



HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA

AD HOC PUBLIC REPORT ON FACT-FINDING MISSIONS in Voskepar, Baghanis, Voskevan and Koti villages (Tavush Province, Republic of Armenia)

April-June 2017

Yerevan – 2017

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An executive summary

1. This *ad hoc* public report on fact-finding missions in Voskepar, Baghanis, Voskevan and Koti villages of Tavush Province of the Republic of Armenia (hereinafter referred to as “Report”) illustrates the results of the Human Rights Defender’s fact-finding activities conducted in the above named villages on 29 April, 30 May and 20 June 2017. The Report encompasses the actions undertaken by the Human Rights Defender’s Office (hereinafter referred to as “HRDO”) during missions, main findings and conclusions of the fact-finding missions.

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

2. Representing an independent official who follows 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 on his own initiative. In the perspective of the human rights protection, any military action conducted towards civilians is considered as a gross human rights violation.

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

The reason for the missions and terms of references

4. According to the media publications and private complaints of citizens submitted to the Defender via hot line, the Azerbaijani troops periodically conduct shootings towards Armenian villages Voskepar, Baghanis, Voskevan and Koti in Tavush province.

5. On 29 April, 30 May and 20 June 2017 the Human Rights Defender, as well as respective representatives of the HRDO visited the above named villages in order to conduct fact-finding missions regarding shootings launched during April-June and to examine the state of civilians’ human rights protection. The representatives had a special mission to conduct fact-finding activities with the objective to carry out on-site examinations of the circumstances, under which the human rights are being allegedly violated, as well as to comprehensively analyze and document the findings.

Members of the missions

6. Members of the missions were formed from the staff of the Human Rights Defender and the Expert Council adjunct to the Defender.

The methodology used during the missions

7. The fact-finding missions were conducted with accuracy, integrity, professionalism, as well as in accordance with international human rights law standards during the entire process of missions.

8. The fact finding missions included:
- Interviews with the peaceful civilians;
 - Extensive inspection of the locality of the conducted events, verification of publicly available information and other necessary examination concerning the attacks;
 - Visiting and photographing the civilians' houses damaged caused as a result of the attacks.

Persons interviewed

9. Interviews were conducted with:
- Chief of Community;
 - Community Council Members;
 - Civilians;
 - Children and their parents;
 - Kindergarten and school teachers.

Fact-finding activities in Voskepar, Baghanis, Voskevan and Koti villages

10. Voskepar, Baghanis, Voskevan and Koti villages are located in the vicinity of the border of Armenia and Azerbaijan.

11. Voskepar is located about 38 km far from the regional center and lies approximately 5 km off the Armenian border.

12. Baghanis is located about 45 km far from the regional center and lies approximately 4 km off the Armenian border.

13. Voskevan is located about 46 km far from the regional center and lies approximately 3 km off the Armenian border.

14. Koti is located about 54 km far from the regional center and lies approximately 0.5-1.2 km off the Armenian border.

Voskepar

15. Among a number of concerns and human rights challenges presented to the Defender during the visits, civilians mostly highlighted continuous shootings launched by the Azerbaijani armed forces. Based on evidences received during interviews, shootings are mostly during rush time, particularly after 6:00 p.m. when people are in the streets or other public locations and there is a real possibility to endanger their lives. They point out that the frequency of shootings is mainly connected with the seasonality and intensity of civilians' activities in the streets. Particularly, it was reported that during weekends, holidays and other festive events shootings can be continued during the whole day.

16. The Chief of Community, as well as Voskepar reports that continuous shootings have been during the following days:

- From 10 to 15 May during afternoon hours.
- 7 June, approximately after 9:00 p.m.
- 8 June, approximately after 10:00 p.m.

17. Damaged walls of Voskepar Post office, civilians' houses and other buildings have been recorded during the missions (See Annex I).

Baghanis

18. The civilians of Baghanis and Voskepar villages mainly outlined the targeted shootings in the direction of Voskepar-Baghanis road aimed at freezing the necessary transportation. According to the statements of villagers shootings are mainly carried out during afternoon or evening hours when the civilian's transportation is extremely heavy and the closed road can cause huge inconveniences and damages to civilians. During the fact finding missions local inhabitants in both Voskepar and Baghanis villages complained that their vehicles have been damaged because of continuous shootings in the direction of the road.

19. Most of the civilians mentioned that shootings in the direction of civilian settlements of the village are mainly in the afternoon or evening hours when people are in the streets or other public locations and there is a real possibility to endanger their lives.

20. Particularly, attacks have been approximately on:

- 20 and 28 April from 10:00 a.m. to 1:00 p.m.
- 31 May during afternoon and evening hours.
- 7 and 8 June, approximately from 09:00 a.m. to 12:00 p.m.

21. Civilians expressed their concern that shootings of the Azerbaijani armed forces become more frequent when they notice people gathered in the streets of the village. Hence, during the visits members of the missions had to split into small groups taking into consideration the advice of the civilians due to the real threat that the Azerbaijani armed forces would initiate new shootings when they notice people gathered in one place.

