noted that since people overcome the difficulties caused by the absence of gas supply mainly through electricity, the power supply system is overloaded. There have been several cases of power outages, causing humanitarian problems with heating and other needs.

[4] Euronews, "Nagorno Karabakh remains without gas", https://ru.euronews.com/2022/03/11/karabagh-without-gaz?utm_medium=Social&utm_source=Facebook&fbclid=IwAR0chjC_1NIXHsYqG6t0XohYoVPaN0QBU6xcNmyo3XgJ_W-wMUFOFQZbKEg#Echobox=1647033709, 11.03.2022

2.1 The population is deprived of heating and hot water.

In cold weather conditions, when the average temperature in the territory of Artsakh fluctuates around -2 - +2 degrees Celsius, in the main part of the Republic it snows for days, residential houses, temporary residences of displaced persons, all kinds of educational and health institutions and private enterprises, state institutions are deprived of heating. About 100,000 (80%) of the approximately 120,000 citizens currently living in the country have their homes supplied with gas, which means that gas is the main source of heating for the population, and they are now deprived of heating and hot water. Gas is used in apartments to prepare food; its absence directly affects the normal organization of food in families.

"We live alone with my 80-year-old husband. We live only on pension. We used to heat the house with a gas stove, the income we received is enough for us to be able to buy daily bread and heat the house in this cold weather. For several days now there is no gas and the house is not heated by electric heaters. The maximum temperature of the house reaches up to 10 degrees. We are wrapped in blankets all day yet freezing, how long can we live in these conditions? Is it possible to be so inhuman? This is incomprehensible to us."- says 75-year-old grandmother Anya.

2.2 Impact on the right to education

The problem of heating has greatly affected the normal functioning of the educational process in Artsakh, as there are a large number of gas-heated educational institutions - kindergartens, schools, secondary vocational and higher education institutions.

65% of the schools in the country are heated by the use of gas, in which 60% of the total number of students receive education. Due to the impossibility of providing proper heating, the Ministry of Education, Science, Culture and Sports of the Artsakh Republic decided to start spring vacations in public schools a week earlier, on March 14[5].

Studies have shown that the attendance of children in kindergartens is 22%. 12 kindergartens have stopped operating. Some kindergartens are open for half a day. In addition to the heating problem, the gas supply disruption has caused problems in the

[5] Ministry of Education, Science, Culture and Sports of the Artsakh Republic, Statement, https://www.facebook.com/photo?fbid=336473938530932&set=a.299043878940605, 10.03.2022

process of organizing and delivering children's food in kindergartens. The staff has to use wood and electric stoves installed outside for cooking[6].

Image 6. The process of food preparation in one of the kindergartens of Stepanakert

100% of higher education institutions are heated by gas. In the current situation, some universities have passed to distance learning.

90% of other educational institutions, such as secondary vocational schools, art schools, medical and music colleges, and youth creative centers, are also heated by gas. Due to the absence of gas supply they have completely ceased their activities.

"I am a mother of 9 children who did not go to school today. My children are already behind in their educational program because of COVID. Armen is already in the second grade, but he has not yet managed to learn letters. First the epidemic restrictions, distance learning, and then this problem. I do not send my youngest child to kindergarten, the rooms are cold, and he gets sick. Why do our children deserve to be in such a situation? How are they different from children in other countries? They can not have a normal childhood, under constant danger and psychological pressure, they can not receive a normal education," says Anush, a mother of a large family.

2.3 Impact on the right to health

The disruption of gas supply and the lack of proper heating, has also greatly affected the normal functioning of the healthcare system. 70% of the hospitals are heated by gas, in which 419 citizens are currently receiving inpatient treatment, including 46 children of

[6] Twitter user Tigran Gasparyan, video from kindergarten https://twitter.com/i/status/1503458373785853956

different ages and 51 newborns and their mothers in the maternity hospital. Although a number of hospitals have switched to alternative heating systems, mainly heating with gasoline, diesel fuel and electricity, however, studies by the Artsakh Human Rights Defender have shown that the required temperature in the wards fails to reach the required temperature, ranging from 14 to 15 degrees Celsius. In addition, those in charge of health care institutions note that due to the switching to heating in a different way, the costs of medical institutions have increased several times, and certain problems arise in terms of timely fuel delivery.

