



HUMAN RIGHTS DEFENDER OF  
THE REPUBLIC OF ARMENIA



**AD HOC  
PUBLIC REPORT  
ON FACT-FINDING MISSIONS**

in Koti, Baghanis, Vazashen, Chinari, Voskevan and Aygehovit villages of  
Tavush Province of the Republic of Armenia



Yerevan 2018



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## **Executive summary**

1. This *ad hoc* public report on the fact-finding missions in Koti, Baghanis, Vazashen, Chinari, Voskevan and Aygehovit villages of Tavush Province of the Republic of Armenia<sup>1</sup> illustrates the results of the fact-finding activities conducted by the Human Rights Defender's Office<sup>2</sup> on 5, 15 and 21 September, 2018. The Report encompasses actions undertaken by the HRDO during the missions, key findings and conclusions of the fact-finding activities, based on the complaints received and reports published in media.

## **The legal mandates of the Human Rights Defender**

2. The Human Rights Defender is an independent official who observes the maintenance of human rights and freedoms on the part of state and local self-government bodies and officials, whereas in the cases prescribed by the Law on the Human Rights Defender - also on the part of organizations, as well as contributes to the restoration of violated rights and freedoms and improvement of the regulatory legal acts related to human rights and freedoms.

3. As a National Human Rights Institution, the Defender has the competence and responsibility to prepare reports on human rights situation in general and on more specific matters, according to the Principles relating to the Status of National Institutions (The Paris Principles).<sup>3</sup>

4. These competences might be exercised through conducting fact-finding activities, observing, collecting and analyzing complaints, interviews, and other data that are of increasing importance from the perspective of human rights protection.

5. This Report is prepared based on Article 31 (3) of the RA Constitutional Law on the Human Rights Defender<sup>4</sup> authorizing the Defender to prepare *ad hoc* public reports regarding specific issues of public resonance or cases of gross violations of human rights.

6. The Report pays particular attention to the protection of right of children and persons with disabilities, given that the Defender is vested with a mandate of monitoring the implementation of the UN Convention on the Rights of the Child, as well as carries out prevention of child's rights violations and protection thereof prescribed by the Article 2 (3) of the Law. Article 2 (4) of the Law stipulates the mandate of the Defender to conduct monitoring of the implementation of the UN Convention on the Rights of Persons with Disabilities, as well as protection of rights of persons with disabilities and prevention of violations.

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<sup>1</sup> Hereinafter: The Report

<sup>2</sup> Hereinafter: the HRDO

<sup>3</sup> 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>.

<sup>4</sup> Hereinafter: The Law

### **The reason for the missions and the terms of reference**

7. According to the reports available in media publications and social networks, as well as complaints submitted to the Defender, basically via hot line (at number 116) by villagers of Tavush Province, since 2 September 2018, continuous fire towards Koti, Baghanis, Vazashen, Chinari, Voskevan and Aygehovit villages were launched, as a result of which civilians face serious threats to their lives, health and properties (buildings, civilian houses, household appliances, etc.), as well as fear for the situation's further intensification.

8. In this regard, a "Statement condemning military aggression of Azerbaijan against civilians and especially children living in the borderline communities of Armenia" has been published by a number of civil society organizations of Armenia, including "Pahapan Development Foundation", "Bridge of Hope" NGO, Children of Armenia Fund COAF, "SOS Children's Villages" Armenian Charity foundation, and more than 40 other NGOs. In the Statement, the CSOs pointed out the fact that shootings targeted civilians and children in particular, with an aim to damage and cause atmosphere of panic and horror.

### **The methodology used during the missions and composition of delegations responsible for conducting missions**

9. Based on the reports on shootings, the Defender composed delegations from the Defender's staff members and dispatched fact-finding missions to Tavush Province. The delegations were tasked to interview villagers, village administrations and all others who could have relevant information about the shootings, to carry out on-site examinations of the circumstances under which human rights are allegedly being violated, to comprehensively and carefully analyze all available information which is considered relevant and credible, as well as to document the findings.