22. The chosen time and the targets of shootings are obvious signs of the Azerbaijani armed forces' intention to endanger civilians, including children, women and elderly persons, their property, health and life.

23. Some civilians stated that the window of a child's room was shot when the child was sleeping and the parents could barely save the child. The parents of the child showed that they closed the window with stones and meantime expressed their concern of repetition of the recent incident of shootings as the child still sleeps in the same room, which was targeted (See Annex II). The parents also complained that the Azerbaijani armed forces had blown their garage up when the car was parked there.

24. Afterwards, members of the fact-finding missions interviewed another child, who had also barely survived because of regular shooting practice. They also interviewed the child's parents who told what happened and showed the damaged roof of their house. A shooting trace on the wall of the same house was recorded (Annex III).

25. Members of the fact-finding missions visited another houses with broken windows, shootings traces on the walls, damaged roofs, etc. (See Annex IV).

Voskevan

26. Voskevan is on the slope of a mountain close to the Azerbaijani frontline posts and therefore the damages to the civilians are more destructive and visible. Most of the houses remain empty in the village due to the permanent fear of endangered lives.

27. According to the statements of the Chief of Community, Community Council Members, as well as civilians, continuous shootings have been recorded on:

- 24 April from 1:00 p.m. to 4:00 p.m.
- 25 April from 8:00 p.m. to 9 p.m.
- 7 May, approximately after 09:40 p.m.
- 31 May after 11:20 p.m.

28. The situation in the frontline was not peaceful during June as well. Particularly, shootings continued on:

- 6 June after 11:45 p.m.
- 8 June after 08:00 p.m. and after 11:15 p.m.

29. Time frame and manner of shootings targeting civilians' houses, kindergarten, school, cars, trucks and other commercial vehicles once again clearly reveal the obvious intention of the Azerbaijani armed forces to harm civilians. Although a number of houses and buildings have been renovated, however the continuous shootings cause new destructions (Annex V).

30. Civilians, particularly children, their parents and teachers evidenced that very often the Azerbaijani armed forces keep targeting kindergarten. As a result, they are often obliged to take children to more safe buildings.

31. Currently, 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 is the single access to school where children usually gather before and after classes.

Koti

32. When compared with other villages, Koti has the most dangerous location. Shootings have been initiated on:

- 27 and 28 April after 2:00 p.m.
- 7 May after 10:00 p.m.
- 29 and 30 May after 8:00 p.m.
- 7 and 8 June after 1:00 p.m.

33. Based on the on-site examination, members of the missions revealed that houses and different buildings are extremely damaged with plenty traces of shootings on their walls. According to the statements of children, their parents and teachers, the Azerbaijani armed forces initiate targeted shootings in the direction of the village kindergarten and school, mainly targeting the entrance, where children usually gather.

34. Here, similar to the incidents recorded in neighboring villages, members of fact-finding missions again had to split into small groups due to the real threat that the Azerbaijani armed forces would initiate new shootings while noticing people gathered in one place.

35. Civilians try to protect their property and themselves with any possible means. As an example, a wall in front of the kindergarten was built for protecting children and the staff from dangerous shootings (Annex VI). Moreover, some people protect their houses using trucks or other vehicles as shields. Another wall is being built in front of the entrance to the village school.

36. Villagers also expressed their concern that very often they are unable to collect their harvest (living means of most civilians) as shootings become more frequent and targeted during the

harvest season (See Annex VII). Based on received evidences, the Azerbaijani armed forces also use large caliber weapons. As a result, civilians are forced to flee their equipments and machines in pastures and run away to avoid unnecessary risk and harm. Such attacks pose damages to machines and equipments without objective possibility to be repaired. It was reported that in many cases the Azerbaijani armed forces entirely burned the harvest collected by civilians throughout long period of time.

37. Members of fact-finding missions also visited the nearest house to the pastures and the frontline, where it was revealed that the house is under precise target and continuous shootings (Annex VIII).

Main findings and conclusions

38. The fact-finding missions revealed that the Azerbaijani troops repeatedly attack civilian settlements of Armenian villages: Voskepar, Baghanis, Voskevan and Koti. As a result, damages to the civilian's houses and other properties, schools, kindergartens have been recorded, as well as numerous grave human rights violations, which led to gross infringements of international humanitarian law standards and principals have been disclosed.

39. Based on combination of all relevant facts and circumstances, continuous attacks have been launched towards places, and in such time and manner, that clearly show the hostile intention of the Azerbaijani armed forces to target and harm civilians, especially children, women and elderly people.

40. No military units or military objects are located in the mentioned Armenian villages or in the vicinity of these civilian settlements. This fact once again ensures 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 harms precisely to civilians.

41. Customary international humanitarian law obliges states to avoid or eliminate any destruction of civilian objects. Civilian settlements, villages, houses, schools, kindergartens, as well as natural environment are considered as non military objects and alleged attacks against them are generally condemned.

42. 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) imply 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, especially children.

