



HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA

AD HOC PUBLIC REPORT ON FACT-FINDING MISSION in Vazashen and Barekamavan villages (Tavush Province, Republic of Armenia)

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An executive summary

1. This *ad hoc* public report on the fact-finding mission in Vazashen and Barekamavan villages of Tavush Province of the Republic of Armenia (hereinafter referred to as “Report”) illustrates the results of the fact-finding mission conducted by the Human Rights Defender’s Office (hereinafter referred to as “HRDO”) in the above-named villages from 13 to 15 September, 2017. The Report encompasses actions undertaken by the HRDO during the mission, main findings and conclusions of the fact-finding activities.

The mandate of the Human Rights Defender to conduct the fact-finding mission

2. Heading an independent Institution and being an independent official who follows the objective of ensuring respect for human rights and freedoms in Armenia, the Human Rights Defender (hereinafter referred to as “Defender”) is legally entitled to respond to situations of serious human rights violations and to promote accountability for such violations at his own initiative. As a National Human Rights Institution the HRDO has a competence and responsibility to prepare reports on the national situation with regard to human rights in general and on more specific matters, according to the Principles relating to the Status of National Institutions (The Paris Principals)¹. This competence might be exercised through conducting fact-finding activities, observing, collecting and analyzing data.

¹ See § 3(a)(iii) of the Principles relating to the Status of National Institutions (The Paris Principles), adopted by General Assembly resolution 48/134 of December 1993 //

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

3. During military actions human rights fact-finding missions are of increasing importance in the perspectives of human rights protection.

4. The current Report is prepared based on Article 31 (3) of the RA Constitutional Law on Human Rights Defender authorizing the Defender to prepare *ad hoc* public reports in cases of specific issues of public resonance or gross human rights violations.

The reason for the mission and terms of references

5. According to the media publications and private complaints submitted to the Defender, via hot line by villagers of Vazashen and Barekamavan the Azerbaijani troops conducted shootings towards these villages, as a result of which the civilians live in a constant fear for their lives and health and the situation's further intensification.

6. Upon receipt of the alerts on shootings, the Defender dispatched an independent fact-finding mission to Vazashen and Barekamavan villages from 13 to 15 September. The Defender's representatives had a special task to conduct fact-finding activities with the aim to carry out on-site examinations of the circumstances under which the human rights are allegedly being violated, to comprehensively and carefully analyze all available information considered relevant and credible, as well as to document the findings.

Members of the mission

7. The delegation was formed from the Defender's staff members.

The methodology used during the mission

8. The fact-finding mission was carried out in accordance with international human rights law standards at all time, guided by the following principles:

- Confidentiality;
- Accuracy and precision;
- Professionalism;
- Objectivity and impartiality;
- Do no harm, avoid double victimization.

9. The fact-finding mission included:

- Thorough interviews with peaceful civilians aware of the situation, in order to achieve a balanced, credible and comprehensive picture;
- Extensive inspection of the locality where the events took place, verification of publicly available information and other necessary examination concerning the attacks, including relevant media reviews;
- Visits and the photographing of civilians' houses, school and other buildings that have been damaged as a result of the attacks.

10. The delegation interviewed and collected credible information from the Heads of the villages, civilians, Principal of the school and teachers, as well as children and their parents.

Fact-finding activities in Vazashen

11. During the mission, the members of the delegation received credible allegations from the Head of the Village and civilians on a series of massive human rights violations initiated and committed by the Azerbaijani armed forces. It was revealed that the frequency of shootings is mainly linked with the seasonality and intensity of civilians' activities in the streets. According to the interviews with villagers, the Azerbaijani armed forces started to shell the civilian settlements of Vazashen on 7 and 8 September approximately from 11:00 to 12:00.

12. It is particularly alarming that the school of Vazashen and children studying there were not exempted from being a target of these shootings. The delegation interviewed in person the people who had firsthand information on the shootings in the direction of the school, namely the Principal, teachers, pupils and their parents. In this respect members of the delegation possess wide experience of interviewing and working with children and therefore, put best interest of children to a primary consideration.

13. While the people interviewed reported that shootings started during classes, they also added that the teachers were obliged to take children to a safer place where they stayed for more than an hour.

14. The assessed allegations and the on-site examination revealed that the Azerbaijani armed forces particularly targeted the school's canteen and library. Notably, the window of the canteen was shattered and new traces of shootings were observed on its wall (see ANNEX I). With regard to the library, a bullet penetrated into the room creating risks for the lives of children and teachers (see ANNEX II).