10. The fact-finding missions were carried out in accordance with internationally accepted standards at all time, guided by the following principles:

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

11. The fact-finding missions included:

- Scrupulous study of the locality where the events took place, verification of publicly available information and other necessary examination concerning the attacks, including reviews of relevant media publications. The delegations adopted an inclusive approach to gathering information and seeking views;
- Site visits to specific locations, where incidents might have occurred and the photographing of civilians' houses, schools and other buildings that have been damaged as a result of the attacks;

- Members of the delegations interviewed and collected information from the administrations of the villages, civilians, Principals of the schools and teachers, as well as children and their parents.

12. In establishing its findings, the delegations sought to rely primarily and whenever possible on information gathered first-hand, including through on-site observations, interviews and meetings with relevant persons.

13. The findings and final conclusions on the reliability of the information received were based on own assessment of the credibility and reliability of the witnesses the delegations met, verifying the sources and the methodology used in the media reviews, and assessing whether, in every circumstance, there was sufficient credible and reliable information to make conclusions.

### **Shootings in the direction of schools and kindergartens of borderline villages**

14. Being an independent monitoring body of UN Convention on the Rights of the Child, the protection of children's rights is under the Defender's constant attention. Special attention is paid to children's rights in crisis and conflict situation, since more effort are needed to ensure their rights to life, health, as well as right to education.

15. The delegations interviewed principals and teachers of schools and kindergartens, children and their parents. In this respect members of the delegations have professional skills in working with children and put best interest of children to a primary consideration.

16. During the fact-finding missions, villagers of Baghanis, Chinari and Vazashen noted that shootings are carried out mostly during daytime, when children are in schools, kindergartens or playing in the streets. Noteworthy, the fact-finding visits revealed that the schools and kindergartens of these villages bear multiple traces of shootings.

17. In this regard, the importance of the United Nations Security Council resolution 2427 (2018) should be emphasized, which, inter alia, urges parties to armed conflict to respect the civilian character of schools in accordance with the International Humanitarian Law.

18. Article 38 (1) of the UN Convention on the Rights of the Child prescribes that States Parties should respect the norms of International Humanitarian Law in the event of armed conflict involving children. Moreover, not only children are specifically protected under the rules of International Humanitarian Law, but all seizure of, destruction or willful damage done to educational institutions is forbidden, and also subject to proper legal proceedings.

19. In 2015 the Oslo Conference on Safe Schools endorsed the Safe Schools Declaration that urges states to protect educational institutions from military offense and the use of armed forces against them. Moreover, the Declaration endorses *the Guidelines for protecting schools and universities from military use during armed conflict*. The Guideline 3 of the same document states that: *"Schools and universities must never be destroyed as a measure intended to deprive the opposing parties to the armed conflict of the ability to use them in the future. Schools and*

*universities—be they in session, closed for the day or for holidays, evacuated or abandoned—are ordinarily civilian objects.”*

20. Various international manuals and guidelines on armed conflicts, such 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 and States shall provide them with extra care and aid they require because of their age and vulnerability.<sup>5</sup>

### **Fact-finding activities:**

#### **KOTI**

21. Among a number of concerns and human rights challenges presented to the Defender during the visits, civilians primarily highlighted continuous shootings launched in the direction of the village. The Head of the village, as well as Koti residents reported that continuous shootings were launched during the following days:

- 2 September, from 20:00 to 21:00;
- 4 September, approximately from 17:00-18:00;
- 5 September, approximately from 17:30-18:00;
- From 15 September, 23:50 to 16 September, 00:30;
- From 16 September, 23:50 to 17 September, 01:00;
- From 29 September, 23:55 to 30 September, 00:45.