43. According to the customary international humanitarian law, all in all, children are the object of special respect and shall be protected against any form of vicious attacks. States shall provide them with extra care they require because of their age and vulnerability. Hence, the special principles of the protection of children are explicitly regulated¹.

¹ See Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC study in Customary International Humanitarian Law, Volume I: Rules, Cambridge, 2009, pp. 478-481.

44. Comprehensive analyze of the results of the fact-finding missions clearly show that shooting are more intensive and targeted when civilians are active and gather in different parts of the villages. Facts revealed in this Report show the Azerbaijani armed forces' intention to harm civilians life and health, including children, women and elderly people, and their property.

*The Human Rights Defender's Office
of the Republic of Armenia
June 2017, Yerevan*

ANNEX I

(Post office in Voskepar with damaged wall)

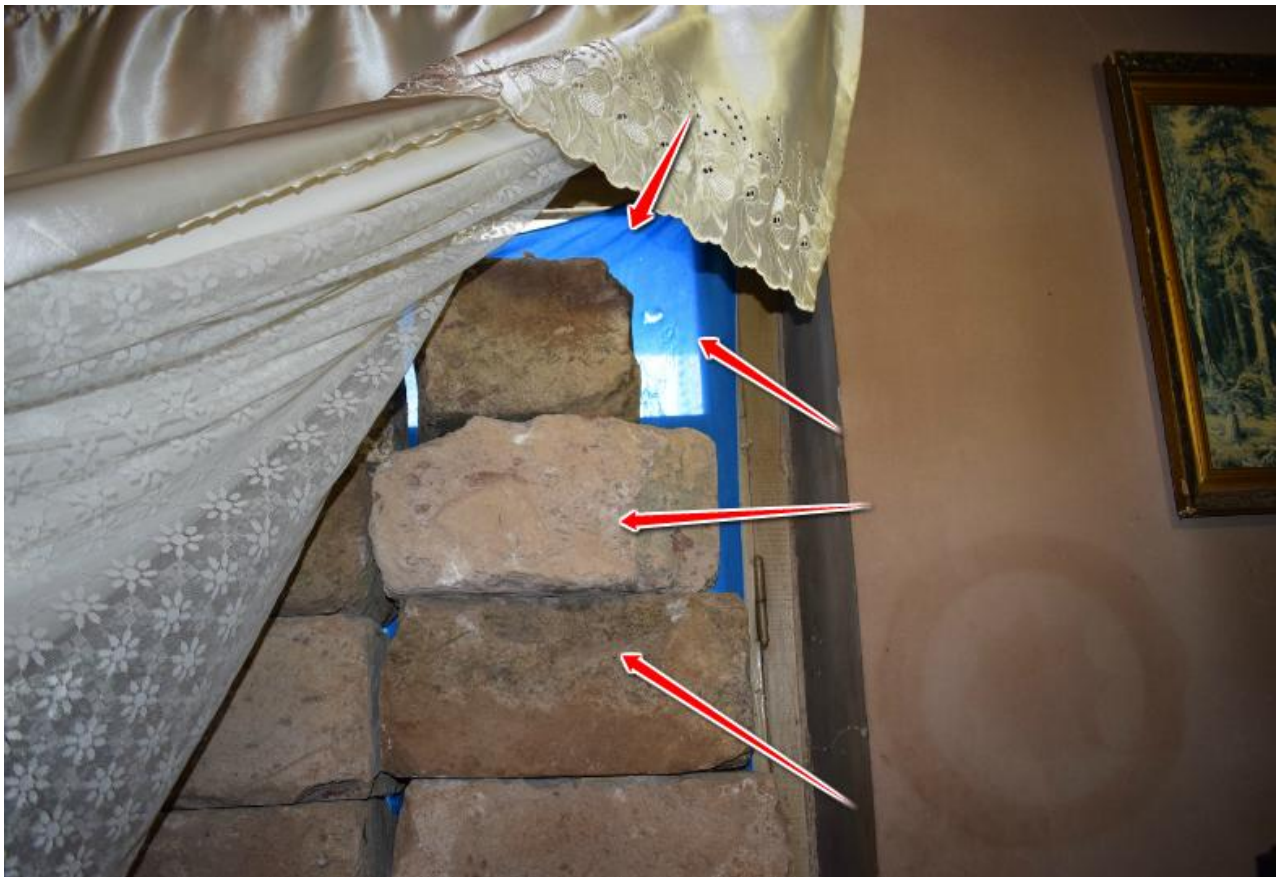


ANNEX II

(Broken window of the child's room sleeping there at the shooting moment in Baghanis)







ANNEX III

(Civilian's damaged roof and the wall with shooting trace)





ANNEX IV

(Damaged gates, roofs and walls of civilians' houses in Baghanis)









ANNEX V

(Damaged gates and walls in Voskevan)







ANNEX VI

(Kindergarten of Koti: A wall was built in front of the entrance for protecting children from shootings)



ANNEX VII

(Pastures of Koti, where Azerbaijani armed forces burn harvest collected by civilians)



ANNEX VIII

(Koti: nearest house to the frontline)