15. When observing the school building, the delegation examined and photographed numerous traces of shooting on its eastern and northern walls (see ANNEX III). As a protective measure squares of the windows were closed or minimized by stones in order to protect children and teachers (see ANNEX IV).

16. In addition, the Principal informed the delegation that they also had to minimize the windows' squares of the elementary school with stones because of a real danger that bullets might penetrate into the building and harm children and teachers.

17. In reply to the questions of the delegation, school children, their parents and teachers expressed their deep concern that shootings by the Azerbaijani armed forces are continuous by encountering significant obstacles to attend the school, thereby violating the villagers' right to education. Most of the parents avoid sending their children to school for constant fear that their lives might be at high risk.

18. The shootings in the direction of Vazashen and specifically the school were not unique. Similar challenges were revealed by the HRDO while conducting fact-finding missions in Chinari, Voskepar, Baghanis, Voskevan and Koti villages of Tavush Province earlier this year. While interviewing villagers, they raised concern on the regular shootings in the direction of their villages and added that quite frequently the main target of the Azerbaijani armed forces are schools and kindergartens. Credible allegations of civilians on numerous violations of human

rights, including shootings in the direction of schools were analyzed and documented in the Defender's previous reports².

19. As presented in the Defender's Ad Hoc Public Report on Fact-Finding Missions in Voskepar, Baghanis, Voskevan and Koti Villages, in Voskevan and Koti even a wall, resembling a huge stone gate in front of the entrance to the village school is being built because of continuous shootings in that direction. The entrance serves as a single front door ensuring access to school where children usually gather before and after classes. and therefore, shootings of the Azerbaijani armed forces become more frequent when they notice people gathered.

20. Upon the statements of the local residents, the delegation also observed the Village Municipality's administrative building to assess the caused damages. Particularly, the back wall of the building had visible traces of shootings. The delegation accompanied by the Head of the Village, thoroughly examined and photographed the area and the shooting traces (see ANNEX V).

21. Apart from the described damages, the shootings launched on 7 and 8 September also targeted houses of peaceful local residents. During a private interview, a villager evidenced that the traces of shooting notable on the walls of their house were caused during the shootings of 7 September (see ANNEX VI). At that very moment their two-year-old daughter, sleeping in the house, was awoken from the sounds of the shootings.

22. The delegation also observed house of another civilian who showed the damaged walls and roof of his house. The whole family, including his wife, son, daughter-in-law and grandson were at home at the time of shelling (see ANNEX VII).

23. During interviews the civilian population claimed that the lands of Vazashen used for agricultural purposes and villagers working there were another target of Azerbaijani armed forces' regular shootings. Because of shootings launched on 7 and 8 September wheat fields of Vazashen had been burned (see ANNEX VIII). Moreover, many villagers noted that shootings abstain them from being involved in agricultural activities. According to the statements of civilians, they are only able to conduct any agricultural activity at the same time similar activities are being initiated on the other side of the border in Azerbaijan, in order to eliminate possible risks of shootings in their direction.

24. The delegation also collected sufficient and credible information on the vineyards of Aygehovit village, neighboring village to Vazashen. According to the statements of the Head of the Village and the local residents these vineyards have been burnt because of the shootings conducted during 7 and 8 September (see ANNEX IX).

25. In addition, the delegation inquired whether there was any risk of an attack from the Armenian side that could lead the Azerbaijani armed forces to initiate such military actions. As a result, the delegation found out that no military units or military objects are located in Vazashen or in the vicinity of its civilian settlements. This fact demonstrates the peaceful intentions of the Armenian side and eliminates any possibility or risk of an attack initiated by the

² See the Defender's Report on the Fact-Finding Mission in Chinari Village

http://www.ombuds.am/images/Chinari_Final_ENG.pdf,

The Defender's Ad Hoc Public Report on Fact-Finding Missions in Voskepar, Baghanis, Voskevan and Koti Villages http://www.ombuds.am/images/Report_Tavush_30.pdf.

Armenian armed forces, on a contrary to the intentions of Azerbaijan to cause harm precisely to civilians.

Fact-finding activities in Barekamavan

26. All local residents that the delegation interviewed reported that the Azerbaijani armed forces periodically target the peaceful population, especially children, women and the elderly, as well as civilian objects which resulted in serious human rights violations thereof.

27. During the interviews, many civilians referred to the last shooting initiated during July. The Head of the Village stated that the Azerbaijani armed forces directed random shootings towards the village for more than two hours.