22. As recorded in the previous *ad hoc* public report of the Defender, Koti has the most dangerous location of the border villages located.<sup>6</sup>

23. While conducting the fact-finding activities, the delegations recorded that the military positions of the Azerbaijani armed forces are close to the central part of the village, where people mostly gather, and therefore, could be directly targeted (see picture 1, which is taken from the central part of the village: the opposite mountain is the military position of the Azerbaijani armed forces).

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<sup>5</sup> See Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC study in Customary International Humanitarian Law, Volume I: Rules, Cambridge, 2009, pp. 478-481.

<sup>6</sup> See 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](http://www.ombuds.am/images/Report_Tavush_30.pdf).

*Picture 1*



24. According to a Koti resident, on 16 September, as a result of targeted shelling of civilian settlements, he was wounded in the right leg (see the bullet in the picture 2). The wounded civilian noted that he was standing in front of a grocery store of Koti at the time of the shooting, which is in the central part of the village and according to the Head of the village administration is approximately 1,100-1,200 meters away from the position of Azerbaijani armed forces. These facts were also acknowledged by the CSOs in their “Statement condemning military aggression of Azerbaijan against civilians and especially children living in the borderline communities of Armenia”.

*Picture 2*



25. International Humanitarian Law and Human Rights Law state that when conducting military operations, constant care must be taken to respect civilians and civilian objects. All feasible precautions must be undertaken to avoid or minimize incidental loss of civilian life, injury to civilians and damage to civilian objects. Specifically, the Article 51 (2) of 1977 Protocol

Additional to the Geneva Conventions of 12 August 1949 states that *“The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.”*

26. Numerous traces of shooting were found on the wall of Koti’s grocery store, in front of which the civilian was wounded (see pictures 3 and 4). It is prescribed by the Article 57 (2) of 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 that *“...(a) Those who plan or decide upon an attack shall: (i) Do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives...”*

*Picture 3*



*Picture 4*



27. The villagers also pointed out that the frequency of shootings appeared to be connected with the season and the frequency of civilians’ activities in the streets. Particularly, it was reported that during weekends, holidays and other festive events shootings may be continued during the whole day. They highlighted that the shootings were restarted only from the beginning of autumn, when the school year and harvest period started, when there were no shootings in summer time.

28. Numerous traces of shooting were recorded on the walls of a civilian house (see pictures 5, 6 and 7). The allegation presented to the delegation revealed that the damages were the results of recent continuous shootings.

*Picture 5*



*Picture 6*



*Picture 7*



29. As revealed during the interviews, the recent shootings targeted and damaged also a vehicle of a civilian (see pictures 8 and 9).

*Picture 8*

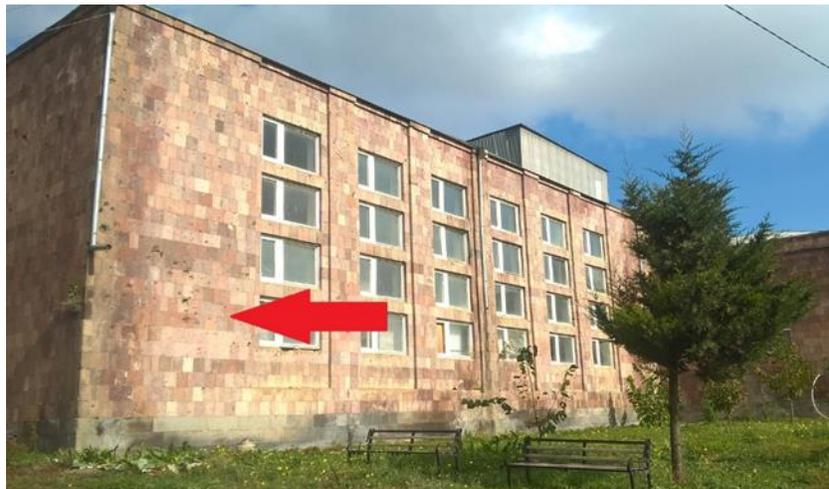


*Picture 9*



30. Private interviews with civilian, as well as examination of the locality showed that another civilian building that is damaged because of the shootings is the House of Culture which is a community-entertainment center (see picture 10 and 11).