" I just gave birth to my son, Arsen. When I came to the maternity hospital, there was no gas, the medical staff did everything to solve the problem of heating, but it is still cold in the rooms. I'm afraid it will affect my child's health. He is now vulnerable; if he gets sick in these conditions, it can have bad consequences on his health on the long term. It's cold in our house too, I don't know, after being discharged, how will I be able to ensure normal conditions at home so that the child does not catch a cold," says Larisa, a 24-year-old mother of the baby.

2.4 Impact on economic activity and right to work

Due to the disruption of gas supply, problems have arisen in the sphere of normal activity of different sectors of the economy. In particular, the use of gas in the capital Stepanakert provides a significant part of the total demand for bread, and tangible difficulties have arisen in connection with the supply of bread. It is noteworthy that more than 50% of the population is concentrated in Stepanakert, including the majority of the population forcibly displaced as a result of the 2020 Azerbaijani-Turkish aggression.

About 20 gas stations operating in the country do not work, as a result of which the owners of gas stations suffer financial losses, and hundreds of people working in gas stations are standing idle and deprived of the right to decent work.

The lack of gas has had a number of negative consequences for the transport sector. A large number of cars operate with the use of gas, which means that in the absence of gas supply, car owners switch to the use of petrol and diesel fuel, which has caused additional problems and costs for the population. The same problems exist in the field of services. Taxi services, which use gas, had to switch to petrol, which led to higher prices for services[7].

[7] Artsakh Public Television, "Gas stations without gas", https://fb.watch/bJZAGAZXT9/, 12.03.2022

Hundreds of economic entrepreneurs suffer huge losses due to gas supply disruptions. Greenhouses operating by using gas have been particularly affected.

"The heating system of the greenhouse operates on gas. We have not been able to provide the required temperature for a week already. Newly grown vegetables freeze and become inedible, and the products stored in warehouses rot on the spot," says Gor, the owner of a greenhouse in Askeran.

2.5 Impact on ecology and garbage collection

In the absence of gas supply, there is an increase in the use of wood by the population to provide heating and other living conditions for the houses, which means that the already limited forest fund will have serious losses, which will definitely affect the environment.

According to the information received from Stepanakert Municipality, the administrations of all regions, there are problems with garbage collection in the communities, which is due to the fact that the machines and equipment used for garbage collection work mainly using gas and there is no possibility to switch to other fuels.

During the preparation of the report, the Human Rights Defender's Office received information that as a result of the negotiations, the Azerbaijani side has started restoration works on the damaged section of the gas pipeline.

Section 3. Psychological terrorism and information attacks

After the adoption of the trilateral statement on November 9, 2020, the Azerbaijani side has repeatedly resorted to psychological terrorist acts aimed at suppressing, spreading fear and despair among the peaceful population of Artsakh. The Azerbaijani side widely uses various tools to intimidate the population of Artsakh.

The methods of intinidation include firing from different types of firearms in various parts of the line of contact in the direction of different communities, illuminating the houses of the community residents with floodlights at night, obstructing the performance of agricultural work. In recent days, psychological attacks with the use of propaganda tools have been added[8].

Since February 24, the Azerbaijani side has been sending threatening calls to civilians from areas located in different communities of the Artsakh Republic. Military vehicles equipped with loudspeakers approach the adjacent hills and turn on the following recordings:

" You are in the territory of the Republic of Azerbaijan. Any action carried out here is regulated by the laws of Azerbaijan. Everything you do without official permission is illegal. The agricultural work you are currently carrying out is illegal. Do not prepare for war, do not try to create a border in our territory. If you want to stay and live here, obey the laws of Azerbaijan. Taking into account your safety, we demand to stop the work and leave the area immediately, otherwise FORCE WILL BE APPLIED on you, the responsibility for the losses will fall on you. Do not endanger the lives of your family members. Leave the area, leave the area[9]."

This method of intimidation was first used on February 24 against the residents of Khramort village of Askeran region, carrying out agricultural works. Then the Azerbaijani side carried out the same actions to intimidate the residents of other communities: Karmir Shuka, Taghavard of Martuni region, Khnapat, Nakhichanik, Parukh and other communities of Askeran region.