28. Based on the credible allegations received from the local residents, some villagers are frequently forced to leave their houses and move to safer places either in Barekamavan or in neighboring villages of Tavush Province. As a result, they face a considerable additional burden, being deprived of money earning activities, house and infrastructure. Challenges become even more difficult when people move with their families, including children, women and elderly people. Moreover, villagers stressed, they have no guarantee that the fleeing reduces the risk to be attacked, considering the fact that continuous shootings might target the new places as well. Yet, this is not a consistent approach to ensuring safe and dignified life for those forced to leave their houses.

Main findings and conclusions

29. The facts brought to the delegation's attention reveal that the Azerbaijani troops repeatedly attack civilian settlements of Armenian villages Vazashen and Barekamavan. As a result, the shootings caused significant damages to civilian's houses and other properties, schools and administrative buildings leading to numerous grave violations of human rights as documented in this Report.

30. The combination of acts carried out by the Azerbaijani armed forces and the caused damages reveal the intention to target and harm civilians, especially children. The chosen time, manner and target of the shelling are grave violations of human rights and go against the obligations imposed by the standards, principals and protection mechanisms under the International Human Rights Law and International Humanitarian Law.

31. The shootings of September 7 and 8 particularly targeted and caused damages to the school of Vazashen. Respective International manuals and guidelines on armed conflicts, as well as the Hague Convention (IV) Respecting the Laws and Customs of War on Land (Article 56) impose a duty of special care on States to avoid damages to buildings dedicated to civilian education. Moreover, children come into the category of those protected by the Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War. By virtue of the Convention, children are specifically protected under the rules of International Humanitarian Law regulating the conduct of hostilities in armed conflicts. These rules shape principles

forbidding attacks directed against civilian population, namely children. States shall provide them with extra care and aid they require because of their age and vulnerability³.

32. The nature of the targets and the intention of the Azerbaijani armed forces is particularly concerning since the mission found out that no military units or military objects are located in Vazashen and Barekamavan villages or in the vicinity of these civilian settlements. This fact once again demonstrates peaceful intentions of the Armenian side and eliminates any possibility or risk of an attack initiated by Armenian armed forces, compared to the intentions of Azerbaijan to cause extensive damages precisely to civilians.

33. The HRDO raises a concern that the shootings, the nature of targets and the caused human rights violations in Vazashen and Barekamavan are to a not lesser extent similar to those in Chinari, Voskepar, Baghanis, Voskevan and Koti villages. These violations have been already assessed and documented in the previous reports of the Defender⁴. The reports particularly outlined the hostile intention of the Azerbaijani armed forces to target and harm civilians and damage civilian object which violates basic norms of International Humanitarian Law and International Human Rights Law that stipulates the States' obligation to distinguish at all time between combatants and civilians, ensure that the objects of the attack are military and not civilian. Moreover, under International Humanitarian Law, the States should undertake all feasible precautions for eliminating or minimizing injuries to civilians and damages to civilian objects, which Azerbaijan failed to conduct while launching regular violent shootings on the direction of above listed villages of Tavush Province.

34. Comprehensive analysis of the results of the fact-finding mission clearly shows that shootings are more intensive and targeted towards the school of the village and during the period when civilians are active and gather in different parts of the villages. Wide range of relevant cases and facts described in this Report summons about the Azerbaijani armed forces' intention to harm civilian's life and health, including those of children, women and elderly people, and their property.

35. These new attacks are the foreseeable continuation of the shootings by the Azerbaijani armed forces, previously examined and analyzed by the Defender⁵. The peaceful population of Armenian borderline villages has no guarantee for the non-repetition and unpredictable consequences of such violent attacks, which creates a spirit of fear and uncertainty. Therefore, in the perspective of prevention, these violations should get appropriate attention, as well as be publicly and duly condemned by the international community as a matter of concern.

***The Human Rights Defender's Office
of the Republic of Armenia
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³ See Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC study in Customary International Humanitarian Law, Volume I: Rules, Cambridge, 2009, pp. 478-481.

⁴ See supra note 2.

⁵ See ibid.

ANNEX I

(Shattered window and damaged wall of the school's canteen)



ANNEX II

(School library: Window with a trace of shooting)



ANNEX III

(Traces of shootings on the eastern and northern walls of the school)







ANNEX IV

(Windows of the school minimized with stones)



ANNEX V

(Back wall of Vazashen Village Municipality's administrative building)





ANNEX VI
(A damaged civilian house)





ANNEX VII

(House of the civilian with a damaged wall)





ANNEX VIII
(Burnt wheat fields of Vazashen)



ANNEX IX
(Burnt vineyards of Aygehovit)