*Picture 10*





## **BAGHANIS**

31. The information provided to the Human Rights Defender's Office, as well as media publications showed that there were shootings targeted towards the village school, civilian houses and the civilian road leading to the village.

32. These attacks have been dated approximately to:

- 2 September, from 20:00 to 20:15;
- 9 September, from 00:15 to 00:30;
- 11 September, from 22:30 to 22:40;
- 14 September, from 00:20 to 00:40.

33. The civilians of Baghanis village described targeted shootings in the direction of the Voskepar-Baghanis interstate road, aimed at freezing necessary transportation. According to the villagers' statements, shootings are mainly carried out during evening hours when the civilian's transportation is extremely heavy and the closed road can cause major inconveniences and damages.

34. Civilians expressed their concern that shootings become more frequent when people gather in the streets of the village. Hence, at the advice of villagers and village administration, members of the delegations had to split into small groups due to the real threat that the Azerbaijani armed forces would initiate new shootings when they notice people gathered in one place.

35. According to the information provided by the villagers, the recent shootings directly targeted the school of Baghanis, particularly damaging the roof of the school (see picture 12).

*Picture 12*



36. Based on the allegations of the villagers, apart from the described damages, the shootings launched in September also targeted houses of peaceful local residents (see pictures 13, 14, and 15). Some villagers are frequently forced to leave their houses and move to safer places during the shootings. However, the delegations paid particular attention to the fact that there are also persons with disabilities in the village, unable to leave for safer places.

*Picture 13*



*Picture 14*



*Picture 15*



37. Moreover, similar to Koti, in Baghanis as well the grocery store of the village very often becomes the target of the continuous shootings (see pictures 16 and 17).

*Picture 16*



*Picture 17*



38. During the fact-finding missions, it was also revealed that the Azerbaijani armed forces also target the area of the village, where elderly people gather to play cards and backgammon (see pictures 18 and 19). International Human Rights Law and International Humanitarian Law protect elderly as persons not participating in the hostilities and enjoying special protection because of their vulnerability and weakened condition.

*Picture 18*



*Picture 19*



## **VAZASHEN**

39. According to the allegations of villagers, as well as media publications, on 11 September, 2018, shootings took place in the direction of Vazashen village of Tavush Province from 16:00 to 17:00. A video released by the resident of the village, proves that the shootings were directed towards a civilian residence, a private house, where children were playing in the yard at the time of attack. Shootings apparently endangered the lives of civilians, especially the lives and health of women and children. This information was confirmed to the HRDO by both the village administration and residents. Moreover, the Defender directly received information that there had been shootings targeted towards the village school as well (see pictures 20 and 21).

*Picture 20*



*Picture 21*



40. The shootings towards the village was pointed out in the “Statement condemning military aggression of Azerbaijan against civilians and especially children living in the borderline communities” published by a number of civil society organizations in Armenia. According to it, these acts point out the fact that shootings targeted civilians and children in particular, with an aim to damage them and cause atmosphere of panic and horror.

41. According to the Head of the village, the Community Administration building of Vazashen is yet another target of shooting. The fact-finding activities showed a trace of damages on the wall caused as a result of recent shootings (see pictures 22 and 23).

*Picture 22*



*Picture 23*



## CHINARI

42. The allegation of the Head of the village and civilians attested that the Azerbaijani armed forces targeted the village on 13 and 14 September, 2018. As a result of early morning shootings on 14 September (approximately from 08:30 to 09:00) the village kindergarten, its protective wall (see pictures 24 and 25), as well as civilian houses were damaged (see pictures 26, 27, 28 and 29). On the basis of damage caused by shootings, the authorized representative of the village administration and several civilians had ground to conclude that they were made by large-caliber machine guns and snipers.

43. The damages caused to the local kindergarten, its protective wall and households were also recorded by the Statement of the CSOs, mentioned above.