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[8] Prosecutor's Office of the Artsakh Republic, "Azerbaijani side continues to keep the atmosphere tense", https://m.facebook.com/ProsecutorsOfficeoftheRepublicofArtsakh/posts/174483938237820?_rdr, 06.03.2022

[9] Artsakh Human Rights Defender, "The "calls and appeals" addressed by the Azerbaijanis to the Armenian population through loudspeakers in the Khramort community of the Askeran region have a direct intention to intimidate the population," 26.02.2022, https://www.facebook.com/100003582698868/videos/pcb.4603428943119817/1299977423840281

During the Human Rights Defender's visits to Karmir Shuka and Khramort, the residents of the community mentioned that the children are mainly intimidated because of the threatening calls and the constant shooting. Parents do not send their children to kindergarten or school due to security concerns, which violates the right of children in the community to receive a proper education. Under these threats, agricultural work is not carried out, which is the main means of livelihood of the rural population. Thus, the population was deprived of the opportunity to take care of their own livelihood with decent work.

"These recordings have a psychological effect on children, they are not able to attend classes. We, the parents, are worried, how can we send a child to class in those conditions, when you do not know what can happen every second? The Azerbaijanis are threatening to use force, and we know that they are ready for anything, we have seen the atrocities they committed during the 44-day war. Children cannot even play in the yards, what a childhood they are living," says Gohar, a 35-year-old resident of Khramort, a mother of four children

"We are at home, in our homeland, but we are intimidated every day. Their positions are seen from our house, from where they shoot several times a day. We want to live in our homeland, but we do not want our children to be in fear every day. The kindergarten was closed for several weeks because of the shooting, we cannot let the children play in the yard, because the whole yard is watched from their positions. God knows what they can do. Everything is expected from them. We just do not understand why the world is so indifferent to us," said Anna, a 38-year-old resident of Karmir Shuka and mother of three children.

The collected facts prove that the Azerbaijani actions of intimidating the population of the villages are carried out in a specially planned way, with the direct coordination of the Azerbaijani leadership. These are actions taken by Azerbaijan against the psychological immunity of the people of Artsakh, as evidenced by the fact that the so-called "calls and exhortations" are videotaped and spread on social media channels that were used for the Azerbaijani state propaganda during the 44-day war and after[10].

[10] Caliber.az news channel, https://www.facebook.com/Caliber.az/videos/5129718323745410, https://www.facebook.com/Caliber.az/videos/361354478963864

At the same time, the acts of psychological terrorism against the people of Artsakh have become more active in the field of social media. The Azerbaijani side posts old, particularly cruel videos shot during the 44-day war, which are specially targeted at Armenian users.

At the same time, before carrying out criminal operations against different communities of Artsakh, the Ministry of Defense of Azerbaijan spreads misinformation as if the military units of the Artsakh Defense Army violated the ceasefire, opened fire in one direction or another, thus preparing the ground for military operations in different directions.

On March 11, the official Facebook page of the National Assembly of the Artsakh Republic was subjected to a cyber attack, as a result of which the page appeared under the control of Azerbaijani hackers for a short time. The Azerbaijanis once again used this opportunity to intimidate the peaceful population of Artsakh, calling them to leave their homes immediately, and threatening them with the use of force.

The Picture 7 shows the terrorist statement spread by them on the official Facebook page of the Artsakh Republic National Assembly during the period under their control, urging the Armenians to leave the "occupied territories of Azerbaijan, otherwise all Armenian servicemen will be killed."

Image 7. The official Facebook page of the National Assembly of the Republic of Azerbaijan after cyber attack

Posts and comments with the same content are also spread by Azerbaijani Facebook users. Image 8

Image 8. Azerbaijani user comment

shows the comment of an Azeri user, urging Armenians to leave immediately, otherwise the Azerbaijani army will destroy everyone.

In addition to intimidating the population with the mentioned methods, the Azerbaijani side regularly resorts to actions in the territory of Artsakh to block mobile communication and internet access. Over the past year and a half, the Human Rights Defender has issued statements stating that studies show that mobile communication and the Internet are regularly disrupted by the use of special silencers, which impedes the freedom to use telephone and other means of communication and the right to be informed.