44. As with those observed in other villages, this new attack is the foreseeable continuation of the shootings, previously examined and analyzed by the Defender, which shows that the peaceful population of Armenian border villages has no guarantee against the repetition of such violent attacks, whose unpredictable consequences create a spirit of fear and uncertainty.<sup>7</sup>

*Picture 24*



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<sup>7</sup> See the Defender's Ad Hoc Public Report on the Fact-Finding Mission in Chinari Village [http://www.ombuds.am/images/Chinari\\_Final\\_ENG.pdf](http://www.ombuds.am/images/Chinari_Final_ENG.pdf).

*Picture 25*



*Picture 26*



*Picture 27*



*Picture 28*



*Picture 29*



## **VOSKEVAN**

45. As published in media, on 8 September (approximately at 22:00) and 12 September, 2018, Voskevan village was targeted by the Azerbaijani armed forces.<sup>8</sup> This time, residents claimed that the roofs, walls of the houses, as well as household appliances were damaged (see pictures 30, 31, 32, 33 and 34).

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<sup>8</sup> See <https://www.aravot.am/2018/09/09/979742/>

*Picture 30*



*Picture 31*



*Picture 32*



*Picture 33*



*Picture 34*



## **AYGEHOVIT**

46. On 13 September, 2018 approximately at 10:00 the Azerbaijani armed forces targeted shootings towards a grape harvester, consequently causing damage to one of the civilian's car that was targeted by the Azerbaijani forces while a civilian was gathering grapes at the Aygehovit province.<sup>9</sup> One of the bullets damaged his car's window. He survived due to the fact that he was a little away from the car (see picture 35).

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<sup>9</sup> See <https://www.aravot.am/2018/09/15/981138/>



### **Main findings and conclusions**

47. All information mentioned in this report and the facts revealed within the fact-finding missions show that the Azerbaijani troops have repeatedly attacked civilian settlements of Armenian villages Koti, Baghanis, Vazashen, Chinari, Voskevan and Aygehovit during 2-30 of September.

48. As a result, shootings caused damages to civilian's houses and other properties, schools, kindergartens and administrative buildings leading to gross human rights violations, as documented in this Report.

49. According to the documented information shootings and the damages resulting therefrom reveal an apparent intention to target and harm civilians, including children. The chosen time, manner and target of the shellings are threats for gross 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.

50. The nature of the targets and the direction of shootings are particularly concerning since the missions found out that no military units or military objects are located in the villages or in the vicinity of these civilian settlements.

51. The shootings, the nature of targets and the resultant human rights violations are to a not lesser extent similar to those in Chinari, Baghanis, Voskevan, Voskepar, Vazashen, Barekamavan and Koti villages. These violations have been already assessed and documented in

the previous reports of the Defender.<sup>1</sup> These previous reports<sup>9</sup> also outlined the intention of shootings to target and harm civilians and damage civilian objects, in violation of basic norms of International Humanitarian Law and International Human Rights Law, according to which States must undertake all feasible precautions for eliminating or minimizing injuries to civilians and damages to civilian objects.

52. Comprehensive analysis of the results of the fact-finding missions clearly show that shootings are more intensive during times when civilians are active, and are targeted at locations, including schools, where civilians are gathered. The wide range of relevant cases and facts described in this Report attests the intention to harm civilians' life and health, including that of children, women and elderly people, which creates a spirit of fear and uncertainty.

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<sup>1</sup> See the Defender's Ad Hoc Public Report on the Fact-Finding Mission in Chinari Village

[http://www.ombuds.am/images/Chinari\\_Final\\_ENG.pdf](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](http://www.ombuds.am/images/Report_Tavush_30.pdf);

The Defender's Ad Hoc Public Report on Fact-Finding Mission in Vazashen and Berekamavan villages

[http://www.ombuds.am/images/Report-Tavush\\_1.pdf](http://www.ombuds.am/images/Report-Tavush_1.pdf).